

SPEECH BY DR. SHIRIN EBADI TO THE EUROPEAN PRESIDENTS' CONFERENCE, 12 FEBRUARY 2021

Distinguished Members of European Bar Associations, Ladies and Gentlemen, thank you for giving me time to speak.

No country can achieve sustainable development unless it is governed by the rule of law. When we talk about the rule of law, the independence of judges and lawyers is an essential tool. Unfortunately, my country, Iran, is facing many problems in that regard. As you know, the Islamic Revolution took place in Iran 43 years ago, and one of the destructive effects of that revolution was the loss of the independence of judges and lawyers.

Based on their law, all political and ideological charges must be tried in the Revolutionary Court. The judges of these courts are selected from among those who have full faith in the ideology of the regime and who put the regime's political goals before the administration of justice. Some of these Revolutionary Court judges have been so strictly adhering to the government's decrees that they have consequently been placed on the EU sanctions list for human rights violations.

Iran has the highest number of executions after China and some of those executed were under 18 years of age. In 2020, at least three juvenile offenders were executed in Iran. Some of those executed were convicted of political and ideological offences, and some of drug-related crimes. It is noteworthy that most of the death penalty sentences were issued by the revolutionary courts, which helps measure the degree of rule of law in the revolutionary courts.

In political and ideological trials, which sometimes last up to a year, the accused is held in solitary confinement in complete isolation. According to a law passed a few years ago, during the interrogation process, the defendant is only permitted to choose a lawyer from the list of the court's 'trusted lawyers'. In other words, a person arrested and tried for opposing the government should only use lawyers trusted by that very government that has ordered his or her arrest for opposing it. Hence, the rights of the defendants are clearly violated because of this law, rendering them unable to have their voices heard. I had several clients and have personally experienced such interventions. I remember one of my clients was asked to cooperate, but he refused. Consequently, the interrogator threatened to ensure that he is given a 10-year sentence in court. And, unfortunately, despite lack of evidence to prove him guilty, he was handed down a 10-year sentence, just as he had been told by the interrogator. Thus, when a lawyer has lost faith in the administration of justice in court, he has no choice but to seek his client's permission to publicize the case through the media, nationally and internationally – an action that puts the lawyer at risk. I was personally arrested and imprisoned for representing the family of a young boy who was killed in a police and security raid on a dormitory at the University of Tehran.

Although once the investigations have been completed and the trial begins, the defendant is permitted to choose his or her own lawyer, the trial is held in private and behind closed doors. The lawyer is permitted to present his defence, but since the judges do not have enough independence, the verdicts in such trials are in effect decided by the security agents who conduct the interrogations, and merely conveyed by the judges.

Since 2009, about 60 lawyers have been prosecuted for practicing their profession. Some have already served their sentences and are free, such as Abdel Fattah Soltani, a Nuremberg Human Rights Award winner who was released after serving his eight-year term. Others have been released on bail pending

trial. Some have had to flee their homeland. Unfortunately, we currently have four lawyers in prison, one of whom is Nasrin Sotoudeh, who, along with acclaimed Iranian film director Jafar Panahi, won the Sakharov Prize. Nasrin has been sentenced to a total of 33 years in prison on various trumped-up charges, and she must serve at least the maximum sentence of 12 years. Nasrin and another imprisoned lawyer, Amirshah Davoodi are both ill and in need of treatment but medical facilities in prison are very inadequate and limited. One the imprisoned lawyers who is suffering more than others is Ms Giti Pourfazel who is 80 years old and has been sentenced to a three-year prison term.

Another problem with advocacy in Iran is that in the year 2000, a law was passed according to which, in addition to the Bar Association, the judiciary can also grant licenses to retired judges or Law School graduates. These lawyers have their licences renewed by the judiciary annually, and it is evident that these lawyers cannot have enough independence before the judge, because if the judge gives any of them an unfavourable report, that lawyer's license will not be renewed.

Yet another problem for lawyers is that they do not have the right to participate in courts that deal with the clergy. As you know, Iran is a theocracy. In this government, the clergy, be they part of the political apparatus or not, must be tried in special courts run by the clergy, should they face any charges. Lawyers in these special courts for the clergy are appointed from among clerics trusted by the establishment; other lawyers are not permitted to defend the clergy.

Moreover, the head of the judiciary, who is appointed directly by the Supreme Leader, has full authority to remove or appoint judges and prosecutors. It is, therefore, clear that the rule of law is rarely applied in Iranian courts.

Bearing in mind that the European Union is about to resume the nuclear talks with the Islamic Republic, I hereby urge you to call on your leaders not to only focus on their respective national security interests but to also consider human rights. The Iranian people have been striving for democracy for many years. I sincerely hope that the European Union stands by the Iranian people and respects human rights and democracy. Dictators will fall. What is important is friendship among nations. We urge European people and media to pay greater attention to human rights abuses in Iran.

Please bear in mind that the UN Security Council has adopted many resolutions against Iran regarding human rights abuses. Please help us. Do not support dictators.

Thank you for your attention.