

**Mandates of 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**

Ref.: AL IRN 11/2025  
(Please use this reference in your reply)

23 July 2025

Excellency,

We have the honour to address you in my capacities as 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 53/12 and 55/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the systematic targeting by state authorities against independent lawyers, particularly those who criticize state policies, or who defend protesters and dissidents, in an alleged effort to dismantle legal accountability and suppress human rights advocacy. In addition, we have received concerning allegations of escalating threats, acts of intimidation and disciplinary measures taken against two Iranian human rights lawyers, Mr. Mohammad Najafi and Mr. Mohammad Reza Faghihi, reportedly following their public exposure of allegations of torture and abuses by Iranian security forces, or participating in gatherings and protests, which result in undue restrictions to the freedoms of expression, association and independence of lawyers in Iran.

We have addressed the situation of lawyers and the legal profession in the Islamic Republic of Iran in the past (IRN 30/2022). We thank you for your replies, however, our concerns persist.

According to the information received:

*Situation of lawyers*

Reportedly, independent lawyers face a barrage of politically motivated charges, harassment, disbarment, exile to remote regions, or imprisonment, for representing victims of violence, or exposing judicial corruption. Recently, over a dozen lawyers were indicted on vague charges like propaganda against the state for their social media posts addressing legal and social injustices, despite earlier dismissals of their cases.<sup>1</sup>

The independence of lawyers is furthermore limited following the introduction of article 187 of the Third Development Plan, which enables the Judiciary to appoint legal advisors under its direct supervision, damaging the independence of the Iranian Bar Association. Additionally, the Note to article 48 of the Code of Criminal Procedure restricts defendants in national security cases to a list of state-approved lawyers, though this provision is in the process of being amended. Moreover, the Judiciary has reportedly interfered in Bar Association

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<sup>1</sup> CCPR/C/IRN/CO/4, paras. 39-42.

elections, by annulling the results of the 33<sup>rd</sup> Central Bar Board and disqualifying 35 candidates in 2025, allegedly used as a way to silence lawyers who challenge state narratives.<sup>2</sup>

In another region, numerous attorneys were summoned by judicial and intelligence authorities, with some facing formal charges, signaling a broader crackdown on the legal profession. These actions often bypass due process, with security agencies like the Ministry of Intelligence preemptively determining guilt, leaving lawyers unable to defend themselves or their clients effectively. Since the nationwide protests sparked by calls for justice and reform, the government has increasingly restricted independent legal representation, particularly in politically sensitive cases, by imposing state-approved lawyers or invoking national security pretexts.

### Case of Mohammad Najafi

Mohammad Najafi is a human rights lawyer, belonging to the Azerbaijani Turk minority, who has represented many political prisoners and conducted investigations into the deaths of individuals in police custody. He has been imprisoned in Iran since 2018 on multiple convictions for his defense of basic civil and political liberties.

Mr. Najafi has already been the subject of previous Special Procedures' communication (IRN 12/2021). During his time in prison, he was charged with "propaganda against the state" in July 2021, for publicly issuing a call to boycott the presidential elections, change the constitution and remove the Supreme Leader.

On 13 January 2022, the Special Rapporteur on the situation of human rights in Iran highlighted the arbitrary detention of Mr. Najafi, who was sentenced in 2018 to 13 years in prison for demanding accountability for deaths in custody.<sup>3</sup> Similarly, during the 50th Human Rights Council session, the case was cited as an example of continued arbitrary detention.<sup>4</sup>

On 12 April 2023, he was sentenced to another 3 years in prison in a new case, along with a 150 million rial fine. He faces a combined sentence that could keep him imprisoned until 2033. Indeed, under article 134 of the Islamic Penal Code, which mandates serving only the most severe penalty (four and a half years for "collaborating with a hostile state"), his sentence could potentially be reduced, though his lawyers have been informed that article 134 may not be applied, leaving him to face the full term.

On 15 April 2025, Mohammad Najafi's lawyer announced that his client has been disbarred permanently, following a verdict by Branch 1 of the High Court of Judges. The permanent disbarment was issued while the human rights defender is facing multiple sentences. He is currently facing sentencing which would keep him in prison until 2033.

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<sup>2</sup> A/HRC/49/75 para. 67(e).

<sup>3</sup> A/HRC/49/75, para. 24.

<sup>4</sup> A/HRC/50/NGO/15, p. 4.

Despite his extreme health concerns, Mr. Najafi has only been given access to medical furlough on very limited occasions, including on 31 March 2020 and from 22 February to 15 March 2021. This lack of adequate consideration for his urgent medical care has caused his health to significantly deteriorate. In November 2024, the human rights lawyer was hospitalised after reporting severe chest pains and dizziness, only to be handcuffed and shackled while being transferred and undergoing medical treatment.

*Case of Mohammad Reza Faghihi*

Mohammad Reza Faghihi is a human rights lawyer, who has represented numerous human rights defenders and political prisoners. He is a member of the Board of Trustees and Board of Directors of the Prisoners' Rights Defense Association and a former member of the Human Rights Commission of the Central Bar Association.

