

BY PRIORITY AIRMAIL

His Excellency Ayatollah Ali Hosseini Khamenei
Supreme Leader of the Islamic Republic of Iran
The Office of the Supreme Leader
Tehran Province, Tehran, District 11,
Islamic Republic of Iran

Amsterdam, 15 September 2020

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We support lawyers worldwide who face reprisals, improper interferences or unreasonable restrictions in the execution of their profession. Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013.

The Law Society of England and Wales (the "Law Society") is the professional body representing more than 180,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world. The Law Society holds special consultative status with the Economic and Social Council of the United Nations since 2014.

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights law and the rule of law through advocacy, legal research and education. LRWC is a volunteer-run non-governmental organization in Special Consultative Status with the Economic and Social Council of the UN Economic and Social Council since 2005.

Lawyers for Lawyers, The Law Society and LRWC are concerned about the continued detention¹ and precarious health situation of Nasrin Sotoudeh and Amirshah Davoodi, both human rights lawyers in Iran.

Ms. Sotoudeh is currently serving a sentence of 38 years in prison and 148 lashes on charges of, amongst others, "inciting corruption and prostitution", "openly committing a sinful act by appearing in public without a hijab", and "disrupting public order" in connection to her human rights work. Mr Davoodi has been sentenced to 29 years in prison, 111 lashes, and a fine of 60 million rials on charges of crimes against national security for his human rights work. Both Ms Sotoudeh and Mr Davoodi are serving their lengthy sentences in Evin Prison.

On 11 March 2020, the World Health Organisation (WHO) characterized the outbreak of COVID-19 a "global pandemic", which spreads exponentially. In connection to this, United Nations High Commissioner for Human Rights Michelle Bachelet urged governments and authorities to work to quickly reduce the number of people in detention. She noted, that "*now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views*".²

¹ Lawyers for Lawyers has previously sent (joint) letters (on 22 August 2018 and on 9 April 2019) about the ongoing judicial harassment of Ms. Nasrin Sotoudeh.

² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

Earlier this year, the Islamic Republic of Iran temporarily released thousands of prisoners to deal with overcrowding and health concerns presented by the pandemic. However, many prisoners and human rights defenders and lawyers in Iran were excluded from consideration and remain in detention, including Ms Sotoudeh and Mr Davoodi. According to our information, prisoners in multiple prisons have tested positive for COVID-19. Overcrowding, lack of medical attention, and unsanitary and unhygienic prison conditions put prisoners at greater risk of contracting COVID-19.

In response to this, Ms. Sotoudeh began a hunger strike on 11 August 2020. In a letter detailing her reasons for starting a hunger strike, Ms Sotoudeh has demanded the release of prisoners held for political motives who are at risk of catching Covid-19. Ms Sotoudeh has now been on hunger strike for 36 days. According to information we have received, she has been suffering from low blood pressure, fluctuating blood sugar levels, and rapid weight loss.

Furthermore, it was reported that Mr Davoodi has contracted COVID-19 in Evin Prison. This is alarming, since it has been reported that prisoners who have contracted COVID-19 in Evin Prison are not receiving any medical treatment.

With regard to the above, we respectfully draw Your Excellency's attention to Article 6 of the International Covenant on Civil and Political Rights, to which the Republic of Iran is a party, which reads: "*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life*".

Moreover, we respectfully draw Your Excellency's attention to the United Nations (UN) Basic Principles on the Role of Lawyers³ (Basic Principles), particularly Principles 16 and 23, which read:

16. Governments shall 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.

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

Furthermore, in her opening statement to the 45th session of the Human Rights Council on 14 September 2020, United Nations High Commissioner for Human Rights Michelle Bachelet stated:

"I remain concerned that political prisoners and prisoners of conscience have been excluded from Iran's temporary release of detainees, in the context of the COVID-19 pandemic, and I am dismayed at the prolonged hunger-strike of human rights lawyer Nasrin Sotoudeh. I urge the authorities to pursue many

³ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on September 7 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, in a resolution that was adopted without a vote on December 18 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

more temporary releases, as an urgent public health measure, and to immediately release political prisoners and prisoners of conscience.”⁴

In view of the above, Lawyers for Lawyers, The Law Society, and LRWC call on Your Excellency to take the following actions:

1. Immediately and unconditionally release Ms Sotoudeh and Mr Davoodi and put an end to all acts of harassment against them, including judicial harassment;
2. Pending such release to take all necessary measures to guarantee the physical and psychological integrity and wellbeing of Ms Sotoudeh and Mr Davoodi, as well as comply with international standards regarding conditions of detention;⁵ and
3. Comply with the international legal obligations of the Islamic Republic of Iran to ensure that members of the legal profession can carry out their professional functions without harassment and improper interference, including judicial harassment.

We will continue to monitor the situation of Ms Sotoudeh and Mr Davoodi, as well as the situation of other lawyers in the Islamic Republic in Iran.

Your sincerely,

Lawyers for Lawyers
The Law Society of England and Wales
Lawyers' Rights Watch Canada

⁴ Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 45th session of the Human Rights Council, Item 2: Global Human Rights Update, 14 September 2020,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26226&LangID=E>

⁵ UN General Assembly, *Basic Principles for the Treatment of Prisoners* : resolution / adopted by the General Assembly, 28 March 1991, A/RES/45/111,

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