

Leader of the Islamic Republic
His Excellency Ayatollah Sayed Ali Khamenei
Office of the Supreme Leader
Shahid Keshvardoost St.
Jomhuri Eslami Av., Tehran
Islamic Republic of Iran

Brussels, 24 October 2014

Re: Concerns regarding the suspension of Ms Nasrin Sotoudeh's law licence

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE wishes to express its serious concern about the decision taken by the Tehran Bar Association to suspend Ms Nasrin Sotoudeh's law licence. The CCBE has been following the case of Ms Sotoudeh, a human rights lawyer known for defending juveniles facing death penalty, women, prisoners of conscience, human rights activists and child victims of abuse, since 2010. Ms. Sotoudeh is also a member of the Defenders of Human Rights Centre (DHRC) and the winner of the 2012 European Parliament Sakharov Prize for Freedom of Thought.

The CCBE has been informed that on 18 October 2014, a three-member disciplinary investigation panel of the Tehran Bar Association communicated a ruling to Ms Sotoudeh that her law license is to be suspended for three years, based on a complaint filed by an administrative tribunal based in Evin prison where Ms Sotoudeh was detained between 2010 and 2013. The tribunal asked for Ms Sotoudeh's license to be revoked based on her conviction and six-year prison sentence in 2011 for 'actions contrary to the interest of national security and propaganda against the regime'. However, according to an opinion dated 6 May 2011 by the UN Working Group on Arbitrary Detention, this 2011 decision was based on a court judgement that it considered arbitrary and illegal. Our information states that this is not the first time that the suspension of Ms Sotoudeh's law licence was discussed—a previous disciplinary panel of the Tehran Bar Association rejected a similar request filed by the same complainant and upheld Ms. Sotoudeh's right to practice law in August 2014. We note that according to the information that we have received, in order for Ms. Sotoudeh to formally challenge this latest decision by the Tehran Bar Association she must file an appeal to the Disciplinary Court for Judges, which is overseen by the same Judiciary that called for the suspension of her licence.

In this context, the CCBE wishes to draw to your attention the following Principles of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to

consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 18 says that:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Concerning disciplinary proceedings, Principle 27 states that:

Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.

Principle 28 states 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.

Furthermore, Principle 29 says 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.

In view of the above, the CCBE respectfully urges you to annul the suspension of Ms Nasrin Sotoudeh's law license and to ask the Tehran Bar Association to reverse its decision. We also ask that the independence of all bar associations in Iran be assured by the all authorities. Moreover, the CCBE would like you to ensure that the Tehran Bar Association establishes and puts into practice disciplinary procedures under the principles established in the United Nations Basic Principles on the Role of Lawyers. In addition, the CCBE requests you to take all necessary measures to guarantee that all lawyers in Iran are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Excellency urgently.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
President