On 12 October 2022, Mohammad Reza Faghihi was arrested at a gathering organized by the Tehran Bar Association in the context of the “Woman, Life, Freedom” protests. A case was subsequently opened against him at Branch 7 of the Evin Court in District 13, but he was released on bail due to the absence of concrete criminal evidence against him.

On 12 September 2023, the case was transferred to Branch 15 of the Tehran Revolutionary Court, even though the majority of the cases related to the “Woman, Life, Freedom” protests were pardoned following a general amnesty issued by the Iranian judiciary in February 2023.

He was charged with “gathering and collusion with the intention of acting against national security” for sending an SMS to inform colleagues about a gathering in front of the Bar Association in October 2022.

On 7 October 2024, his conviction was confirmed by Branch 15 of the Tehran Revolutionary Court. In addition to his prison sentence, he has been banned from practicing law for two years, prohibited from membership in political groups for two years, and barred from leaving Iran for two years.

On 21 January 2025, he began serving a five-year prison sentence on charges of “gathering and collusion with the intention of acting against national security”.

Without prejudging the accuracy of these allegations, we wish to join other international human rights mechanisms and convey our profound concern regarding the allegations of harassment of lawyers and interference with the legal profession.<sup>5</sup> We are particularly concerned at reports that suggest that lawyers have been arbitrarily detained, face heavy sentences and lack of due process guarantees themselves, reportedly for carrying out their functions as lawyers.

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<sup>5</sup> CERD/C/IRN/CO/20-27, para. 28(e), para. 29(a).

We recall that the free exercise of the legal profession contributes to ensuring access to justice, oversight of state power, protection of due process and judicial guarantees. According to international standards, States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment, or interference. Standards also provide that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

We wish to recall that without the protection provided by an independent bar association, lawyers are extremely vulnerable to attack and to restrictions on their independence.

We highlight with concern the impact that this situation has on the right to a fair trial for clients in specific cases. In addition to guaranteeing access to counsel, international standards on the right to a fair trial also provide that accused persons must have adequate time and facilities for the preparation of their defense and must be able to communicate with counsel of their choice.

The United Nations Basic Principles on the Role of Lawyers also contain requirements applicable to disciplinary proceedings against lawyers. Principle 29 states that “All disciplinary proceedings shall be governed by the code of professional conduct and other recognized ethical rules and standards of the profession, and shall take into account these Principles.” In this regard, we are concerned by reports of the two cases highlighted here and that the sanctions imposed, which include suspension from practicing and disbarment, in addition to detention and prison sentences, constitute retaliation.

They would also violate principle 28, which specifies that disciplinary matters “Disciplinary proceedings against lawyers shall be conducted before an impartial disciplinary committee established by the legal profession, before an independent body established by law, or before a judicial tribunal, and shall be subject to independent judicial review.”

We would like to recall that Iran is a party to the ICCPR since 1975, it is as such bound by its dispositions. These detentions potentially violate several articles of the ICCPR, namely article 9 – arbitrary arrest and detention, article 14, right to a fair trial, and article 19, freedom of expression. Any restrictions to the provision of article 19 must be provided by law, to pursue a legitimate aim, and be necessary and proportionate. Additionally, the UN Basic Principles on the Role of Lawyers establish clear protections for the independence of lawyers, namely principle 23, namely lawyers shall have the right to take part in public discussion of matters concerning the law and administration of justice.

Finally, we would like express our concerns about the alleged conditions of imprisonment, in particular the alleged denial of medical care and legal resources, contravene the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), and that individuals deprived of liberty shall not be victims of inhuman or degrading treatment.<sup>6</sup>

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<sup>6</sup> CCPR/C/IRN/CO/4, paras. 33-34.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** 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/or comment(s) you may have on the above-mentioned allegations.
2. Please explain how the annulment of the March 2025 Bar Association election and the implementation of article 187 are compatible with international human rights standards, binding on Iran since its ratification of the ICCPR in 1975, particularly those ensuring the independence of the legal profession and prohibiting improper interference with lawyers' professional duties.
3. Please clarify how the restrictions imposed by the Note to article 48 align with international human rights standards, particularly those under the ICCPR and the UN Basic Principles on the Role of Lawyers, relating to the free exercise of the legal profession and the right to counsel of choice.
4. Please clarify how the proposed amendment to the Note to article 48 of the Code of Criminal Procedure aligns with international human rights standards, particularly Article 14 of the ICCPR. While the amendment would remove the current restriction limiting defendants to state-approved lawyers, it would permit prosecutors to deny individuals accused of national security and certain other offences access to legal counsel for up to 10 days during the investigation phase.
5. Please provide details on measures taken to ensure accountability and prevent abuse in disciplinary proceedings against lawyers, particularly those initiated for their professional activities or public expressions and explain how these align with principle 27 of the UN Basic Principles on the Role of Lawyers.
6. Please outline the specific evidence and legal basis for the detention and convictions of lawyers like Mr. Najafi and Mr. Faghihi, and clarify how these proceedings comply with fair trial guarantees under article 14 of the ICCPR and the UN Basic Principles on the Role of Lawyers.
7. Please explain why detained lawyers, such as Mr. Najafi, are denied adequate medical care and subjected to inhumane treatment during medical transfers, and provide details on measures to ensure compliance with article 7 of the ICCPR and the Nelson Mandela Rules.

