

## **The Hong Kong Bar Association**

### **Statement of Concern on the Treatment of Human Rights Lawyer Ms Nasrin Sotoudeh**

The Hong Kong Bar Association (“HKBA”) refers to the statement issued by LAWASIA on 9 May 2019 and echoes the deep concern over the lack of a fair hearing and the unduly harsh sentence imposed on Iranian human rights lawyer Ms Nasrin Sotoudeh for her peaceful work in defending women’s rights. Ms Sotoudeh is a prominent international human rights lawyer and a recipient of the Sakharov Prize for Freedom of Thought awarded by the European Parliament in 2012. The HKBA understands that Ms Sotoudeh, who has represented activists and women prosecuted for removing the mandatory headscarf, was arrested in June 2018 and was convicted in March 2019 of seven offences including inciting corruption and prostitution, openly committing a sinful act by appearing in public without a hijab, and disrupting public order. The trial was conducted in secret. She was denied a lawyer of her own choice, and was reported to be given a lengthy sentence of decades in prison and 148 lashes, in addition to another sentence of years of imprisonment in an earlier case in which she was convicted in absentia.

The HKBA notes that the Islamic Republic of Iran has ratified the International Covenant on Civil and Political Rights (“ICCPR”), and calls upon the Islamic Republic of Iran to ensure the observation of the ICCPR, and in particular, the right against torture, inhuman and degrading punishment (Art 7), the right against arbitrary arrest (Art 9), and the right to minimum guarantees of a fair hearing (Art 14), and to reverse the conviction and sentence imposed on Ms Sotoudeh.

**HONG KONG BAR ASSOCIATION**

**Dated: 27 May 2019**

9 May 2019

## LAWASIA STATEMENT OF CONCERN ON THE HARSH SENTENCE ISSUED AGAINST IRANIAN HUMAN RIGHTS LAWYER MS. NASRIN SOTOUDEH

LAWASIA, the law association for Asia and the Pacific, expresses deep concern over the unduly harsh sentence of 38 years in prison and 148 lashes handed out earlier this year by the court in Iran to the prominent Iranian human rights lawyer, Ms. Nasrin Sotoudeh, who is recognised for her peaceful work defending women's rights.<sup>1</sup>

LAWASIA notes that Ms. Sotoudeh is an internationally acclaimed human rights and women's rights lawyer.<sup>2</sup> In 2012, she was awarded the Sakharov Prize for Freedom of Thought by the European Parliament, while in custody in another case.

LAWASIA also notes that Ms. Sotoudeh, aged 55 years, is reported to have been arrested in June 2018; charged with seven crimes; subsequently subjected to a secret trial, in which she was denied access to a lawyer of her own choosing; and awarded the maximum sentence for all seven offences she was charged with. She was also sentenced to additional five-years imprisonment for a case in 2016 in which she was convicted *in absentia*.

LAWASIA takes strong issue with the prosecution, trial, and the unduly harsh and disproportionate sentence meted out to Ms. Sotoudeh, as violative of international human rights laws and standards on fair trials and on the prevention of torture. LAWASIA echoes the concerns raised by UN experts that the sentence awarded to Ms. Sotoudeh is "emblematic of an increase in the harassment, arrest and detention of human rights lawyers in Iran in recent months."<sup>3</sup>

LAWASIA draws attention to the rights guaranteed in the Universal Declaration of Human Rights 1948 (UDHR), which include the right to life, liberty and security under Article 3, the right against torture under Article 5, the right to a fair trial under Article 9, and the right of freedom of expression under Article 10.<sup>4</sup>

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<sup>1</sup> "Husband of Iranian human rights lawyer says she is sentenced to 38 years, 148 lashes," REUTERS, March 11, 2019, <https://in.reuters.com/article/iran-lawyer-sotoudeh/husband-of-iranian-human-rights-lawyer-says-she-is-sentenced-to-38-years-148-lashes-idINKBN1QS1LL>.

<sup>2</sup> "Iranian lawyer who defended women's right to remove hijab gets 38 years, 148 lashes," Women in the World, March 11, 2019, available at: <https://womenintheworld.com/2019/03/11/iranian-lawyer-who-defended-womens-right-to-remove-hijab-gets-38-years-148-lashes/>.

<sup>3</sup> "Iran: UN experts "shocked" at lengthy prison sentence for human rights lawyer Nasrin Sotoudeh" March 14, 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24333&LangID=E>.

<sup>4</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.un.org/en/universal-declaration-human-rights/>.

LAWASIA notes that the Islamic Republic of Iran ratified the International Covenant on Civil and Political Rights 1966 (ICCPR) on 24<sup>th</sup> June 1975. The rights guaranteed under this Covenant include the right to life under Article 6, the right against torture under Article 7, the right against arbitrary arrest and the right to a fair trial under Article 9, the right to equality before law under Article 14, and the right to freedom from discrimination under Article 26.<sup>5</sup>

LAWASIA considers the rights and duties of members of the legal profession to perform their professional functions towards protecting and promoting the rule of law, administration of justice and human rights, as fundamental to any justice delivery system. LAWASIA draws attention to Article 16 of the United Nations Basic Principles on the Role of Lawyers,<sup>6</sup> which states:

“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.”

LAWASIA also notes the obligations placed on States under the United Nations Declaration on Human Rights Defenders to guarantee the adequate protection of human rights defenders.<sup>7</sup> Namely, States must ensure, “...the protection by competent authorities of human rights defenders against any violence, threats [or] retaliation... as a consequence of his or her legitimate exercise of the rights referred to in the Declaration [on Human Rights Defenders]”.<sup>8</sup>

LAWASIA applauds the exemplary courage displayed by the human rights community in Iran and across the globe condemning the arrest, continuous detention and disproportionate sentence awarded to Ms. Sotoudeh.

LAWASIA calls on the authorities in the Islamic Republic of Iran to reverse the sentence issued to Ms. Sotoudeh, and to ensure that the security and safety of legal professionals and human rights defenders in the country is safeguarded



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<sup>5</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>6</sup> United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, available at: <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>.

<sup>7</sup> UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* ('Declaration on Human Rights Defenders'), 8 March 1999, A/RES/53/144, available at:

<https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

<sup>8</sup> Article 12, *supra*.