



**Oral Statement to the 43rd Session of the UN Human Rights Council Regular Session
Item 6: UPR Outcomes: Islamic Republic of Iran**

**Joint statement by: International Bar Association's Human Rights Institute,¹
Lawyers for Lawyers²**

Date: 12 March 2020

Speaker: Helene Boussard Ramos

Mr President,

We welcome the decision of Iran to accept³ some of the recommendations relating to the rights of lawyers, made at its 3rd UPR.

Protection of human rights and fundamental freedoms requires effective access to legal services provided by an independent legal profession. Fundamental to improving human rights for the people in Iran is a justice system that allows lawyers to work independently without fear of harassment or intimidation.

We are concerned by the reported cases of lawyers representing clients in sensitive cases, who, without reason, are denied access to their clients, and are subjected to harassment and convictions on improper grounds. States have the primary responsibility to protect lawyers for them to discharge their function without interference, intimidation or harassment.⁴ Since January 2018, multiple lawyers were arrested, detained or sentenced to lengthy prison terms in connection to their professional activities, including lawyer Nasrin Sotoudeh.

We are also deeply concerned about a “note” appended to Article 48 of Iran's Criminal Procedure Regulations. This note provides that in cases of crimes against the security of the State,⁵ suspects have to choose a lawyer from a pre-approved list.⁶ Anyone charged or suspected of a crime has the right to be represented by a lawyer of his or her choice.⁷ Any state restriction to this right can only take place for compelling reasons and must not

¹ The International Bar Association, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The IBAHRI, an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

² Lawyers for Lawyers is an independent and non-political Dutch foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We do this by supporting lawyers worldwide who are threatened or suppressed in the execution of their profession.

Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013.

www.lawyersforlawyers.org

³ Report of the Working Group on the Universal Periodic Review of Islamic Republic of Iran, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 20 February 2020, A/HRC/43/12/Add.1

⁴ Basic Principles on the Role of Lawyers, Principle 8.

⁵ Security of the State entails both internal and external security.

⁶ This list of lawyers is approved by the Head of the Judiciary.

⁷ Basic Principles on the Role of Lawyers, Principle 1.

prejudice the ability of the person to receive effective and independent legal assistance, in order to answer the case.⁸ There are real dangers that a list of state-chosen counsels undermines those minimum criminal guarantees.⁹

We urge Iran to:

- effectively implement the accepted UPR recommendations¹⁰ without delay; and
- take immediate measures to ensure that sufficient safeguards are in place to guarantee the full independence of lawyers and their effective protection against any form of undue interference in their work, including their prosecution on improper grounds.

Thank you.

⁸ Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin (A/63/223), para 38.

⁹ Ibid, para 41.

¹⁰ Report of the Working Group on the Universal Periodic Review of Islamic Republic of Iran, 27 December 2019, A/HRC/43/12. Supported recommendations:

26.167. Take steps to encourage freedom of expression, ensuring that human rights defenders, lawyers and journalists are not subjected to intimidation or arbitrary arrest in connection with their work (New Zealand);

26.170. Guarantee the right to a fair trial, including the right to choose one's lawyer, including for those accused of offences related to national security (Switzerland);

26.178. Ensure the independence of the judicial system, the rules of fair trial, the right to defence and access to a freely chosen lawyer (Germany);

26.325. Fully guarantee the rights of freedom of expression and to peaceful assembly and association, by creating an enabling environment, especially for women human rights defenders and human rights lawyers (Belgium)

Partially supported recommendations:

26.157. Guarantee the rights to freedom of expression, association and assembly, and release political prisoners, including women's rights activists, labour rights activists, environmentalists, scholars, lawyers and journalists, detained for exercising these rights (Australia);

26.161. Implement its international obligations to ensure the protection of human rights defenders, lawyers and others exercising their rights to freedom of opinion and expression, assembly and association in compliance with international human rights law, and to ensure that all investigations, prosecutions and trials against human rights defenders meet international standards (Finland);