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Warsaw, 12 March 2012.

His Excellency
Samad Ali Lakizadeh
Ambassador
of the Islamic Republic of Iran
in the Republic of Poland
ul. Królowej Aldony 22
03-928 Warsaw

Dear Mr. Ambassador,

The Human Rights Commission of the Polish Bar Council of the Republic of Poland expresses its deep concern in relation to media information we have been receiving about the indictment of the Iranian advocate, Abdolfatah Soltani, who was sentenced to 18 years imprisonment and 20 years ban on performing the advocate's profession. According to the news the punishment is a form of persecution for Mr. Abdolfatah Soltani's practice as an advocate. The essence of an advocate's profession is to provide legal assistance to anyone who needs it. An advocate is obliged to help and support anyone who requests his help. It is also the essence of an advocate's profession to preserve independence of any state authority and to resist any form of pressure. It is the obligation of defense counsel to raise charges against the activities of state authorities if they threaten the rights of their client; especially in the case of violations of the right to a fair trial and breaches of human rights an advocate is entitled to bring the matter to public attention for the benefit of his client. It is inadmissible to subject advocates to legal prosecution on the grounds of their right to perform their profession on account of the nature of the charges brought against their clients or their dissident activity.

We are also deeply concerned about the fact that the verdict against advocate Abdolfatah Soltani was not publicly announced.

In the assessment of the Human Rights Commission of the Supreme Bar Council the events described above give rise to serious doubts as to the state of democracy, rule of law and human rights in Iran. The information about persecution of a well known Iranian Human Rights activist and advocate, Abdolfatah Soltani, by the state authorities leads on the one hand to the conclusion that democracy itself may be at risk, and on the other that an individual's ability to exercise his or her right to professional legal assistance may be seriously threatened.

The Commission would like to reiterate that the essence of an advocate's profession is his independence, and the basis for the existence of advocates' professional self-government is

autonomy, specifically in relation to the state authorities. The implementation of the two principles mentioned above enables advocates to undertake effective defense of the rights and interests of individuals, particularly in cases of conflict with the state, which enjoys all the means to impose its own rule as well as means of coercion. It is the duty of defense counsel to raise charges, vocally and resolutely, against the activities of state agencies if in his opinion such activities infringe upon the interests of the client. This loyalty towards the client is the first and most important duty of an advocate.

The Human Rights Commission of the Polish Bar Council fully supports the initiative of Amnesty International aiming to free advocate Abdolfatah Soltani and to bring about a revision of the verdict in this case.

In these circumstances the Human Rights Commission of the Polish Bar Council cannot remain silent.

On behalf of the Human Rights Commission of the Polish Bar Council,

Yours sincerely,

Advocate Mikołaj Pietrzak

Chairman of the Human Rights Commission
of the Polish Bar Council