



***His Excellency Ayatollah Ali Hosseini Khamenei***

Supreme Leader of the Islamic Republic of Iran  
The Office of the Supreme Leader  
Tehran Province, Tehran, District 11,  
Islamic Republic of Iran

17 February 2021

**Joint open letter to His Excellency, Ayatollah Ali Hosseini Khamenei, Supreme Leader of the Islamic Republic of Iran**

Your Excellency,

We, the undersigned, write to you to express our grave concern over the arbitrary imprisonment of Dr Reza Eslami in Tehran's Evin Prison. Dr Eslami's case is illustrative of the ongoing clampdown against the legal and academic professions in Iran. On Monday 15 February 2021, 58 countries launched the International Declaration Against Arbitrary Detention in State-to-State Relations<sup>1</sup>, characterizing such arbitrary detention as a standing violation of international law. The case against Dr Eslami is an emblematic assault on this rules-based international order.

On 7 February 2021,<sup>2</sup> Dr Reza Eslami, an Iranian-Canadian human rights and environmental law professor at Beheshti University,<sup>3</sup> was sentenced to seven years imprisonment by Branch 15 of the Revolutionary Court after being charged with 'cooperating with a hostile state.'<sup>4</sup> The case against Dr Eslami is devoid of any credible evidence and derives from spurious charges to begin with. We believe that this case is based on his participation in a training course on the rule of law in the Czech Republic in 2020, funded by a United States-based non-government organisation (NGO). Dr Eslami has refuted the charges as baseless, stating that his academic work was free of '*political, security and foreign-relations issues*'<sup>5</sup>. Dr Eslami's lawyer also stated that '*teaching issues related to the rule of law anywhere in the world cannot be an example of influence or cooperation with hostile states.*'<sup>6</sup> Of the 15 defendants detained over their attendance in the rule of law course, Dr Eslami is the only one not acquitted. A lack of information and transparency makes it difficult to determine why he has been

<sup>1</sup> [https://www.international.gc.ca/worldmonde/issues\\_developpementenjeux\\_developpement/human\\_rightsdroits\\_homme/arbitrarily\\_detention-detention\\_arbitraire.aspx?lang=eng](https://www.international.gc.ca/worldmonde/issues_developpementenjeux_developpement/human_rightsdroits_homme/arbitrarily_detention-detention_arbitraire.aspx?lang=eng)

<sup>2</sup> Following Dr Eslami's arbitrary detention since May 2020.

<sup>3</sup> Dr Eslami, who holds a PhD in law from McGill University (Montreal, Canada), has now become the latest political fodder of the Revolutionary Court.

<sup>4</sup> Dr Eslami was charged with colluding with the US government - [www.hrw.org/blog-feed/iranian-society-under-crackdown](http://www.hrw.org/blog-feed/iranian-society-under-crackdown)

<sup>5</sup> [www.rferl.org/a/iranian-professor-jailed-after-attending-training-course-in-prague/31093818.html](http://www.rferl.org/a/iranian-professor-jailed-after-attending-training-course-in-prague/31093818.html)

<sup>6</sup> [www.radiofarda.com/a/31091898.html](http://www.radiofarda.com/a/31091898.html)

singled out. According to reports, Dr Eslami is *'the first academic lawyer to be jailed for doing his job as a professor and teaching subjects on the curriculum.'*<sup>7</sup>

Dr Eslami joins a cohort of lawyers, academics and human rights defenders turned political prisoners, that have been arbitrarily targeted for their work in Iran on equally vague charges and subjected to deplorable conditions in Evin Prison, including human rights lawyers Nasrin Sotoudeh and Amirsalar Davoudi.<sup>8</sup> Like Ms Sotoudeh and Mr Davoudi, Dr Eslami joins other political prisoners who face increased risks of contracting Covid-19 due to detention conditions that fall short of international standards.<sup>9</sup> In 2020, Mr Davoudi and Ms Sotoudeh<sup>10</sup> were excluded from temporary prisoner release programmes established in consideration of the spread of Covid-19.<sup>11</sup> In previous communications addressed to Your Excellency, the International Bar Association's Human Rights Institute (IBAHRI) highlighted that the punitive and unjust sentences of political prisoners could turn to death sentences if urgent action is not taken.<sup>12</sup>

