



NEW YORK
CITY BAR

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His Excellency Dr. Mahmoud Ahmadinejad
President, Islamic Republic of Iran
Palestine Avenue
Azerbaijan Intersection
Teheran 13168-43311
Islamic Republic of Iran

Your Excellency:

I am writing on behalf of the Association of the Bar of the City of New York (the "Association") to respectfully request the immediate, unconditional release of Dr. Haleh Esfandiari from Evin Prison. Dr. Esfandiari is an international scholar and director of the Middle East Program at the nonpartisan Woodrow Wilson International Center for Scholars (the "Center"), who traveled to Iran to visit her 93-year old mother.

The Association is an independent non-governmental organization with more than 23,000 members in over 50 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, including within the United States.

Dr. Esfandiari, a 67-year old Iranian-American national, traveled to Teheran from Washington, DC on December 21, 2006 to visit her ailing 93-year old mother for one week. On December 30, 2006, on her way to the airport to return to Washington, she was robbed by masked, knife-wielding men who took her Iranian and American passports.

When Dr. Esfandiari applied for replacement travel documents at the Iranian passport office on January 3, 2007, an agent of the Ministry of Intelligence interrogated her. She was repeatedly questioned for six weeks thereafter. It is reported that the interrogations continued for four days a week, sometimes lasting as long as seven or eight hours a day during which she was intimidated and threatened. This inhumane treatment included invasions of Dr. Esfandiari's privacy during her four months of house arrest.

On May 8, 2007, when Dr. Esfandiari arrived at the Ministry of Intelligence for an appointment they had requested, she was summarily taken to Evin prison without being charged and without being given any reasons for her arrest. Such treatment violates Iran's Constitution and international obligations, as set forth below. Dr. Esfandiari was allowed only one phone call to her mother to ask for clean clothes and her medicine. To date her mother has not been allowed to visit her.

Dr. Esfandiari's family retained the legal services of Nobel Laureate Shirin Ebadi to represent her on May 16, 2007, but the Iranian government rejected Dr. Ebadi's request to represent Dr. Esfandiari, refused to give her any information on the legal charges against her client, and denied her and her legal team access to Dr. Esfandiari. Denial of the right to counsel contravenes Iran's Constitution, as quoted in the attached Appendix.

On May 21, 2007, state-run Iranian television reported that Dr. Esfandiari was being charged with seeking to topple the government of the Islamic Republic of Iran. The ISNA news agency reported that the Ministry of Intelligence said Dr. Esfandiari had "confessed" that the Center was funded by the Soros Foundation which "established an unofficial network...., whose main objective is overthrowing the system". The Center is funded from several sources; the Soros Foundation is only one of them.

On May 29, 2007, three weeks after Dr. Esfandiari was imprisoned, Iran's judiciary spokesman said that the Ministry of Intelligence had formally charged her with "espionage and endangering national security" which is a capital offense.

Dr. Esfandiari is an internationally respected scholar. Her activities at the Center focus on arranging and engaging in conferences and meetings and on organizing exchanges of scholars for the purpose of sharing views and developing greater understanding between important peoples and cultures. In this role, she has long advocated greater understanding of Iran and its interests, and tirelessly promoted dialogue with Iranian scholars.

The accusations against Dr. Esfandiari therefore appear to be baseless. Dr. Esfandiari's activities to promote scholarly inquiry and exchange—long respected in Iran's culture and history—are internationally recognized in practice and treaty, including the Universal Declaration of Human Rights. Articles 26 and 27 of the Declaration recognize the importance of education and scholarship, and encourage education for the purpose of "promot(ing) understanding, tolerance and friendship among all nations, racial or religious groups." Dr. Esfandiari's activities do exactly that.

Whether or not the accusations are true, Dr. Esfandiari's treatment, moreover, is in violation of the provisions of Iran's Constitution as set forth in Chapter III, Articles 32, 35 and 37 that provide that *a*) if someone is detained, they must immediately be informed in writing of the charge and that the file on their case must be referred to a legal authority within 24 hours (emphasis added); *b*) a party may "select an attorney"; and *c*) "No person is to be considered... guilty, except... where his guilt has been established in a competent court."

Iran is also breaching its obligations under Part III, Articles 7, 9 and 10 of the United Nations International Covenant on Civil and Political Rights which provide that *a*) "No one shall be subjected to...inhuman or degrading treatment"; *b*) "Anyone who is arrested... shall be informed, at the time of arrest, of the reasons for his arrest"; *c*) "Anyone arrested...shall be brought promptly before a judge and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody," (emphasis added); and *d*) "All persons deprived of their liberty shall be treated with humanity."

Likewise, the Universal Declaration of Human Rights maintains that "No one shall be subjected to...inhuman treatment... (or).. arbitrary arrest" and "Everyone charged with a penal offence has the right to be presumed innocent" and entitled to "all the guarantees necessary for his defence."

Based on Iran's domestic law and international obligations, we protest Dr. Esfandiari's arrest and detention and her deprivation of the right to counsel. We therefore urge you to immediately release Dr. Esfandiari, restore her travel documents and allow her to return to her family and her academic activities.

I respectfully request that you direct your attention to this important matter.

Very truly yours,



Barry M. Kamins

cc: H.E. Ayatollah Mahmoud Hashemi Shahroudi, Head of the Judiciary
H.E. Gholam Hossein Mohseni Ejeie, Minister of Intelligence
H.E. Gholamali Haddad Adel, Speaker of the Parliament

APPENDIX

The Constitution of the Islamic Republic of Iran Chapter III 3-The Rights of the People

Article 32

No one may be arrested except according to and in the manner laid down by law. If someone is detained, the subject matter of the charge, with reasons (for bringing it), must immediately be communicated and explained in writing to the accused. Within at most 24 hours the file on the case and the preliminary documentation must be referred to the competent legal authority. Legal procedures must be initiated as early as possible. Anyone infringing this principle will be punished in accordance with the law.

Article 35

Both parties...have the right...to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel.

Article 37

Innocence is to be presumed, and no one is to be held guilty of a charge unless his or her guilt has been established by a competent court of law.

The United Nations

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

PART III

Article 7

No one shall be subjected to...inhuman or degrading treatment...

Article 9

1. No one shall be subjected to arbitrary arrest or detention.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge...and shall be entitled to trial within a reasonable time or release. It shall not be the general rule that persons awaiting trial shall be detained in custody.

Article 10

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 5

No one shall be subjected to...inhuman or degrading treatment...

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has all the guarantees necessary for his defence.

Article 26

2. ...Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups,

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.