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Iran: End arrests of defence lawyers

Amnesty International has written to the Iranian authorities expressing concern at the arrest of five Iranian lawyers arrested on 13 November 2010 and calling for their immediate, unconditional release if they are held solely on account of their legitimate exercise of their human rights.

Maryam Kiyan Ersi, Maryam Karbasi and Sara Sabaghian were detained upon returning from Turkey, and now face vaguely-worded allegations relating to national security and 'violating moral standards outside Iran.'

The Tehran Prosecutor, Abbas Ja'fari Dowlatabadi, confirmed that they, along with two other lawyers, whom he did not name, were all arrested on 13 November 2010. Amnesty international has obtained the names of the two other lawyers but is withholding them while seeking full confirmation.

On 15 November 2010, Amnesty International urged the head of Iran's Judiciary, Ayatollah Sadeq Larijani, to disclose the reason for the arrests of the five lawyers and to ensure that they are protected against possible torture or other ill-treatment in detention.

Sara Sabaghian was previously arrested along with other lawyers on 8 July 2009 but then released after several days. She is a member of the Iranian Bar Association's Committee for the Defence of Women and Children's Rights and her clients include Sakineh Mohammadi Ashtiani, currently facing possible execution by stoning, and Hossein Ronaghi-Maleki, a blogger arrested in December 2009. He is now serving a 15-year prison sentence, including 10 years imposed for "membership of an internet group Iran Proxy", and lesser terms for "propaganda against the system", "insulting the [Supreme] Leader", Ayatollah Ali Khamenei, and for "insulting the President". He did not receive a fair trial and was denied access to his defence lawyer. He told the judge that he was tortured in pre-trial detention but this was ignored.

Maryam Kiyan Ersi is one of the lawyers who represented Kobra Najjar, a woman who was sentenced to death by stoning whose sentence was reduced to a flogging of 100 lashes in January 2009.

Amnesty International is concerned that the ferocious crackdown on dissent that followed last year's disputed presidential election is continuing and even worsening as human rights lawyers are increasingly targeted for arbitrary arrest and other harassment.

Background

This latest arrest of five lawyers is part of a pattern of repression of lawyers and increasing marginalization of the Iranian Bar Association which has marked the presidency of Mahmoud Ahmadinejad. It is part of a wider series of measures apparently intended to prevent government critics accessing competent legal representation, a basic right and important fair trial guarantee, when their rights are abused by the authorities.

The authorities have interfered with elections to the Bar Association's Central Board, and increasing numbers of lawyers have been summoned for interrogation, or been arrested. Those

currently held in addition to the five arrested in recent days include Mohammad Oliyaeifard, Nasrin Sotoudeh and Javid Houtan Kiyani. Others have chosen to live abroad for their own safety.

For more information see Iran: Lawyers' defence work repaid with loss of freedom, Index: MDE 13/093/2010, 1 October 2010, <http://www.amnesty.org/en/library/info/MDE13/093/2010/en>

The UN Special Rapporteur on the Independence of Lawyers and Judges has not been permitted to visit Iran despite the Standing Invitation issued by the Iranian government to all UN human rights mechanisms in 2002. Since August 2005, no UN human rights expert has been allowed by the government to undertake a visit to Iran. Currently, seven procedures have pending requests to visit, but the Iranian authorities have not acceded to any of them as yet.

Article 14 of the ICCPR provides for the right of an accused person to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing. The UN Basic Principles on the Role of Lawyers provide that lawyers must be allowed to carry out their work "without intimidation, hindrance, harassment or improper interference." In addition, it affirms the right of lawyers to freedom of expression, also provided for in Article 19 of the ICCPR, which includes "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".