



INTERVIEW WITH DR. SHIRIN EBADI ON THE STATUS OF LAWYERS IN IRAN TODAY

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Q&A Between Dr. Shirin Ebadi and IHRDC

IHRDC: As you know, the theme of this international human rights day is defenders who defend against discrimination. In recent months, Iran's lawyers, particularly those who defend political dissidents, human rights and civil activists, minorities and women have been interrogated, arrested and imprisoned in growing numbers. I'd like to ask you a few questions about these developments.

IHRDC: As you see it what are the biggest challenges facing human rights lawyers in Iran today?

SE: The biggest challenge is that the Iranian government does not want to comply with its own international obligations. The Iranian government is a signatory to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on Economic, Social and Cultural rights and thus is committed to complying with the Conventions. According to the civil laws of Iran, the commitments that the Iranian government accepts are binding on domestic judicial orders and should be enforced by courts. So the terms of these human rights Conventions should be enforced by Parliament. Enforcement by the courts, judicial authorities and the administration is necessary but unfortunately we see that these criteria are ignored.

For example, Mr. Mohammad Seifzadeh was sentenced to nine years by a court of first instance for the "crime" of working with me and helping establish the Defenders of Human Rights Center. Another example is Mr. Mohammad Sadegh Kaboudvand—reporter and human rights defender—who according to the court's ruling was sentenced to 10 years to prison on account of founding a human rights NGO in Sanandaj in Iran's Kurdistan and who is currently forced to serve his sentence in his ailing health.

While the Iranian government is bound to these human rights conventions and has committed itself to executing its obligations under such conventions, the enforcement of such sentences (such as those given to Mr. Seifzadeh and Mr. Kaboudvand) are completely against the laws.

IHRDC: Mohammad-Javad Larijani, who was in front of the United Nations in New York several weeks ago, claimed that the government is not trying to silence Iran's lawyers, but instead has said that these lawyers are threatening state security by speaking to foreign media and attacking the credibility of Iran's judicial system—what is your take on this?

SE: Giving interviews to foreign press who are not Iranian is not a crime. In our law, such a thing is not prohibited, so from this angle, this is not the issue.

Iranian politicians like Mr. Ahmadinejad and the rest always talk to foreign press on radio and television outside of Iran. If this is a crime then why does Iran's president do it? And if it is not a crime then how come when lawyers speak to the foreign press it is considered to be a crime?

The truth is that the Iranian government is not inclined for news about its human rights violations to be published and for the world to know about what is happening inside Iran.

IHRDC: In what ways has the practice of law and the respect accorded to lawyers changed since the election dispute of last year?

SE: Unfortunately there has never been a favorable opinion in Iran regarding lawyers who act independently and take a stand against the illegal actions of courts. In 1999, I went to prison for defending the families of university students who were killed in the police attack on student dormitories. Nasser

Zarafshan was sent to prison in the year 2000 for his defense work in the “Chain Murders” case. At the beginning of the Revolution, the new government revoked lawyers’ licenses to practice if they defended political prisoners. Unfortunately what the Islamic Republic has always done is to oppose and stand in front of independent lawyers, particularly those who defend political prisoners.

But these difficulties, especially after the presidential election of June 2009, increased more than ever to the point that the number of lawyers in jail after the elections was far higher than ever in the past.

In this regard, I can name lawyers like Nasrin Sotoudeh, Abdolfattah Soltani, Mohammad Ali Dadkha, Mohammad Oliyaefar, Houtan Kian and others who went to jail—some of whom were released on bail and are awaiting their trial date while others remain in jail like Mr. Oliyaefar.

IHRDC: What can the world community do to help bring attention to the plight of lawyers of Iran?

SE: The most important way in which the world can help is by offering moral assistance—by reporting the news about lawyers in prison and letting the world know that in Iran it is not only freedom of expression of political prisoners that is limited but also the freedoms of those lawyers who represent political prisoners.

The political prisoners in Iran are all in prison for expressing their opinions. It is not only the people who express their opinions who are thrown in jail but the lawyers who defend these people are also thrown in jail.

Information sharing is very important for the advancement of human rights in Iran. My hope and wish for the international legal community—including the International Bar Association and the bar associations for trial lawyers in each country—is that they help their Iranian counterparts by protesting against the practices the Iranian government has adopted.

IHRDC: Can you give us any details on Nasrin Sotoudeh's case or the cases against any other lawyers that you know? Is there anything you want to let the world know about these cases?

SE: Ms. Nasrin Sotoudeh—a brave Iranian lawyer—took on the legal representation of many of those who were in jail for the “crime” of voicing their beliefs after the presidential election of last year, including Issa Saharkhiz, Heshmat Tabarzadi and many others.

Also, Nasrin Sotoudeh followed up with my defense against the claim that the Iranian government brought against me for not paying tax on my Nobel Peace Prize money and with my counter claim against the government when they confiscated my property on this basis. The Ministry of Intelligence told Ms. Sotoudeh several times that she needed to drop the defense in my case and that she could no longer represent me. She responded by saying that her work was in accordance with the law and that the government had no reason to order her to stop her work. On these grounds, she continued to assist on the case until unfortunately she was arrested and she has spent her entire time in solitary confinement.

She has spent more than three months in solitary confinement. When the investigation of a person has ended they should be returned to a public cell. Despite this, when the investigation against Nasrin Sotoudeh ended—and when her trial started—she was not brought to the public cell. Even with her second hearing that was held last Sunday, November 28th, she was still in solitary confinement.

To protest this illegal situation, she went on a wet hunger strike and then a dry hunger strike. She ended the strike when her fellow lawyers and friends, including myself, voiced our concerns. We were very

worried about her condition and the prosecutor promised us that the law would be observed in Nasrin Sotoudeh's case but unfortunately, on this matter, the law was absolutely not followed.