

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Promoting human rights by protecting those who defend them

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Your Excellencies,

Re: Lawyer Nasrin Sotoudeh: Release and quash sentences

I am writing on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and human rights defenders who promote international human rights, the independence and security of human rights defenders, the integrity of legal systems and the rule of law globally through advocacy, education, and legal research. LRWC has Special Consultative Status with the Economic and Social Council of the United Nations.

LRWC deplores the order of the Islamic Revolution Court for prolonged arbitrary detention and torture of Ms. Nasrin Sotoudeh. Ms. Sotoudeh has suffered years of persecution by Iran for her lawful professional activities as a human rights lawyer. Her work has included representing women's rights activists, prisoners of conscience, and persons facing the death penalty for offences committed while they were juveniles. Ms. Sotoudeh has received numerous international honours and awards for her human rights work, including the European Parliament's Sakharov Prize in 2012.

In January 2011, Ms. Sotoudeh was sentenced to 11 years imprisonment on illegitimate charges that included "spreading propaganda against the system" and "gathering and colluding to commit crimes against national security."¹ That sentence was reduced to six years on appeal and in

¹ Prior to her conviction in 2011, Ms. Sotoudeh represented many of the human rights activists who were arrested after the presidential elections in June 2009. She also defended Shirin Ebadi, the human rights lawyer and Nobel laureate who co-founded the *Defenders for Human Rights Center*. She also acted as lawyer of the Iranian-Dutch

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September 2013, she was granted a pardon and released. She was then banned from practising law. In 2014, after she undertook sustained daily protests outside Iran's Bar Association, the disbarment decision was overturned. Since then, Ms Sotoudeh has continued to provide legal representation and a voice for clients and causes unpopular with authorities in Iran.

Ms. Sotoudeh has most recently been detained in Tehran's Evin Prison since 13 June 2018 where she is serving a five-year sentence imposed *in absentia* in an unfair trial that violated both Iranian law and international fair trial standards. This sentence is reportedly under appeal. On March 9th 2019, she was reportedly informed by the office for the implementation of sentences in Evin prison that she has also been convicted *in absentia* on seven charges and sentenced to 148 lashes and an additional 33 years imprisonment. She has also reportedly been advised that she will not be required to serve the full 33 years; instead, she is to serve an additional 10 or possibly 12 years imprisonment for one of the seven charges. LRWC seeks official confirmation to clarify the facts of sentencing and the charges and proceedings on which they are based.

Sentences imposing any form of flogging (lashing, whipping, or beating) are prohibited by the Article 5 of the *Universal Declaration of Human Rights* (UDHR), and Articles 7 and 4 of the *International Covenant on Civil and Political Rights* (ICCPR) which Iran ratified on 28 June 1978.. The *Basic Principles for the Treatment of Prisoners*² confirms that the individual's freedom from torture and other prohibited treatment and the state duty to prevent and punish such treatment applies to prisoners.

The United Nations Human Rights Committee (HR Committee) has determined³ that the use of flogging contravenes the ICCPR as it constitutes torture or prohibited cruel, inhuman or degrading treatment or punishment prohibited by Articles 7 and 4. The wording of Article 7 of the ICCPR is identical to Article 5 of the UDHR: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

The arbitrary conviction and sentencing of Ms Sotoudeh for her legal advocacy is part of a longstanding and escalating pattern of systematically subjecting lawyers and human rights defenders to unfair trials, arbitrary detentions, and torture to punish and silence critics and to prevent legal representation for parties defending against or seeking remedies for State actions.⁴ The sentence against Ms. Sotoudeh demonstrates Iran's continuing impunity for violations of its obligations including the UDHR and the ICCPR

Zahra Bahrami, who was executed in Iran on 29 January 2011, <http://www.advocatenvooradvocaten.nl/2774/iran-nasrin-sotoudeh-convicted-to-11-year-prison-sentence/>

² Basic Principles for the Treatment of Prisoners, Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990, available at:

<https://www.ohchr.org/en/professionalinterest/pages/basicprinciplestreatmentofprisoners.aspx>.

³ See *George Osbourne v. Jamaica*, Communication No. 759/1997, U.N. Doc. CCPR/C/68/D/759/1997 (2000), 15 March 2000 at paras. 9.1 and 11; *Boodlal Sooklal v. Trinidad and Tobago*, Communication No. 928/2000 (2 February 2000), CCPR/C/73/D/928/2000. 25 October 25 2001 at para. 4.6; and, *Mr. Malcolm Higginson v. Belarus*, Communication No. 792/1998, U.N. Doc. CCPR/C/74/D/792/1998 (2002), adopted 28 March 2002 at para. 6.

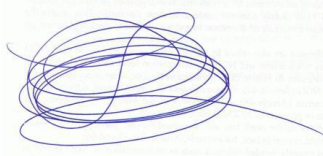
⁴ See UN Human Rights Council, Situation of human rights in the Islamic Republic of Iran - Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/40/67, 30 January 2019, available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/67.

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LRWC urges your government to ensure that all sentences against Ms. Sodouteh are quashed and that she is immediately released from prison along with all other arbitrarily detained human rights defenders.

We look forward to your reply.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gail Davidson', with a circular scribble above it.

Gail Davidson, Executive Director, LRWC

A handwritten signature in blue ink, appearing to read 'Catherine Morris', written in a cursive style.

Catherine Morris
UN Liaison coordinator, LRWC

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