



Law Society
of Ontario

Barreau
de l'Ontario

Tab 4

HUMAN RIGHTS MONITORING GROUP

Letter of Intervention on Behalf of Mohammad Najafi

April 28, 2022

Committee Members:

Julian Falconer (Co-Chair)

Tanya Walker (Co-Chair)

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FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION

That Convocation approve the letter and public statement in the following case:

Mohammad Najafi – Iran – letter of intervention and public statement presented at TAB 4.1 and TAB 4.2; and

Rationale

The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) to,

- a. review information that comes to its attention about human rights violations that target members of the professions and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- b. determine if the matter is one that requires a response from the Law Society; and
- c. prepare a response for review and approval by Convocation.

Key Issues and Considerations

The Monitoring Group considered the following factors when making a decision about the case:

- a. there are no concerns about the quality of sources used for this report; and
- b. the letter and public statements regarding the arrest and imprisonment of lawyer Mohammad Najafi falls within the mandate of the Monitoring Group.

IRAN – CONTINUED DETENTION OF MOHAMMAD NAJAFI**Sources of Information**

The background information for this report was retrieved from the following sources:

1. Council of Bars and Law Societies of Europe (CCBE).¹
2. Lawyers for Lawyers and Center for Human Rights in Iran (CHRI).²
3. United Nations Human Rights Office of the High Commissioner.³
4. The Law Society of England and Wales.⁴
5. OMCT SOS -Torture Network.⁵
6. CHRI.⁶
7. Iran Human Rights Monitor.⁷
8. Iran Human Rights.⁸
9. Iran Wire.⁹
10. United for Iran.¹⁰

¹ CCBE: "[Continued Detention of lawyer Mohammad Najafi](#)," letter dated July 27, 2020 [CCBE 2020 Letter]; see also CCBE: "[Concerns over the detention and sentencing of lawyers in Iran](#)," letter dated August 9, 2021 [CCBE 2021 Letter]; CCBE: "[Situation of lawyers in Iran](#)," letter dated October 1, 2018 [CCBE October 2018 Letter]; CCBE: "[Imprisonment of lawyer Mohammad Najafi](#)," letter dated November 14, 2018 [CCBE November 2018 Letter]; CCBE: "[Sentencing of human rights lawyer Mohammad Najafi](#)," letter dated February 14, 2019 [CCBE 2019 Letter].

² Lawyers for Lawyers and CHRI: "[Free Imprisoned Human Rights Lawyer Mohammad Najafi in Iran](#)," Joint Statement issued March 3, 2022 [2022 Joint Statement].

³ United Nations Human Rights Office of the High Commissioner: [Press Release](#), dated July 6, 2021 [UN Press Release].

⁴ The Law Society of England and Wales: "[Arbitrary detention and other forms of human rights violations against lawyers and human rights defenders in Iran](#)," letter dated May 21, 2018 [LSEW Letter].

⁵ OMCT SOS - Torture Network: "[Judicial harassment and arbitrary detention of several human rights lawyers](#)," article dated September 14, 2018 [OMCT Article].

⁶ CHRI: "[Iran Should Launch Independent Investigation of Deaths of Two Protesters in Prison](#)," article dated January 11, 2018 [CHRI Jan 2018 Article]; CHRI: "[Despite Facing Prison, Rights Lawyer Mohammad Najafi Still Seeking Justice for Deceased Detainee](#)," article dated May 12, 2018 [CHRI May 2018 Article]; CHRI: "[Lawyer Who Sought Justice for Death of Detainee in Iranian Custody Sentenced to Three Years, 74 Lashes](#)," article dated October 29, 2018 [CHRI Oct 2018 Article]; CHRI: "[Imprisoned Attorney Mohammad Najafi Facing More Jail Time for Criticizing Supreme Leader](#)," article dated December 26, 2018 [CHRI Dec 2018 Article]; CHRI: "[Human Rights Lawyer Mohammad Najafi Facing 19 Years Behind Bars in Iran](#)," article dated January 28, 2019 [CHRI 2019 Article].

⁷ Iran Human Rights Monitor: "[Court of Appeal upholds deportation of human rights attorney Mohammad Najafi](#)," article dated April 22, 2019 [IHRM Article].

⁸ Iran Human Rights (IHR): "[Lawyer Mohammad Najafi Denied Medical Treatment 22 days After Heart Attack in Prison](#)," article dated August 26, 2021 [IHR August 2021 Article]; IHR: "[4 Months After Heart Attack, Lawyer Mohammad Najafi Granted Medical Treatment Following Hunger Strike](#)," article dated December 15, 2021 [IHR December 2021 Article].

⁹ Iran Wire: "[Judiciary Pressed to Release Outspoken Human Rights Lawyer](#)," article dated March 3, 2022 [IW Article].

¹⁰ United for Iran, "[Iran Must Release Human Rights Lawyer Mohammad Najafi](#)," article dated June 9, 2020 [UI Article].

Background

Mr. Najafi is an award-winning¹¹ human rights lawyer who has been active in the defence of Iranian political prisoners. He has been repeatedly convicted for speaking out against human rights abuses and other peaceful pro-democracy activities.¹² These are considered to be politically related charges and charges relating to his work as a lawyer.