Dr Eslami's imprisonment blatantly equates scholarship on the rule of law with criminal activity. This is symptomatic of the widespread and longstanding crackdown on lawyers, academics and human rights defenders by Iranian authorities. Presiding Judge [Abolghasem Salvati](#), the head of Branch 15 of the Revolutionary Court, is under European Union and US sanctions for issuing unfairly harsh sentences against human rights lawyers, journalists and political dissidents based on political, not legal, considerations.

Since 2013, the Iranian judicial authorities have increased the use of the vague charge of *'collaboration with the hostile state of the US'*<sup>13</sup>, often contrary to verdicts from the Supreme Court of Iran.<sup>14</sup> There are currently several dual nationals, including Siamak and Baquer Namazi, Kameel Ahmady and Morad Tahbaz, as well as several other Iranian members of civil society, in detention who have been convicted on this vaguely defined charge with no clear evidence proving their guilt.

We are concerned that Dr Eslami is the latest in a long list of Iranian prisoners and executed persons who hold dual nationality.<sup>15</sup> Dual nationality is not recognised in Iranian law, yet authorities have routinely and discriminatorily targeted those with a second citizenship, and at times have used dual nationals as diplomatic "bargaining chips".<sup>16</sup> The United Nations (UN) Special Rapporteur on the Situation of Human Rights in Iran and the UN Working Group on Arbitrary Detention have repeatedly

<sup>7</sup> <https://iranwire.com/en/features/7403>

<sup>8</sup> [www.ibanet.org/Article/NewDetail.aspx?ArticleUid=4756c9a1-5228-4e63-aac9-d3e877a88558](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=4756c9a1-5228-4e63-aac9-d3e877a88558)

<sup>9</sup> [www.amnesty.org.uk/urgent-actions/prisoners-risk-covid-19-infection](http://www.amnesty.org.uk/urgent-actions/prisoners-risk-covid-19-infection)

<sup>10</sup> Ms. Sotoudeh was granted temporary furlough on medical grounds on 7 November 2020 and was ordered to return to prison on 2 December 2020. [www.ibanet.org/Article/NewDetail.aspx?ArticleUid=11044300-16b9-4c05-83f6-177a29d7c9d5](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=11044300-16b9-4c05-83f6-177a29d7c9d5)

<sup>11</sup> UN General Assembly 75<sup>th</sup> Session, Special Rapporteur on the situation of human rights in Iran expressed concern that *'most human rights defenders, lawyers, dual and foreign nationals and other targeted groups have not benefitted'* from early release programmes and *'calls on the Islamic Republic of Iran to extend the temporary furlough initiative to all those detained without sufficient legal basis as a first step towards their permanent release'* <https://undocs.org/A/75/213>

<sup>12</sup> UN General Assembly 75<sup>th</sup> Session, Special Rapporteur on the situation of human rights in Iran expressed concern that *'most human rights defenders, lawyers, dual and foreign nationals and other targeted groups have not benefitted'* from early release programmes and *'calls on the Islamic Republic of Iran to extend the temporary furlough initiative to all those detained without sufficient legal basis as a first step towards their permanent release'* <https://undocs.org/A/75/213>

<sup>13</sup> [www.hrw.org/blog-feed/iranian-society-under-crackdown](http://www.hrw.org/blog-feed/iranian-society-under-crackdown)

<sup>14</sup> The Revolutionary Court verdicts do not align with a 2014 opinion of Iran's Supreme Court that *stated*, *'Iran is not in conflict with any country and the phrase "hostile state" does not refer to political differences with countries'* and so does not apply against those who have any real or perceived connection with the US academic, charity or research institutions.

