

INTERNATIONAL BAR ASSOCIATION (IBA) ANNUAL CONFERENCE, DUBLIN

RULE OF LAW SYMPOSIUM

**PRESENTATION OF THE IBA HUMAN RIGHTS AWARD
TO IRANIAN LAWYER ABDOLFATTAH SOLTANI**

FRIDAY 5 OCTOBER 2012

SPEECH

MAHNAZ PARAKAND

FELLOW LAWYER OF AWARD WINNER ABDOLFATTAH SOLTANI

Greetings to all my colleagues and to everyone present at this impressive conference.

In regard to our short time frame we can't read the full text of Mr Soltani's letter. However, with his permission of course, I will read a brief version of his message.

In the name of the Just God

From the corner of the Evin Prison, I offer my greetings and gratitude to the Chairperson and the members of the International Bar Association and greetings to all free and independent thinking lawyers and to all at this gathering. My honourable colleagues, with regret, I have been denied the opportunity to be among you and to have a face to face conversation with you. But I am glad that for a few minutes I have this chance to ignore my barriers and that I can talk to you from behind these tall prison walls.

Dear colleagues: As you are aware, attorneys, through the process of defending their clients, through close cooperation with courts and the general judicial system of the country in which they are operating, become aware of the sufferings within their societies, and they are able to identify the problems and shortcomings of their judiciary system. Sometimes an attorney, after years of experience, is faced with the unpleasant reality that basically the law structure and the judiciary system of the country is suffering from the fundamental and structural problems. In this case, the judiciary system, in practice in regard to discharging its most important responsibility, which is defending the rights of the public and implementation of the justice, is facing a dead end.

Discrimination against women, inequality of legal status the believers of different faiths, i.e. new Christians, Dervish, Bahai's and intolerance against them; wide spread violation of the democratic rights and freedoms whether in personal or public level; violation of freedom of speech and press, violation of freedom of the right to peaceful assemblies, societies and political parties ; are all part of the collection of the present discriminations within the law and the judiciary processes in today's Iran.

Religious and gender discrimination in sentencing and also in assessing the damages arising from crimes; wide spread use of the death penalty and increasing the number of executions; issuance of the death penalty to persons under the age of 18; increase in physical punishment; and use of psychological and physical torture during the initial arrest; and ignoring the rights of the accused; are only few heading in criticising the Iranian Judiciary system which can be emphasised and being looked at from the view point of the universal values of the human rights. In addition to that, there is a mountain of memorandums, current processes, behaviours, etc.; all above the law of the land which are causing further violation of the civilian rights.

Colleagues, although referring to the current laws in Iran would confront you with a collection of bad laws; but I have to say that the fundamental demand and wish of many civil and political activists in Iran, is only the correct implementation of, even , this bad laws!; But the ugly truth is that the political establishment in Iran, in many cases by using few non-independent judges; has turned the whole judiciary system into a tool for implementing their own wishes. They are using these courts as a heavy hammer to suppress the legitimate and legal demand of the population. Courts, where the rule of the law and rights of the accused has no role whatsoever, throughout the process and pre-determined sentences are in the signing queue, by few selected and non-independent judges. In such a legal structure, defending the rights of accused for conscientious lawyers is extremely difficult, sometimes pointless and frustrating.

With a historical background of 60 years for the Iranian Bar Association's Independence, unfortunately during the past 34 years, destroying the independence of this association has been part of a bigger plan of limitation and dismantling of the civil society and democratic rights of the citizens by the rulers at the time.

For 18 years, Iranian lawyers were not allowed to elect their own representatives for the running of their trade's association. After that and during the past 15 years, only those are allowed into the board whose are checked and confirmed by the security agencies connected to the regime. In one instance, in 2005, after being elected to the board of the central bar association, I've been denied attending the board meetings in an illegal move. From then till now, the judges' disciplinary court has never approved me and also few others of my colleagues to join the board.

In other front, during the recent years, the judiciary system has been authorised by the regime to issue the practicing licence to their bunch of insiders. Therefore, a parallel organisation to the bar association has been established. Nowadays in Iran we are witnessing courts and prosecution offices which judges, prosecutor and defence lawyers are all acting like the employers or the regime and the judiciary.

Colleagues, while the security controls and persecutions against the bar association has been constant during the recent years, many of the lawyers has not surrounded themselves to the pressures and always remembering the vow and pledge to protect the rights of the citizens. During past years, many of attorneys and lawyers have faced with barriers and limitations as result of defending the civil activists and critics of the regime. This includes: competency rejection to prevent them joining the boards of bar association; revocation of practice license; ban from lecturing in universities; arrest and imprisonment and exile. Some has been forced to leave the country. The numbers are significant and a cause of worry. Great sadness and regret, is standing aside ideal and the passiveness of the bar association in confronting these treatments of the lawyers and against the structure of the attorneys.

At the end, I would like to express my gratitude to the President of the International Bar Association and would like to extend it to all its members. I hope that right to access a just judicial process which is a guarantor of establishment and expansion of the democracy, would advance day by day.

Abdolfattah Soltani,
Section 350, Evin Prison
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