In January 2018, Mr. Najafi called for an investigation into the death of his client, Vahid Heydari, a young protester who died in police custody after participating in anti-government demonstrations. Mr. Najafi told media outlets that the authorities were trying to cover up the cause of Mr. Heydari's death by claiming he had died by suicide.¹³ As a result of his statements about Mr. Heydari, Mr. Najafi was arrested and, in August 2018, he was sentenced to three years in prison and 74 lashes¹⁴ for "disturbing the public order" and "publishing false information in order to disturb public opinion".¹⁵ The sentence was upheld on appeal in October 2018.¹⁶

While in prison, additional charges have been brought in quick succession against Mr. Najafi for his work as a human rights lawyer, seemingly in retaliation for his advocacy of Mr. Heydari.¹⁷ As Mr. Najafi stated: "I have been a lawyer and writer for years and during this time I have been repeatedly charged and acquitted. The authorities themselves have told me that they are trying to grind me into oblivion."¹⁸

In December 2018, Mr. Najafi was sentenced to an additional fourteen years: one year for "propaganda against the state," two years for "insulting the Supreme Leader," ten years for "collaboration with enemy states" by giving interviews to foreign media, and an additional year for "disturbing public opinion" based on social media posts critical of the Islamic Republic.¹⁹ Mr. Najafi's lawyer claims that this additional one-year sentence was based on comments Najafi had posted on Instagram for which he had already been found guilty and sentenced.²⁰

¹¹ Mr. Najafi was one of four incarcerated Iranian lawyers awarded the [CCBE 2019 Human Rights Award](#).

¹² [UI Article](#), *supra* note 10.

¹³ [CHRI Jan 2018 Article](#) and [CHRI 2019 Article](#), *supra* note 6.

¹⁴ In December 2018, Mr. Najafi's lawyer announced that Mr. Najafi's flogging sentence had been suspended due to his diabetes: see [IHR August 2021 Article](#), *supra* note 8.

¹⁵ [OMCT Article](#), *supra* note 5; [CHRI Oct 2018 Article](#), *supra* note 6.

¹⁶ [CHRI Oct 2018 Article](#), *supra* note 6.

¹⁷ [UI Article](#), *supra* note 10.

¹⁸ [CHRI May 2018 Article](#), *supra* note 6.

¹⁹ [IHRM Article](#), *supra* note 7; [CHRI Dec 2018 Article](#), *supra* note 6.

²⁰ [CHRI 2019 Article](#), *supra* note 6.

In January 2019, Mr. Najafi was sentenced to another two years in prison for “publishing falsehoods with the intention to disturb public opinion” in connection with a September 2018 open letter criticizing Supreme Leader Ali Khamenei.²¹

In February 2020, Mr. Najafi was sentenced to another six months in prison for “spreading lies” due to a speech he made honouring Sattar Beheshti, who died in police custody in 2012 after being arrested for criticizing the Iranian government on Facebook.²²

In 2021, the UN Special Rapporteur on the situation of human rights defenders criticized the Islamic Republic of Iran’s practice of sentencing human rights defenders to long-term detention and called on the Government to release all those detained for their human rights work, naming Mr. Najafi specifically.²³

Current Status

Mr. Najafi was charged most recently on July 2, 2021, with “propaganda against the state” for making a video promoting the boycott of the presidential elections and signing a statement calling for a referendum on dissolving the constitution and dismissing the leadership.²⁴ It is our understanding that the hearing for these latest charges has been repeatedly postponed.²⁵

Mr. Najafi allegedly suffered a heart attack on August 1, 2021. He was taken to hospital but returned to prison without receiving treatment.²⁶ It is reported that he was denied medical furlough or treatment outside the prison until he went on a hunger strike in December 2021, four months after his heart attack.²⁷

International Response

There have been calls for Mr. Najafi’s release since the time of his 2018 arrest. **The Law Society of England and Wales** wrote to the President of the Islamic Republic of Iran in May 2018, expressing concern that Mr. Najafi’s imprisonment may be part of a continuous pattern of threat and intimidation aimed at silencing his legitimate work as a lawyer.²⁸

²¹ *Ibid.*

²² [IW Article](#), *supra* note 9.

²³ [UN Press Release](#), *supra* note 3.

²⁴ [IHR August 2021 Article](#), *supra* note 8.

²⁵ [2022 Joint Statement](#), *supra* note 2; see also [IHR August 2021 Article](#), *supra* note 8.

²⁶ [CHRI 2021 Article](#), *supra* note 6.

²⁷ [IHR December 2021 Article](#), *supra* note 8.

²⁸ [LSEW Letter](#), *supra* note 4.

On July 27, 2020,²⁹ the **Council of Bars and Law Societies of Europe** renewed its call for Mr. Najafi's release, having made similar requests in 2018 and 2019.³⁰ The CCBE also awarded Mr. Najafi, along with three other Iranian lawyers, its 2019 Human Rights Award, for his "courage, determination and commitment to defending human rights in Iran – where all forms of opposition, be it ideological or political, are not tolerated."³¹

Lawyers for Lawyers and the **Center for Human Rights in Iran** issued a joint statement on March 3, 2022, calling for the immediate release of Mr. Najafi.³²

Past LSO Interventions

The Law Society has not previously intervened on behalf of Mr. Najafi.

