

Lawyers at risk and lack of access to legal representation in Iran

On 18 October 2022, the Law Society and Lawyers for Lawyers published a statement about the arrest, detention and ill-treatment of lawyers in Iran. The Law Society is especially concerned about the following developments since the publication of that statement.

In addition to the 12 lawyers arrested, mentioned in our last statement, at least another 23 lawyers have been arrested and detained in the last month (and some cases of previously arrested lawyers have since become known).

For example, Parisa Qasemi was arrested in early October in Tehran, as was Rouhollah Mohammad Rezaei, who was arrested on 12 October and is being held at the Great Tehran Penitentiary (Fashafouyeh).

On 14 October, Sina Yousefi was arrested in Tabriz and then transferred from a detention facility to Evin Prison. He was allegedly detained for disclosing the real number of protestors arrested in Tabriz, which had reached around 1,700, and sought to create a committee to defend their rights. He has since been released on bail.

On 15 October, Ghasem Bodi Bonab was arrested in Tabriz and is being held at Tabriz Prison.

On 18 October, Hossein Rezaei was arrested together with his client Niloufar Fathi, a human rights defender, after security forces raided his offices. Their mobile phones were confiscated and both were transferred to an undisclosed location. Hossein has since been released on bail.

On 19 October, Amir Mehdi-pour was arrested by security forces in Tabriz and transferred to an unidentified location. He too has since been released on bail.

The following day, Behnam Chegini was arrested in Arak. On 25 October, Amin Adel Ahmadian was arrested in Tehran.

On 29 October, Qahraman Karimi was arrested at a police station in Kermanshah and transferred to Paveh.

Negin Kiani and Mohammad Rezai were both arrested in late October.

On 1 and 2 November, eight lawyers were arrested in Shiraz, Far Province: Nazanin Salari, Bahar Sahraiyani, Mahmoud Taravatruy, Ghodsieh Ghodsbin, Astareh Ansari, Ali Reza Zare, Mohammad Hadi Jafarpour and Mehdi Safari. Ms Salari was arrested at her office and Mahmoud Taravatruy was arrested after going to the courthouse to inquire about Ms Salari's arrest. He legally represented protestors, as did Ms Salari herself. Astareh Ansari was arrested as she was leaving the building of the Shiraz Bar Association.

On 7 November, Mostafa Nili and Hassan Younesi were arrested by the Islamic Revolutionary Guard Corps Intelligence Organisation at Mehrabad Airport in Tehran. State agents then searched the house of Mostafa Nili's mother and confiscated his work and identity documents. Mostafa Nili was allegedly arrested for legally representing arrested protestors.

Hassan Younesi was allegedly arrested for having spoken out in defence of people in Sistan and Baluchestan who were killed by security forces.

On 16 November, the lawyer Hassan Asadi Zeidabadi was arrested in Tehran, also by members of the Islamic Revolutionary Guard Corps Intelligence Organisation.

Lastly, Ahmad Ali Barani was arrested in Karaj, but we do not have further information on the circumstances of his arrest or whereabouts.

These 23 lawyers, arrested and detained in approximately one month, are of course only cases that have become known but there will be many more. We also remain very concerned about the situation of the lawyers mentioned in our previous statement, who were arrested in the period from late September to early October and have not been released on bail: Golaleh VatanDoost (detained at the Juvenile Correctional Center in Sanandaj), Roza Etemadansari (detained in Isfahan), Firouzeh Khordechi (detained in Tehran), Amir Dehghani (detained in Semnan) and Saeed Sheikh (detained in Tehran). In addition, we will continue to monitor the situation of those lawyers who were detained prior to the protests, including Mohammad Najafi, Amirsalar Davoudi, Babak Barghi, Hossein Bayat, Mohammad Hadi Erfanian, Nasrin Sotoudeh, and Keyvan Samimi.

The conditions of detention remain inadequate and inhuman, with subsequent reports describing overcrowding, deprivation of food, water and medical treatment, as well as physical and psychological torture. On 15 October, a fire broke out in Evin prison where many of these lawyers are being held. Live bullets were fired and tear gas thrown at the prisoners, many of whom were also severely beaten. Deaths and injuries resulting from this allegedly state orchestrated fire appear to be much higher than reported by official sources.

