

Your Ref:

Our Ref: International Law /Relations Section

30 June 2011

Mr Mahmoud Ahmadinejad  
President, Islamic Republic of Iran  
C/O Embassy of Islamic Republic of Iran in Canberra  
PO Box 705  
MAWSON ACT 2607

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Dear President

## **TREATMENT OF IRANIAN LAWYERS**

We write on the advice of the Queensland Law Society's International Law and Relations Committee and to lend support to our colleagues; the Law Council of Australia, LAWASIA and the Law Society of England and Wales in regard to your country's treatment of Iranian lawyers.

We write to express our concern about media reports indicating that lawyers practising in Iran have experienced interference in the carrying out of their professional duties. This interference is in the form of harassment and unlawful detention of practitioners who have merely represented clients in high profile, contentious or unpopular cases. It is our firm view that such conduct constitutes an overall attack on the legal profession in Iran and its independence and functions to undermine the rule of law in Iran. Furthermore, it violates Iran's obligations under various international instruments.

In this regard, we reiterate the concerns shared by our colleagues; Nobel Peace Laureate and Iranian lawyer, Dr Shirin Ebadi, Amnesty International, Human Rights Watch, the International Campaign for Human Rights in Iran, the International Commission of Jurists, the International Federation for Human Rights, the Iranian League for the Defence of Human Rights, the Union Internationale des Avocats, and the World Organisation Against Torture and express condemnation of these actions.

We refer to the internationally agreed United Nations Basic Principles on the Role of Lawyers. This treaty was formulated to assist States in their task of promoting and preserving the proper role of lawyers. It holds that lawyers should be respected and taken into account by Governments within the framework of their national legislation and practice. Perhaps this document could be brought to the attention of lawyers as well as other persons, such as judges, prosecutors, members of the executive and the legislature, and the public in general, to assist them in understanding the role of lawyers. We note in particular several relevant sections which hold that:

- Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and 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;
- Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities;
- Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions; and
- 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 these rights.

We have heard that these lawyers have been charged with vaguely worded offences of the Iranian Penal Code such as; “propaganda against the system”, “gathering and colluding with the aim of harming state security”, “forming an association ... whose aim is to harm national security” and “being a member of an association whose aim is to harm national security”. As a result, some Iranian lawyers have been the subject of unlawful detention. We note that these actions are contrary to the Johannesburg Principles which demand that laws must be, “accessible, unambiguous, drawn narrowly and with precision so as to enable individuals to foresee whether a particular action is unlawful.” This is reinforced by Special Rapporteur Martin Scheinin, who advises that the:

*Law must be clear and precise so that it will introduce predictability into the system so that the individual will know what is and is not permissible. Furthermore, any law or treaty creating an offence... must be sufficiently clear and precise for a person to be able to judge whether or not his/her expressions would amount to an infringement of the law.*

We urge your Government to take measures to end the interference with the legal profession in Iran.

Yours faithfully

Bruce Doyle  
**President**