

URGENT ACTION

38 YEARS AND 148 LASHES FOR WOMEN'S RIGHTS DEFENDER

Prominent Iranian human rights lawyer Nasrin Sotoudeh has been sentenced to 38 years in prison and 148 lashes after two grossly unfair trials. The charges against her stem solely from her peaceful human rights work, including defending women's rights and her outspoken opposition to the death penalty.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Supreme Leader Ali Khamenei
C/o Permanent Mission of Iran to the UN
Chemin du Petit-Saconnex 28
1209 Geneva, Switzerland
Email: iran@un.int

Dear Mr Khamenei,

Nasrin Sotoudeh, a prominent human rights lawyer and women's rights defender, has been unjustly sentenced to a total of 38 years in prison and 148 lashes following two grossly unfair trials. I appeal to you to release her as she is a prisoner of conscience.

On 9 February 2019, Nasrin Sotoudeh was informed by the office for the implementation of sentences in Tehran's Evin prison, where she is jailed, that the verdict in her most recent court case had been issued. She was allowed to read the verdict, which convicted her on seven charges and sentenced her to 33 years in prison and 148 lashes. Her trial took place on 30 December 2018 before Branch 28 of the Revolutionary Court in Tehran in her absence. She has not been allowed access to her lawyer. Some of the charges against her are related to her opposition to forced hijab (veiling) laws, including "inciting corruption and prostitution" and "openly committing a sinful act...by appearing in public without a hijab". Some of her legitimate activities that the authorities have cited as "evidence" against her include: opposing Iran's abusive, discriminatory and degrading forced hijab laws; removing her headscarf during prison visits; giving media interviews about the violent arrest and detention of women protesting against forced hijab. On 11 March 2019, Mohammad Moghiseh, the judge who pronounced the verdict, spread confusion by telling journalists that she had been sentenced to seven years in prison on two charges, one of which, "insulting the Supreme Leader", she was not on trial for. In response, Nasrin Sotoudeh has asked lawyers in Iran to raise a complaint against the judge for spreading lies before the disciplinary court for judges.

In September 2016, Nasrin Sotoudeh was sentenced to five years in prison in a separate case. Branch 28 of the Revolutionary Court in Tehran convicted her in her absence. She was not present during the trial because the court authorities said she was not wearing appropriate Islamic dress and refused her entry. She was charged with "spreading propaganda against the system" and "gathering and colluding to commit crimes against national security". However, the judge, in breach of procedure, convicted her on another charge, that of "assisting in hiding spies with the intent to harm national security", citing legitimate activities such as her meetings with foreign diplomats to convict her. This case is now pending review before an appeal court.

I urge you to release Nasrin Sotoudeh immediately and unconditionally as she is a prisoner of conscience, jailed solely for her peaceful human rights work. Pending her release, please ensure that she has regular contact with her family and a lawyer of her choosing. I urge you to stop criminalizing the work of women's rights defenders, including those who peacefully protest against forced hijab, and abolish forced hijab laws.

Yours sincerely

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ADDITIONAL INFORMATION

Nasrin Sotoudeh was arrested at her home in Tehran on 13 June 2018 and taken to Evin prison, where she is being detained in the women's ward. She has been denied access to her lawyer. The most recent charges against Nasrin Sotoudeh stem from her peaceful human rights work, including her defence of women who were prosecuted in 2018 for peacefully protesting the abusive, discriminatory and degrading forced *hijab* laws in Iran. In her indictment, the prosecution authorities listed seven charges against her, four of which were based on her opposition to forced *hijab*: "inciting corruption and prostitution"; "openly committing a sinful act by... appearing in public without a hijab"; "disrupting public order"; and "disturbing public opinion". Nasrin Sotoudeh's peaceful human rights activities against forced *hijab*, including those undertaken in her role as a lawyer, such as meeting with her clients, have been used to build a criminal case against her. The other three charges against her – "forming a group with the purpose of disrupting national security", "spreading propaganda against the system" and "gathering and colluding to commit crimes against national security" – were also based on peaceful activities that the authorities have deemed as "criminal". These activities include belonging to human rights groups such as the Centre for Human Rights Defenders and the Campaign for Step by Step Abolition of the Death Penalty. Even Nasrin Sotoudeh's insistence on choosing an independent lawyer instead of one from the list of 20 selected by the head of the judiciary has also been cited by the prosecution authorities as a criminal act. Her trial, which took place on 30 December 2018 before Branch 28 of the Revolutionary Court in Tehran, was held in her absence. She had refused to attend her trial, citing the unjust nature of the proceedings.

In her court verdict, Article 134 of Iran's Penal Code was applied, which allows judges to use their discretion to impose a higher sentence than the maximum statutory requirement when a defendant faces more than three charges. In Nasrin Sotoudeh's case, the judge, Mohammad Moghiseh, applied the maximum statutory sentence for each of her seven charges and then added another four years to her total prison term, raising it from the statutory maximum of 29 to 33 years. On 11 March 2019, the Islamic Republic News Agency reported that judge Mohammad Moghiseh told journalists that Nasrin Sotoudeh has been sentenced to seven years in prison: five years for "gathering and colluding to commit crimes against national security" and two years for "insulting the Supreme Leader". He also said: "the verdict was not issued in her absence because she had a lawyer". On 13 March, Nasrin Sotoudeh's husband said in a Facebook post that, during a prison visit with her family, she was angered that the judge had spread lies about her case. In response to the judge's statement, she said that she had not been charged with "insulting the Supreme Leader" in either of her cases. She said that her trial had taken place in the absence of both her and her lawyer and that the verdict had also been issued in their absence. She also stated that she has not been allowed any access to her lawyer in her most recent case. As she has been convicted of multiple charges, each incurring a separate prison sentence, if her conviction and sentence are upheld by an appeal court, she will have to serve the single most lengthiest sentence.

In September 2016, Branch 28 of the Revolutionary Court in Tehran tried Nasrin Sotoudeh on the charges of "spreading propaganda against the system" and "gathering and colluding to commit crimes against national security". On the day of her trial, she was denied entry to the courthouse and the hearing was held in her absence. She was not informed that she had been tried and convicted until after her most recent arrest. The court verdict made no mention of the aforementioned charges. Instead, the judge convicted her on the more contentious charge of "assisting in hiding spies with the intent to harm national security" under Article 510 of the penal code and sentenced her to five years in prison, two years more than the maximum statutory punishment for this offence. In her court verdict, the authorities accused her of working with "counter-revolutionaries" based inside and outside Iran to threaten national security, and of "holding secret meetings with foreign diplomats and people who were suspected of being intelligence officers based in foreign embassies in Tehran" under the "pretext" of human rights. It also stated that "she had been given €50,000 for the Sakharov Prize so that she could sustain her activities against national security and for the overthrow of the state". In 2012, while serving a previous prison sentence in Evin prison, Nasrin Sotoudeh was awarded the Sakharov Prize for Freedom of Thought, jointly with Iranian filmmaker Jafar Panahi, by the European Parliament. Amnesty International understands that she has never received a monetary award for the prize.

PREFERRED LANGUAGE TO ADDRESS TARGET: Persian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 13 June 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Nasrin Sotoudeh (she/her)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde13/9952/2019/en/>