The Law Society has intervened on behalf of Iranian lawyers multiple times: in 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2018, and 2019.

²⁹[CCBE 2020 Letter](#), *supra* note 1; see also [CCBE 2021 Letter](#), *supra* note 1, which referred to Mr. Najafi and other Iranian lawyers who are still being detained as a result of their legitimate activities as lawyers.

³⁰[CCBE October 2018 Letter](#), [CCBE November 2018 Letter](#), and [CCBE 2019 Letter](#), *supra* note 1.

³¹CCBE website: "[Previous CCBE Human Rights Awards](#)" under 2019.

³²[2022 Joint Statement](#), *supra* note 2.

PUBLIC STATEMENT

The Law Society of Ontario condemns the arrest and continued detention of lawyer Mohammad Najafi in Iran

Toronto, ON – The Law Society of Ontario condemns the arrest, detention and continued imprisonment of lawyer Mohammad Najafi. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

Mr. Najafi is a respected and award-winning human rights lawyer and activist. In January 2018, Mr. Najafi called for an investigation into the death of his client, Vahid Heydari, a protester who died in police custody. Mr. Najafi told media outlets that the authorities were trying to cover up the cause of Mr. Heydari's death by claiming he had died by suicide. As a result of his advocacy on behalf of Mr. Heydari, Mr. Najafi was arrested and, in August 2018, he was sentenced to three years in prison and 74 lashes for "disturbing the public order" and "publishing falsehoods". The sentence was upheld on appeal in October 2018.

While in prison, additional charges have been brought in quick succession against Mr. Najafi for his work as a human rights lawyer. In December 2018, he was sentenced to an additional fourteen years: one year for "propaganda against the state", two years for "insulting the Supreme Leader", ten years for "collaboration with enemy states" by giving interviews to foreign media, and an additional year for "disturbing public opinion" based on social media posts critical of the Islamic Republic.

In January 2019, Mr. Najafi was sentenced to another two years in prison for "publishing falsehoods with the intention to disturb public opinion" in connection with a September 2018 open letter criticizing Supreme Leader Ali Khamenei. In February 2020, Mr. Najafi was sentenced to six months in prison for "spreading lies" in a speech he made honouring Sattar Beheshti, who died in police custody in 2012. On July 2, 2021, Mr. Najafi was again charged with "propaganda against the state" for calling for a boycott of the presidential elections and signing a statement calling for a referendum on dissolving the constitution and dismissing the leadership. It is reported that the hearing for this last charge has been postponed.

Reports indicate that Mr. Najafi has suffered a heart attack and was denied timely medical attention. The Law Society notes that the *Universal Declaration of Human Rights*, under Article 3, gives everyone the right to life, liberty, and security of person. Mohammad Najafi has the right to access medical care for his medical condition.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. In light of these circumstances, the Law Society of Ontario urges Your Excellency to comply with Iran's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society of Ontario urges the Government of Iran to:

- a. immediately and unconditionally release Mohammad Najafi;
- b. pending his release, ensure that Mohammad Najafi is detained in an official place of detention, is not subjected to torture or other ill-treatment, has regular, unrestricted access to his family, lawyers of his choice, and medical care on request or as necessary.
- c. pending his release, ensure that during his detention, Mohammad Najafi is treated in accordance with applicable international standards;
- d. ensure that paralegals, lawyers, or judges shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

April 28, 2022

His Excellency Seyyed Ebrahim Raisi
President of the Islamic Republic of Iran
Sa'adabad Palace
Darband, Zafaraniyeh,
Tajrish, Valiasr Street
Tehran, Islamic Republic of Iran

Your Excellency:

Re: Continued detention of lawyer Mohammad Najafi

I write on behalf of the Law Society of Ontario* to voice our grave concern over the arrest, detention and continued imprisonment of lawyer Mohammad Najafi. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

Mr. Najafi is a respected and award-winning human rights lawyer and activist. In January 2018, Mr. Najafi called for an investigation into the death of his client, Vahid Heydari, a protester who died in police custody. Mr. Najafi told media outlets that the authorities were trying to cover up the cause of Mr. Heydari's death by claiming he had died by suicide. As a result of his advocacy on behalf of Mr. Heydari, Mr. Najafi was arrested and, in August 2018, he was sentenced to three years in prison and 74 lashes for "disturbing the public order" and "publishing falsehoods". The sentence was upheld on appeal in October 2018.

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- c. pending his release, ensure that during his detention, Mohammad Najafi is treated in accordance with applicable international standards;
- d. ensure that paralegals, lawyers, or judges shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties, standards, and ethics; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Teresa Donnelly
Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal professions in the public interest, and the Law Society has a duty advance the cause of justice and the rule of law.

cc: The Honourable Mélanie Joly, Minister of Foreign Affairs

Jamal Khokhar, Ambassador of Canada to Turkey (consular responsibility for Iran)

Ketty Nivyabandi, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales