

President of the Islamic Republic
His Excellency Hassan Rouhani
Sa'adabad Palace
Darband, Zafaraniyeh,
Tajrish, Valiasr Street
Tehran
Islamic Republic of Iran

Brussels, 7 April 2015

Re: Concerns regarding Mr Masoud Shafii, a lawyer

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 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 would like to express its concerns over the situation of Mr Masoud Shafii, a lawyer who fought for the freedom of three American citizens captured by Iranian authorities in July 2009 and then held for 26 months. The CCBE previously wrote to you in January 2015 about Mr Shafii and noted his deprivation of passport and travel, as well as a prohibition of his right to work on human rights cases.

The CCBE has recently been informed that Mr Shafii was not permitted to defend Mr Jason Rezaian, a journalist detained in Iran on unspecified charges for over seven months. According to the information that we received, the Islamic Revolutionary Court refused to allow Mr Shafii to take the case for reasons that have not been made clear. Based on our information, the CCBE believes that the continuing prohibition of Mr Shafii's right to work on human rights cases is in retaliation for his legitimate activities in defence of human rights and the exercise of his profession as a lawyer.

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

Article 1 states that:

All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings.

Article 14 says that:

Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession.

Article 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.

Art. 18 says that:

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

Furthermore, Article 20 states 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.

In view of the above, the CCBE respectfully urges you to allow Mr Shafii to return to his work on the protection of human rights and the rule of law, as well as to return his passport and revoke the travel ban imposed upon him. In addition, the CCBE asks 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 'Maria ŚLAZAK', written in a cursive style.

Maria ŚLAZAK
President