



# *The Association of the Bar of the City of New York*

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**PRESIDENT**

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February 26, 2003

His Excellency Hojjatoleslam val Moslemin  
Sayed Mohammad Khatami  
President of the Islamic Republic of Iran  
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Your Excellency:

I am writing on behalf of the Association of the Bar of the City of New York. The Association is an independent non-governmental organization with more than 22,000 members in over 40 countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world.

The Association, as an organization of lawyers, is particularly interested in the treatment of lawyers around the world and the ability of lawyers to practice their profession in a manner consistent with their obligations to their clients and in furtherance of the rule of law.

In that regard, we are writing to express our concern about the recent imprisonment of two lawyers, Mohammad Ali Dadkhah and Abdolfateh Soltani, who are members of the Bar of Tehran. Messrs. Dadkhah and Soltani are defense attorneys for a number of political prisoners, and their imprisonment appears to be solely as a result of their actions as lawyers defending their clients.

Messrs. Dadkhah and Soltani were arrested at their homes and were tried in a closed proceeding, leading to questions about whether they received a fair trial. Defendants are entitled to a fair and public trial both under Article 165 of the Constitution of the Islamic Republic of Iran and Article 14(I) of the International Convention on Civil and Political Rights. Dadkhah and Soltani were denied this right.

**Mohammad ali Dadkhah**

Mr. Dadkhah's conviction stems from his work defending several members of the Iran Freedom Movement, a recently outlawed political party espousing peaceful reform. These defendants were arrested and charged with belonging to an illegal organization, even though their arrests took place

prior to the Revolutionary Court's issuance of an order dissolving the Iran Freedom Movement in August 2002.

Mr. Dadkhah's crime appears to be nothing more than his expression of his opinion that, under Iran's constitution, the Revolutionary Court did not have the power to dissolve political parties. Mr. Dadkhah further argued that the Revolutionary Court engaged in illegal activity by jailing individuals who belonged to a party that had not yet been outlawed. On May 20, 2002 Mr. Dadkhah was sentenced to five months' imprisonment and banned from practicing law for 10 years. In December 2002, the sentence was upheld by a court of appeals.

### **Abdolfateh Soltani**

On July 9, 2002 Mr. Soltani was sentenced to four months' imprisonment and banned from practicing law for five years. The charges against Mr. Soltani were based on his representation of 15 dissident religious nationalists in March 2002. In the course of his representation of his clients, Mr. Soltani claimed that his clients had been mistreated during their interrogation in order to elicit forced confessions. Indeed, not only was Mr. Soltani arrested and charged for doing no more than any defense attorney around the world would have done in bringing to the attention of the court any mistreatment of his/her client, but Mr. Soltani's own defense attorney was later arrested as well. Mr. Soltani's attorney, Mr. Seyfzadeh, was sentenced to four months' imprisonment and was banned from practicing law for three years.

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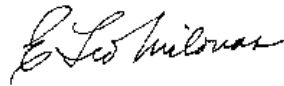
The Revolutionary Court appears to be using its powers to prevent lawyers from practicing their profession and suppressing their freedom of speech while engaged in their profession. These high-profile prosecutions of lawyers will also make it difficult for defendants charged with crimes based on political activities, such as the clients of Messrs. Dadkhah and Soltani, to find counsel willing to take on their cases. The clear message of these prosecutions is that representation of these types of clients will result in criminal charges being brought against the lawyers.

The prosecutions of Messrs. Dadkhah and Soltani are in direct violation of the provisions of the Declaration on the Protection of Human Rights Defenders adopted on December 9, 1998 by the U.N. General Assembly. In particular, Article 9.3.c of that Declaration provides that "everyone has the right, individually and in association with others, to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms." These actions also violate the Universal Declaration on Human Rights and other International Conventions proscribing such activities.

Accordingly, our Association urges Your Excellency's government to reverse this repression of lawyers in the Islamic Republic of Iran who are engaged in nothing more sinister than practicing their profession and thereby promoting the rule of law. We urge respect for the rights of lawyers to function effectively in the defense of their clients in conformance with Iranian and international law.

As for Messrs. Dadkhah and Soltani, we urge Your Excellency to exercise your power of clemency to pardon these two lawyers. Your efforts to preserve the rule of law and to enforce the rights of lawyers to practice their profession will be respected and appreciated among all law-abiding nations throughout the world.

Respectfully,



E. Leo Milonas  
President

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