

Public Statement

The Law Society of Upper Canada expresses grave concerns about the trial and ongoing harassment of Hadi Esmaeilzadeh in Iran

TORONTO — The Law Society of Upper Canada is gravely concerned about the trial and judicial harassment of Hadi Esmaeilzadeh.

Hadi Esmaeilzadeh is a human rights lawyer in Iran and a member of the Defenders of Human Rights Centre (DHRC). Although the DHRC's offices were closed in 2008, the organization still functions. Since the office's closure, Hadi Esmaeilzadeh has been interrogated by Iranian intelligence and security organizations and pressured to resign from the DHRC.

During a preliminary interrogation on July 12, 2011, Hadi Esmaeilzadeh was notified he was being charged with "assembly and collusion with intent to commit anti-security crimes" based on his membership in the DHRC, and with "spreading propaganda against the State". He was also banned from traveling outside of Iran.

Hadi Esmaeilzadeh's trial was scheduled for April 15, 2014 before Branch 15 of the Islamic Revolutionary Court. As of April 22, 2014, lawyers for Hadi Esmaeilzadeh had not been given access to his file in preparation for his trial.

The DHRC was founded in 2001 by five lawyers. Two of the foundering lawyers, Abdolfatah Soltani and Mohammad Ali Dakhah, have been imprisoned. The DHRC provides *pro bono* defence for persons accused of political crimes or prisoners of conscience. Many of those accused are lawyers and law students. They facilitate free training workshops on human rights, women's rights and the rights of the accused. In 2009, Hadi Esmaeilzadeh was expelled from the Higher Institute of Banking of Iran and in 2012 he was also expelled from the Islamic Azad University-Bam Unit because he refused to resign from the DHRC.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able

to travel and to consult with their clients freely; and 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 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

The Law Society urges the government of Iran to:

- a. guarantee all the procedural rights that should be accorded to Hadi Esmailzadeh and other human rights defenders in Iran;
- b. guarantee in all circumstances the physical and psychological integrity of Hadi Esmailzadeh;
- c. put an end to all acts of harassment against Hadi Esmailzadeh and other human rights defenders in Iran;
- d. ensure that all Iranian lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada is the governing body for 46,000 lawyers and 6,300 paralegals in the Province of Ontario, Canada, and the Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

The Law Society urges the legal community to intervene in support of members of the legal profession in Iran in their effort to advance the respect of human rights and to promote the rule of law.

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