

Iran's War on Human Rights Lawyers and the Right to Counsel

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Background

The Iranian regime systematically denies prosecuted human rights activists the right to legal counsel of their choice and persecutes lawyers chosen by such defendants. This behavior is part of Tehran's comprehensive violations of human rights.

Article 14 of the [International Covenant on Civil and Political Rights](#), which Iran has signed, recognizes a right for a person accused of a crime "to defend himself in person or through legal assistance of his own choosing." Further, the [Constitution](#) of the Islamic Republic of Iran states in Article 35 that "[b]oth parties to a lawsuit have the right in all courts of law to select an attorney, and if they are unable to do so, arrangements must be made to provide them with legal counsel."

However, the note to Article 48 of the Criminal Procedure Regulations of Iran [requires](#) defendants "in cases of crimes against internal or external security"—crimes human rights activists are frequently charged with—to choose their lawyers "from a list approved by the head of the judiciary." The note also [enables](#) the authorities to deny detainees access to legal counsel for as long as a week in certain security cases.

Non-approved attorneys chosen by human rights activists are unable to defend their clients in court, and consequently often advocate for their clients in the court of public opinion. The regime frequently retaliates by arresting and jailing such lawyers—sometimes holding them in solitary confinement and providing poor medical care—prosecuting them on state-security charges and other serious offenses, and sentencing them to years in prison.

The following are profiles of human rights lawyers that the Iranian regime has persecuted for daring to defend unjustly accused clients.

Persecuted Human Rights Lawyers

Amirsalar Davoudi



Biography

Amirsalar Davoudi has represented numerous human rights activists. He also [founded and directed](#) the Telegram channel “Without Retouch,” which [published](#) criticism of the Iranian regime’s judicial abuses, human rights violations, and oppression of human rights lawyers.

Arrests, Trials, and Appeals

The authorities [arrested](#) Davoudi in November 2018 and held him in Tehran’s [notoriously brutal](#) Evin Prison, including months in solitary confinement. Davoudi was [denied](#) access to his attorney for months.

Davoudi was [charged](#) with “insulting the officials,” “propaganda against the regime,” “cooperation with hostile governments via giving interviews to Voice of America,” and “forming groups to overthrow the system.” He was [tried](#) in Branch 15 of Tehran’s Revolutionary Court, presided over by Chief Judge [Abolqasem Salavati](#). Salavati, nicknamed “The Hanging Judge” or “The Judge of Death,” is infamous for handing down sentences of death or lengthy prison terms on trumped-up charges.

In June 2019, Salavati [found](#) Davoudi guilty of three of the four charges and [sentenced](#) him to 30 years in prison—reduced under Iranian law to 15—and 111 lashes. Salavati [acquitted](#) Davoudi of the charge of “cooperation with hostile governments.” The following month, Davoudi’s conviction was [upheld](#) on appeal.

In April 2021, Iran’s Supreme Court [agreed](#) to consider Davoudi’s request for a retrial. The Supreme Court [struck down](#) his sentence and [ordered](#) a retrial. However, at his retrial in July 2021, Judge Mohammad Reza Amouzad of Branch 28 of Tehran’s Revolutionary Court [confirmed](#) Davoudi’s initial sentence verbatim and [said](#) that the Supreme Court’s judgment was wrong.

In December 2021, an appeals court in Tehran [changed](#) Davoudi's sentence to a total of 14 years' imprisonment, of which he must serve 10.

In May 2023, Davoudi's appeal and requests for a conditional release and furlough from prison were [rejected](#).

Treatment in Captivity

In February 2020, Davoudi [went](#) on a ten-day hunger strike to protest the fact that he had not been granted a temporary furlough.

In April 2021, Davoudi was [transferred](#) from Evin to Rajai Shahr Prison [without being given](#) an explanation.

In June 2022, Davoudi was [sent back](#) to Evin Prison after a year spent free on bail.

In August 2022, Davoudi reportedly [came down](#) with COVID-19, but prison authorities refused to test or treat him.

