

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1078
Land:	Iran
Kilde:	UN Office of the High Commissioner for Human Rights (OHCHR)
Titel:	On the International Day of the Endangered Lawyer, UN experts urge Iran to respect and protect legal professionals
Udgivet:	22. januar 2024
Optaget på baggrundsmaterialet:	4. juli 2024

MEDIA STATEMENT



On the International Day of the Endangered Lawyer, UN experts urge Iran to respect and protect legal professionals

GENEVA (22 January 2024) – On the International Day of the Endangered Lawyer, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on the independence of judges and lawyers commended lawyers in Iran for their brave commitment to the rule of law and their persistent efforts to exercise their profession independently and with integrity despite enormous obstacles and pressures. Through legislation and practice, the Government of Iran has interfered with the legal profession, deprived lawyers of the ability to effectively represent their clients, and imprisoned, tortured and disbarred lawyers solely for defending human rights. Numerous lawyers have been subjected to prolonged detention and criminal convictions.

“Lawyers in Iran have, again and again, risen to the challenge and have suffered the consequences”, the experts declared. In the aftermath of the “Women, Life, Freedom” protests following the death in police custody of Jina Mahsa Amini, Iranian authorities arrested many thousands of individuals without warrants, held them in deplorable conditions, and sought the death penalty for some protestors. In numerous cases, the judiciary—in particular judges of the Islamic Revolutionary Court—issued death sentences against protestors for their peaceful participation in ongoing protests. Despite the manifest danger, many Iranian lawyers provided—or attempted to provide—legal support to those protestors facing charges. Their efforts were met with obstacles at every turn, and many were themselves subjected to judicial harassment and imprisonment.

“These brave women and men have been targeted with intimidation and harassment, including arbitrary arrest and disbarment for seeking to ensure those arrested and charged were able to access their right to a legal defense”, the experts said.

At least 66 lawyers have been arrested and detained since September 2022, apparently in an attempt to both intimidate them and to prevent them from representing protestors. Eleven of these lawyers have been sentenced, and 47 have been released pending trial. The arrests, detention, and sentencing of lawyers is part of a continuous pattern in which lawyers have been subjected to prolonged pre-trial detention, unfair trials based on vaguely worded or overly broad laws, lengthy prison sentences, and ill-treatment, denial of medical care and prolonged solitary confinement merely for carrying out their duties as members of the legal profession or legitimate human rights advocacy.

More broadly, lawyers in Iran often work in peril within a legal profession that has been restricted through rules and regulations that contravene international standards relating to the free and independent exercise of the legal profession and the right to fair trial.

The ability of lawyers in Iran to practice independently has been eroded through the encroachment of the government into matters that are ordinarily within the province of bar associations. Although the Bar Association is one of the oldest professional organizations in Iran, the government has attacked this historically independent institution through structural changes, regulations, and investigations.

Following the Islamic Revolution, bar associations were purged and the judiciary, itself subordinate to the Supreme Leader, began to take a supervisory role over the functions of the bar. Although there have been periods of relative improvement in the ability of lawyers to play their professional role, recent years have seen increasing control by government institutions of the profession. For example, the “Regulations for the Enforcement of the Law on the Independence of the Bar Association” allows the judiciary to interfere with the internal affairs of bar associations, including the election of their directors and the granting and revocation of licenses to practice law. In June 2023, Iran’s parliament approved a “Request to Investigate the Operations of Bar Associations and their Union”; the resulting investigation appears to be aimed at extending the government’s ability to interfere directly in the affairs of the bar association.

Individuals who pass the bar exam must pass a “security investigation” and demonstrate their commitment to Islamic law and the Supreme Leader before they can obtain a license to practice as a lawyer. New measures taken by the parliament in June 2023 will allow the State security apparatus to “review the legal qualification” of lawyers who are already members of the bar, thus allowing for disbarment for political reasons. Such requirements could especially harm individuals from minority religions or regions, opponents of the government, and those suspected of being critical of the government, from serving as attorneys.

“We are extremely concerned that lawyers in the Islamic Republic of Iran are not able to practice independently and free of intimidation, harassment, or criminalization” the experts said. “Even more, without the protection provided by an independent Bar Association, they are extremely vulnerable to various attacks and to restrictions on their ability to exercise their profession, especially from State authorities”. In places where bar associations are controlled by the State, lawyers often become the target of attacks from the very entities that should be protecting them.

Silencing and/or controlling bar associations not only poses great risks to the legal community, but also has an adverse impact on the rule of law and the ability of ordinary people to defend their human rights. The legal profession and its free exercise are an essential element of the rule of law, the protection of human rights and the functioning of an independent judicial system. It contributes to ensuring

access to justice, oversight of state power, protection of due process and judicial guarantees.

Limits to the ability of lawyers to exercise their profession are included in multiple statutes and regulations in Iran. For example, the note to article 48 of the Code of Criminal Procedure denies the ability of defendants charged with “national security” crimes punishable by death or other harsh sentences to appoint a lawyer of their choosing. Only lawyers on court-appointed lists are eligible to defend such individuals. Article 191 of the Code of Criminal Procedure allows investigators to prohibit lawyers from accessing the contents of their client's file for broadly framed “security” reasons. Other legal rules restrict representation to specifically designated lawyers in Special Clerical Courts and condition lawyer visits to those in custody to the decision of a judicial authority.

The situation of lawyers impacts the right to a fair trial for all people in the Islamic Republic of Iran. “We are very concerned about repeated reported breaches of the right to legal counsel of one’s choosing of those arrested and their right to confer with a lawyer – both of which are key elements of due process”, said the experts.

“Iran must put in place all appropriate measures to ensure that lawyers can play their crucial role in the legal system and that they are not subject to, or threatened with, prosecution or any administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics”, the experts concluded.

Ends

***The experts: Ms. Margaret Satterthwaite, [Special Rapporteur on the independence of judges and lawyers](#), Mr. Javaid Rehman, [Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#).**

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