

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

REFERENCE: AL
IRN 26/2014:

6 November 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran pursuant to Human Rights Council resolutions 25/2, 25/18, 26/7, and 25/24.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the situation of Ms. **Nasrin Sotoudeh**, a human rights activist and lawyer, who has been banned from professionally practicing law for three years. Ms. Sotoudeh was the subject of previous communications dated 19 November 2010, 23 December 2010, 11 October 2011, and 27 July 2012. We thank your Excellency's Government for the responses dated 31 May 2012 and 28 November 2012.

According to information received:

Ms. Nasrin Sotoudeh was arrested on 4 September 2010. On 14 September 2011, she was sentenced by Branch 54 of the Appeals Court to six years' imprisonment and a ten-year ban on practicing law. She was detained in Section 350 of Evin prison. Ms. Sotoudeh was released on 18 September 2014 after serving half of her six-year sentence imposed on charges of "acting against national security", not wearing a hijab during a videotaped message, "propaganda against the system", and membership in the "Centre for Human Rights Defenders". The 10-year ban on practicing law previously imposed on her was rescinded by the Solicitors Disciplinary Tribunal in September 2014.

On 19 October 2014, the Iranian Bar Association, allegedly under pressure from the Deputy Prosecutor of Tehran, the Head of the Evin Prison Courts, and the Ministry of Intelligence, revoked Ms. Sotoudeh's lawyer license and imposed on her a three year ban on practicing law. Neither Ms. Sotoudeh nor her lawyers were allowed to present a defense during the hearing during which the sanctions were decided.

On 25 October 2014, Ms. Sotoudeh led a protest against unfair legal practices in Iran and was subsequently arrested. She was released after seven hours.

We are concerned that the ban imposed on Ms. Sotoudeh would not only represent a setback in her case, but also sets a dangerous precedent regarding the arbitrary disqualification of human rights activists and lawyers in the future.

In view of the importance of this matter, we call upon your Excellency's Government to review the case of Ms. Sotoudeh, share this letter with the President of the Bar Association, and encourage the Bar Association to lift the ban imposed on her practicing as a lawyer.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the imposition of a ban on practicing law on Ms. Sotoudeh, and indicate how such measure complies with international human rights laws.
3. Please provide information on each stage of the disciplinary proceedings, which led to the sanctions against Ms. Sotoudeh and indicate how they comply with the guarantees of fair trial and due process, including as enshrined in the Basic Principles on the Role of Lawyers.
4. Please provide information as to whether there are any proposals to reform legislative provisions in order to protect human rights defenders.

We would appreciate receiving a response within 60 days.

We would also be grateful if your Excellency's Government could share this letter with the president of the Iranian Bar Association.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

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Gabriela Knaut
Special Rapporteur on the independence of judges and lawyers

Ahmed Shaheed
Special Rapporteur on the situation of human rights in the Islamic
Republic of Iran

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights, which guarantees the right to freedom of opinion and expression.

We would also like to bring the attention of your Excellency's Government to the Basic Principles on the Role of Lawyers, and in particular principles 27 to 29 which deal with disciplinary proceedings against lawyers. The Principles clearly state that when charges or complaints are brought against them, lawyers have the right to a fair hearing, including the right to be assisted by a lawyer of their choice. Disciplinary decisions should also be subject to an independent judicial review.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN

Declaration on Human Rights Defenders, in particular articles 1, 2 and 9, paragraph 3, point c).