First Release on Bail and Return to Prison

In June 2021, Davoudi was [released](#) on bail pending his retrial. On June 26, 2022, more than six months after his resentencing and with no notice, Davoudi was [ordered](#) back to prison to begin serving his new sentence.

Second Release on Bail

In December 2023, Davoudi was again [released](#) on bail.

Activism from Prison

Davoudi [released](#) a letter from prison in November 2019 reaffirming his political views and expressing hope that one day no one would face prosecution for their ideas.

In March 2021, Davoudi and fellow political prisoner Baktash Abtin [issued](#) a statement [condemning](#) exiling of political prisoners and stating that they would carry out a hunger strike to support imprisoned labor activist Esmail Abdi.

Award

Davoudi was [awarded](#) the 2022 Ludovic-Trarieux International Human Rights Award.

Payam Derafshan



Biography

Payam Derafshan has [defended](#) high-profile clients, including lawyer Nasrin Sotoudeh and the environmentalist Kavous Seyed Emami (the latter of whom died under suspicious circumstances in prison) that the regime has prosecuted for political reasons.

First Arrest and Trial

The regime first [arrested](#) Derafshan on August 30, 2018, releasing him on bail one week later. He was [sentenced](#) to two years in prison and banned from practicing law for two years on the charge of “insulting the leadership.” Derafshan was [not allowed](#) to review the case against him, and his attorney, Saeed Dehghan, was not allowed into the trial. On May 15, 2020, an appellate court [reduced](#) Derafshan’s jail sentence to one year and voided the ban on him practicing law.

Second Arrest and Trial

The regime arrested Derafshan again on June 7, 2020. Dehghan [stated](#) on July 20, 2020, that Derafshan had been [sentenced](#) to two-and-a-half years’ imprisonment for “acting against national security,” “propaganda against the state,” and “carrying an unauthorized taser,” but was acquitted of “assembly and collusion against national security.” Derafshan was [given](#) medical leave in September of 2020 and the regime [gave](#) him a conditional release in October 2021.

Treatment in Captivity

During his second detention, the regime reportedly [held](#) Derafshan in the Islamic Revolutionary Guard Corps–controlled 2-Alef ward of the [notoriously brutal](#) Evin Prison. The authorities [put](#) Derafshan in solitary confinement and [subjected](#) him to sleep deprivation. According to Dehghan, after Derafshan protested the conditions of his detention, three officers [injected](#) Derafshan with a substance that caused a convulsion, resulting in Derafshan [biting off](#) part of his tongue. While Derafshan was then [taken](#) to a Tehran hospital, before he could finish his treatment the regime [sought and received](#) an extension of Derafshan’s detention order from Iranian Revolutionary Court Judge [Mohammad Moghiseh](#) (also known as “the Hanging Judge”). Derafshan later [experienced](#) further convulsions and, at a psychiatric hospital, was

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[administered](#) electric shocks that reportedly further harmed his brain. After he complained about being handcuffed and shackled, guards [assaulted](#) him. The entire time, the regime [did not](#) tell Derafshan's family [where he was](#).

Soheila Hejab



Biography

Soheila Hejab is an [Iranian Kurdish attorney and human rights activist](#) in Shiraz. Hejab has [defended](#) the rights of criminal defendants and political prisoners. She has also [called](#) for an end to the Iranian regime. Hejab has [defended](#) the rights of criminal defendants and political prisoners.

Arrests and Trials

The authorities first [arrested](#) Hejab in December 2018, charging her with “supporting an anti-state organization.” She was [convicted and sentenced](#) to two years’ imprisonment and served five months.

Ten days after Hejab was released, IRGC intelligence agents [rearrested](#) her and raided her home. She was [held](#) in Tehran’s [notoriously brutal](#) Evin Prison. Hejab was freed on bail in March 2020, but [sentenced](#) three days later by a Revolutionary Court in Tehran to 18 years in prison on multiple charges, including “gathering and planning against national security” and “joining opposition groups to defend women’s rights.” Hejab’s sentence was [upheld](#) on appeal in May 2020, and she was transferred to Qarchak Prison to serve her sentence.