We are also alarmed by the many human rights defenders who have been arrested, in particular Hossein Ronaghi Maleki. As mentioned in our previous statement, Hossein was arrested – together with his lawyers Milad Panahipour and Saeid Jalilian – on 24 September 2022. He was allegedly arrested because he spoke out on the protests taking place in Iran and posted on social media about the crackdown by security forces. Hossein was being held at Evin prison, where he was continuously subjected to beatings and torture. Both of his legs were broken, one of his fingers was dislocated or broken, and his kidney is damaged. In that condition, prison guards dragged him from his cell, where he was held in solitary confinement, to the interrogation room. He was denied medical treatment.

Hossein has engaged in a solid hunger strike since his arrest and started refusing water on 12 November. On 13 November, he was transferred to Dey Hospital in Tehran for emergency surgery. He has not been allowed to receive visits from his lawyer or family members since his arrest, including during his time at Dey Hospital. Security forces have closed roads to the hospital and have used live bullets and tear gas against members of the public gathering at the hospital to show support for Hossein.

There is an almost complete lack of access to legal representation for those arrested during the ongoing protests, as well as violations of fair trial guarantees for those who are prosecuted. Although the exact number of people arrested is uncertain and increases day by day, in any case 14,000 appear to have been arrested. Only about 2,000 of these people have been charged, with nearly half of those in Tehran.

Most arrested protestors are classed as “security prisoners”, which means that they are not allowed legal representation during the investigation stage and can only select a lawyer from a list approved by the judiciary once brought before a court. The Revolutionary Courts that hear these cases have not allowed lawyers chosen by those prosecuted to legally represent them in court. Those prosecuted are pressured to represent themselves or choose a lawyer from the aforementioned list. In addition, Iranian authorities have allegedly announced that any lawyer who defends protestors is considered to be an anti-government activist and will be prosecuted and stripped of their license to practise.

The lack of legal representation is especially alarming in cases where the death penalty can be imposed and in cases where minors are being prosecuted. At least 21 detainees have been charged with security-related offences that are punishable by death; at least five protestors have now been officially sentenced to death. One of them is Mohammed Ghobadlou, who was forced to sign a confession under torture and then sentenced to death. His lawyer, Amir Raeesian, was not allowed to legally represent him during proceedings and his family could not be present at the hearing.

In addition, allegedly 500 to 1,000 minors are currently being held in detention. Reports suggest that minors have been beaten by

security forces and denied medical treatment. Minors have not been given access to a lawyer of their choice and their family members are not allowed to enter detention centres where they are being held. Contrary to international and domestic law, parents have not been informed about the arrest of their child and many arrested minors are not held in juvenile detention centres but together with adults (including inmates detained for serious offences like drug-trafficking). Cases of minors have been brought before courts that are not juvenile courts with specialised judges.

The lack of access to justice afforded to those arrested, including lawyers, stands in stark contrast with the fact that many regional law societies in Iran have issued public statements saying that their members stand ready to represent those who have been arrested and detained free of charge.

According to Article 16 of the UN Basic Principles on the Role of Lawyers, governments should '*ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics*'. According to Article 18\,\; '*Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions*'.

Iran ratified the International Covenant on Civil and Political Rights (ICCPR) on 24 June 1975 and has an international obligation to respect and guarantee the rights established therein, including the right to life, right to a fair trial, the right to liberty and security of person, and the right to be free from torture and ill treatment.

We call on the Iranian authorities to:

- immediately and unconditionally release all lawyers and human rights defenders who have been arbitrarily arrested and detained and drop all charges against them
- pending their release, to guarantee the psychological and physical integrity of the lawyers and human rights defenders, and comply with international standards on conditions of detention
- ensure access to legal representation of their own choice for all those arrested and detained, including minors and those facing a death sentence
- ensure respect for fair trial guarantees in any proceedings brought against lawyers, human rights defenders and others; and
- guarantee that all lawyers and human rights defenders in Iran can carry out their professional duties without intimidation, hindrance or improper interference