We urge the Iranian authorities to consider the immediate release of Mohammad Najafi and Mohammad Reza Faghihi, and to take all necessary measures to protect the

independence of the legal profession, ensuring that lawyers can continue their human rights advocacy without fear of retaliation.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

Mai Sato  
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, I would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, I would like to highlight the relevant provision of the International Covenant on Civil and Political Rights (ICCPR), which Iran ratified in 1972, as well as the Universal Declaration of Human Rights, which reflects customary international law.

As it relates the right to a fair trial, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, article 14 of the ICCPR encompasses the right of access to the courts in cases of determination of criminal charges and rights and obligations in a suit at law. Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice; and provides a set of procedural guarantees that must be made available to all persons, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing.

Article 14 of the ICCPR establishes the right to fair proceedings before a competent, independent and impartial tribunal established by law. In this regard, general comment No. 32 (2007) of the United Nations Human Rights Committee notes that the element of independence requires the judiciary to be free from political interference by the executive branch, as well as the legislature. The Committee notes in particular that a situation where the executive is able to control or direct the judiciary is incompatible with the notion of an independent tribunal (general comment No. 32, para. 19).

I would like to bring attention to the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy), 26 August-6 September 1985). These principles provide that it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary (principle 1); that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason (principle 2); that there shall not be any inappropriate or unwarranted interference with the judicial process (principle 4); and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected (principle 6).

As it relates to prosecutors, I would like to refer your Excellency's Government to the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. With respect to their conditions of service and freedom of expression, the Guidelines provide that prosecutors shall be able to perform their professional functions without intimidation, hindrance, harassment, improper interference or unjustified exposure to civil, penal or other liability (guideline 4); that

like other citizens, prosecutors are entitled to freedom of expression, belief, association and assembly. In particular, the guidelines specify that they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights without suffering professional disadvantage because of their lawful action or their membership in a lawful organization (guideline 8).

With respect to their role in criminal proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall perform an active role in criminal proceedings and, where authorized by law or consistent with local practice, in the investigation of crime, supervision over the legality of these investigations, supervision of the execution of court decisions and the exercise of other functions as representatives of the public interest (guideline 11); and that they shall give due attention to the prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognized by international law and, where authorized by law or consistent with local practice, the investigation of such offences (guideline 15).

With respect to disciplinary proceedings, the Guidelines on the Role of Prosecutors provide that prosecutors shall be subjected to disciplinary offences based on law or lawful regulations; that complaints against prosecutors which allege that they acted in a manner clearly out of the range of professional standards shall be processed expeditiously and fairly under appropriate procedures; that prosecutors shall have the right to a fair hearing; and that the decision shall be subject to independent review (guideline 21); and that disciplinary proceedings against prosecutors shall guarantee an objective evaluation and decision, determined in accordance with the law, the code of professional conduct, and other established standards and ethics, and in light of the present Guidelines (guideline 22).

As it relates to lawyers, I refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990. With respect to the guarantees for the functioning of lawyers, the Principles require that Governments take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers be threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics (principle 16); that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities (principle 17); that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (principle 18); and that lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority (principle 20).

With respect to their freedom of expression and association, the Basic Principles on the Role of Lawyers provide that lawyers, like other citizens, shall be entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the

administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession (principle 23).

With respect to disciplinary proceedings, the Basic Principles on the Role of Lawyers provide that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures; that lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice (principle 27); that disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review (principle 28); and that all disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles (principle 29).

Finally, I would like to refer Your Excellency's Government to the report on the independence of judicial systems in the face of contemporary challenges to democracy, which was presented by this mandate before the Human Rights Council in June 2024 (A/HRC/56/62). In particular, I wish to highlight paragraph 3 and 4: "Justice systems promote and protect a fundamental principle that undergirds participatory governance: the rule of law. This principle insists, inter alia, that all people, even State actors, are subject to the same laws, applied fairly and consistently. In general, the realization of the rule of law involves dividing State power into distinct branches, with the judiciary serving to ensure that executive and legislative actions do not exceed the limits of the constitution and law. To carry out such work effectively, justice systems must be independent of political control. At times, politicians have contested the importance of independent judicial checks on their power, arguing that judicial institutions undermine the will of "the people". The Special Rapporteur observes that constraints on elected power ensure that officials act within the law and remain answerable to the people once they are elected. Such constraints are also necessary for the fundamental rights and diverse interests of everyone living in a State, including marginalized people and communities who may otherwise be overlooked, excluded or persecuted by the majority. Those constraints also protect civil society organizations and minority political parties that are critical of the government. By upholding the rights of all, independent judiciaries, along with other institutions of democracy, ensure that a plurality of perspectives are given voice in society, that governments are accountable and responsive to everyone and that the dignity of individuals is preserved against the might of the State."