The Kurdistan Human Rights Network claimed in November 2020 that Hejab had been [charged](#) with “propaganda against the system” and “disturbing public opinion” for releasing a letter on the anniversary of the November 2019 protests.

Treatment in Captivity

Hejab has claimed that she was [physically abused](#) at Evin and beaten badly following her appeal. She has also stated that an interrogator [repeatedly threatened](#) her with being killed. She [went](#) on two hunger strikes in protest of her imprisonment and the regime’s harassment of her relatives. At Qarchak Prison, Hejab was allegedly [assaulted](#) by prison officials and two prisoners.

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Female inmates at Qarchak have reportedly [suffered](#) due to lack of water and medical facilities, as well as overcrowding.

In 2021, Hejab was reportedly [transferred](#) to Sanandaj Central Prison.

Activism from Prison

Hejab [issued](#) a letter from Evin Prison in 2019 condemning the regime's repression of recent protests and saying that she had carried out a hunger strike until her captors claimed, falsely, that they would free her.

In February 2020, Hejab, joined by 11 other female political prisoners, [released](#) an open letter calling on Iranians not to participate in the upcoming elections for parliament.

In June 2020, Hejab [released](#) an audio message calling on the regime to free her brother from his imprisonment and move Zeinab Jalalian, a Kurdish political prisoner diagnosed with COVID-19, out of Qarchak. She added, "Let me also say this to the lackeys of this regime: I'm not scared of any of you. I'm screaming from prison: Down with the dictator! Down with Khamenei!"

The *Jerusalem Post* [reported](#) in October 2021 that Hejab "suffer[ed] from severe health problems" and had carried out another hunger strike.

In March 2022, the Center for Human Rights in Iran [said](#) that Hejab was ill but being denied medical leave.

In December 2022, Hejab was brought into court in a wheelchair and presented with further, unreported charges against her. Hejab reportedly was in a wheelchair because she [had been assaulted](#) and suffered injuries to her legs and back.

Release

Hejab was reportedly [released](#) from prison in March 2023.

Mohammad Najafi



Biography

Mohammad Najafi is an Iranian human rights lawyer who has been arrested and imprisoned multiple times due to his activism in support of persons persecuted by the Iranian regime.

In one example of his activism, in a May 2017 speech at a mosque in Shazand, Najafi [said](#):

“I have one question [for the regime]. So far, who has sought to understand why this city has such a rampant drug problem, so many unemployed people, and so much poverty? Does it matter to any of them at all?... Ask them: is Iran a priority for you, or are Iraq, Syria, and Lebanon the priority? Ask them: are the people your priority, or is it the [rule of the supreme leader]? Our time is an era of masters and slaves: all for one, that one being the ultimate master; the treasure is for one, while all others suffer... You have kept us hungry to buy our votes with rice and oil. Is this Islamic justice?... In a state where the highest authority must be the most responsive, [the supreme leader] does not respond to anyone at all... I know that some people here belong to intelligence agencies. I speak before them with full knowledge [of the consequences]... People, you must know that you are the rightful power, you must make your needs known, you must demand...”

Arrests and Trials

The authorities first [arrested](#) Najafi in 2009 and [charged](#) him with “insulting the president,” “propaganda against the regime,” and “possession of satellite TV equipment.” He was [sentenced](#) to three months’ imprisonment, fined, and barred from working as a lawyer for six months.

In 2012, Najafi was [arrested](#) again for his political activities—including his involvement in a sit-in at the building of the Central Bar Association in support of human rights attorney Nasrin Sotoudeh—and online publications. He was [acquitted](#) of all charges.

In 2016, Najafi was [arrested](#), jailed, and [charged](#) with “slander with intent to disturb the public mind” after giving a speech critical of the regime” and later with “disturbing the public mind.” He was [released on bail](#) soon thereafter.

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In 2017, Najafi was [charged](#) by the Shazand Judiciary with “propaganda against the regime” for his social-media posts and released on bail.