<sup>15</sup> [www.bbc.com/news/uk-41974185](http://www.bbc.com/news/uk-41974185)

<sup>16</sup> This is particularly applicable to those from a Western nation. According to a [study](#) by Human Rights Watch on the situation of dual national detainees/prisoners in Iran, *'it is apparent that Iranian authorities have violated detainees' due process rights and carried out a pattern of politically motivated arrests'* with the intention of using them as 'bargaining chips' to resolve diplomatic disputes.

found a pattern of authorities targeting dual nationals for prosecution in an arbitrary manner, which also amounts to discrimination in violation of [Article 2 and Article 26 of the International Covenant on Civil and Political Rights](#) (ICCPR), to which the Islamic Republic of Iran is a party, and [Articles 2 and 7 of the Universal Declaration of Human Rights](#) (UDHR). In this regard, we wish to recall that the UN Working Group on Arbitrary Detention, in its most recent opinion on the arbitrary detention of Iranian nationals with connections to other countries, reminded the Islamic Republic that this familiar pattern of arbitrary detentions ‘*may constitute crimes against humanity.*’<sup>17</sup>

We, the undersigned, consider that the imprisonment of Dr Eslami is arbitrary. We fear he has received an unfair trial due to several procedural irregularities including the lack of an independent and impartial judge, public trial and presumption of innocence in a practical and effective manner. Such actions violate international guarantees on the administration of justice, as well as [Article 156 of the Iranian Constitution](#). Further, we respectfully remind Your Excellency that, as a State Party to the ICCPR,<sup>18</sup> Iran is obliged to guarantee the right to a fair trial and due process under [Articles 9\(1\) and 14\(2\) of the ICCPR](#) and also reflected in [Articles 10 and 11 of the UDHR](#).

We call on Your Excellency to take urgent, immediate action to prevent any further injustices by unconditionally releasing Dr Reza Eslami and other political prisoners, including Ms Sotoudeh and Mr Davoudi, held under arbitrary detention. Such measures would be consistent with domestic and international obligations and recommendations, including respect for the rule of law, enforcement of human rights, guarantees on the independence of the judiciary, and reform of broad and vague laws which may result in unjust sentences. We further urge the Government of the Islamic Republic of Iran to take all possible measures to ensure that lawyers and academics can carry out their legitimate professional activities without fear of intimidation, harassment, or interference, in accordance with international human rights standards, including the [UN Basic Principles on the Role of Lawyers](#). We are willing to provide technical, legal assistance and guidance in this regard.

We would be grateful to receive your assurances that you have received our letter and that our concerns will be addressed as a matter of urgency.

Yours Sincerely,

1. **Baroness Helena Kennedy QC**, Director of the [International Bar Association’s Human Rights Institute](#)
2. **The Honourable Irwin Cotler**, PC, OC, OQ, Chair of the [Raoul Wallenberg Centre for Human Rights](#)
3. **Hadi Ghaemi**, Executive Director of the [Centre for Human Rights in Iran](#)
4. **Justice Mavedzenge**, Centre for the Independence of Judges and Lawyers, [International Commission of Jurists](#)
5. **Karin Karlekar**, Director of Free Expression at Risk Programs, [PEN America](#)
6. **Catherine Morris**, Executive Director, [Lawyers’ Rights Watch Canada](#)
7. **Bradley D. Regehr**, President of the [Canadian Bar Association](#)
8. **Professor Payam Akhavan**, Senior Fellow, Massey College, Distinguished Visiting Professor, Faculty of Law University of Toronto and Member of the Permanent Court of Arbitration

<sup>17</sup> *Saeed Malekpour v. Islamic Republic of Iran*, Opinion No. 32/2019, U.N. Doc. A/HRC/WGAD/2019/32, UN Working Group on Arbitrary Detention, adopted 12 August 2019, [www.ohchr.org/Documents/Issues/Detention/Opinions/Session85/A\\_HRC\\_WGAD\\_2019\\_32.pdf](http://www.ohchr.org/Documents/Issues/Detention/Opinions/Session85/A_HRC_WGAD_2019_32.pdf).

<sup>18</sup> International Covenant on Civil and Political Rights (4 April 1968) 999 UNTS 170 (ratified by Iran on 24 June 1975).

Cc.

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