In January 2018, Najafi was [arrested](#) and [jailed](#) again, this time for his investigation of the death in police custody of Vahid Heydari. The authorities had [arrested](#) Heydari for his [involvement](#) in protests against the regime during the winter of 2017–18. The regime [claimed](#) that Heydari was a drug addict and had [died by suicide](#). Najafi [conducted](#) interviews and research in Heydari’s hometown and [determined](#) that Heydari was not a drug user and did not die by suicide. Najafi and four others were [charged](#) with “taking part in protests, disrupting public order, disturbing public opinion, publishing falsehoods... [and] organizing and membership in groups conspiring against the state.”

Najafi was [released](#) on bail in April 2018. In July of that year, he was [convicted](#) of “disturbing public order through sensationalism, controversy, and disorderly conduct such as sloganeering” and “slander with intent to disturb the public mind” and [sentenced](#) to three years’ imprisonment prison and 74 lashes.

In October 2018, while still out on bail pending appeal of his sentence, Najafi was [arrested and jailed](#) again. Najafi was then convicted in quick succession by several different courts of multiple pending charges. He was [sentenced](#) to one year in prison for “disseminating lies in cyberspace through computers and telecommunication services with intent to disturb the public mind”; one year for “propagandizing for opposition groups and organizations”; two years for “insulting the Supreme Leader with ‘down with the dictator’ slogans”; ten years for “cooperation with hostile governments through media interviews”; and two years’ in prison and a 40 million rial fine for “disturbing the public mind.”

In March 2019, Najafi was [released](#) and [received a pardon](#) for his three-year sentence for “disturbing public order through sensationalism, controversy, and disorderly conduct such as sloganeering” and “slander with intent to disturb the public mind. However, he was [arrested](#) again four days later and [incarcerated](#) to begin serving his ten-year sentence.

In late 2019 and early 2020, Najafi was [convicted](#) of several further charges and [sentenced](#) to additional prison time, including four months for “agitating the public consciousness,” three years for “insulting the supreme leader” in a letter he wrote from prison, and six months for giving a speech at a ceremony in remembrance of Sattar Beheshti, a blogger who died in the custody of the authorities after being tortured.

In September 2022, Najafi’s ten-year prison sentence [was reduced](#) to four-and-a-half years.

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In April 2023, Najafi was [sentenced](#) to two years' imprisonment in prison and a fine of 150 million rials for "disseminating lies," and one year in prison for "propaganda against the state." The Human Rights Activists News Agency [claimed](#) that the charges were brought after he recorded and released audio from prison in support of widespread protests against the Iranian regime. Najafi was then [transferred](#) from Arak to Tehran's [notoriously brutal](#) Evin Prison.

Treatment in Captivity

Najafi has [suffered](#) from serious health problems during his imprisonment at Arak Central Prison, including a heart attack, other cardiac issues, and diabetes. He has repeatedly been [denied](#) medical care, medical furloughs, or transfer to a hospital outside the prison. He has [gone on hunger strike](#) several times—including one that lasted seven weeks—to protest this denial or medical care and furloughs, as well as his placement in solitary confinement. In response to his hunger strikes and the rampant spread of COVID-19 in Iranian prisons, he has received medical furloughs several times but was [returned](#) to prison thereafter on each occasion.

Activism from Prison

In addition to his hunger strikes, Najafi has engaged in other activism during his imprisonment. In September 2019, he [wrote](#) an open letter to Iran's supreme leader which later earned Najafi a conviction and prison term. He [recorded and released](#) an audio statement in support of Iranians protesting the regime. And Najafi has repeatedly [refused](#) to appear at court proceedings in cases against him.

Persecution of Relatives

The regime has [arrested](#) Mohammad Najafi's son, Amir Hossein Najafi, on trumped-up charges, and [interrogated](#) other relatives of Mohammad, including his sister.

Nasrin Sotoudeh



Biography

Nasrin Sotoudeh is among Iran's most senior human rights attorneys. As the U.S. Institute of Peace notes, she has [represented](#) "women's rights activists, victims of domestic abuse, minors on death row, journalists and Kurdish rights activists." Prominent clients of hers [include](#) Nobel Prize winner and prominent human rights lawyer Shirin Ebadi and Narges Hosseini, the latter of whom has protested mandatory head covering.

Sotoudeh [co-founded](#) the Campaign for Step-by-Step Abolition of the Death Penalty (LEGAM) in 2013, and was an involved member of the Iranian Women's Coalition.

Detentions and Trials

The regime [arrested](#) Sotoudeh in September 2010. At the time, she was [representing](#) relatives of protesters killed by the authorities. She was [charged](#) with "acting against national security" and "propaganda against the system." She was [sentenced](#) to 11 years in prison (later reduced to six years after international outrage), but released in 2013.

In June 2018, after publicly criticizing the requirement for those charged with security crimes to select their lawyers from a regime-approved list, Sotoudeh was [arrested](#) once more. Before she was even tried and before her family was even informed of the charges against her, she was [sentenced](#) to five years' imprisonment. Sotoudeh's lawyer [stated](#) in August 2018 that the five-year sentence had been issued pursuant to an "espionage in hiding" charge that had been brought in absentia in 2015. She was subsequently [charged](#) with membership in LEGAM and other human rights groups and with "encouraging people to corruption and prostitution," which may have stemmed from her representation of Narges Hosseini.

Sotoudeh [refused](#) to show up to her 2018 trial in protest of the regime's refusal to let her select her own legal counsel. In March 2019, she was [convicted and sentenced](#) to an additional 33 years in prison and 148 lashes. Sotoudeh [refused](#) to appeal on principle, as she did not accept the legitimacy of the verdict or Iran's system of justice.

Treatment in Captivity

Sotoudeh was [held](#) in Iran's [notoriously brutal](#) Evin Prison.

Hunger Strike

In the spring of 2020, Sotoudeh [began a hunger strike](#) to seek the release of political prisoners in light of COVID-19's rapid spread through Iran's prison system.

In September 2020, Sotoudeh was [hospitalized](#) with cardiac and respiratory problems. Her daughter, Mehraveh Khandan, [said](#), "The security authorities have done everything to her with the aim of creating one of the most inhuman conditions in the hospital, to isolate her from the outside World, to prevent any contact so that she can submit to the will of the security guards."

Notwithstanding her medical problems, the authorities [returned](#) Sotoudeh to Evin on September 23, 2020. She ended her hunger strike three days later but her health [worsened](#), with her husband, Reza Khandan, claiming that she was brought back to prison as "a deliberate attempt to put her life in danger." Contrary to assurances from the prison authorities that Sotoudeh would be hospitalized again, instead she was [transferred](#) to the [Qarchak women's prison](#), which has been sanctioned by the United States and European Union for human rights abuses.

Sotoudeh was [furloughed](#) on November 7, 2020, and tested positive for COVID-19 during a doctor's visit. She was [returned](#) to Gharchak Prison on December 2, 2020.

Medical Leave

The regime [permitted](#) Sotoudeh to go on a five-day furlough from prison in July 2021 to seek medical treatment. She [remains](#) on leave as of early 2023.

Retaliation against Family

In September 2018, Sotoudeh's husband, Reza Khandan, was [arrested and held](#) for three months after criticizing Iranian human rights abuses on Facebook, including the jailing of human rights activists. In January 2019, the Iranian judiciary [sentenced](#) Khandan to six years' imprisonment for "conspiring against national security" and "propaganda against the system." [According](#) to Khandan's lawyer, Khandan was also "banned for two years from leaving the country, any activity in social media or newspapers, and membership in political groups."

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Agents of Iran’s judiciary and ministry of intelligence [stormed](#) Sotoudeh’s house in August 2020 and [arrested](#) her daughter, charging her with “insult and assault.” Sotoudeh’s husband [stated](#) that the arrest resulted from a dispute between his daughter and a prison guard in 2019.

In May 2020, the Iranian judiciary [froze](#) Sotoudeh’s bank account. In response, Sotoudeh’s husband [posted](#) the following on Facebook: “We believe the prosecutor’s action is aimed at putting economic pressure and financially hurting the family in a time of crisis and economic collapse due to the incompetence and inadequacy of the government and ruling establishments. We will not stay silent in the face of such inhuman actions.”

Award

Sotoudeh was [awarded](#) the 2018 Ludovic-Trarieux International Human Rights Award.