



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES



UK Foreign and
Commonwealth
Office

**REPORT OF THE U.K. LEGAL DELEGATION'S
VISIT TO THE ISLAMIC REPUBLIC OF IRAN**

24 APRIL – 1 MAY 2004

**Sir Robert Owen
Stephen Solley QC
Jane Hickman
Sara Mansoori**

REPORT OF THE U.K. LEGAL DELEGATION'S VISIT TO THE ISLAMIC REPUBLIC OF IRAN

I. SUMMARY

1. The visit was organised by the Bar Human Rights Committee ("BHRC") and the Foreign and Commonwealth Office ("FCO") and hosted by the Iranian judiciary. It took place between 24 April and 1 May 2004. The members of the UK delegation were Sir Robert Owen, Stephen Solley QC, Jane Hickman and Sara Mansoori. The delegation spent four days in Tehran and two days in Shiraz.
2. The main aims and objectives of the visit were:
 - To engage in an exchange of information and ideas about the UK and Iranian legal systems with a view to creating a greater understanding and awareness of the two respective systems;
 - To establish links between the UK and Iranian legal sectors; and
 - To identify areas for future exchanges, co-operation and projects.
3. The visit was very successful and all the aims and objectives of the visit set out above were achieved. We were grateful to the Iranian judiciary for organising a full and comprehensive timetable and allowing us access to many courts and judges, as well as time to meet the Bar Association and law students. We would like to record our thanks to all judges, lawyers and academics that we met for their warm welcome and for treating us with so much hospitality during our visit.

II. BACKGROUND

4. The project arose as a result of an application made by Sara Mansoori, Head of the BHRC Middle East Section in early 2003 to the FCO Human

Rights Policy Department. The application was unconnected a visit by Iranian Judiciary to London in March 2002, with which the BHRC was not involved; however we were informed by the FCO that it addressed issues raised by that visit and would enable the links that had been established to be maintained and re-enforced. The UK delegation was designed to be representative of the UK legal profession and comprised of Sir Robert Owen, former Chairman of the Bar Council and a Judge of the High Court of England and Wales, Queen's Bench Division; Stephen Solley QC, a criminal barrister, former chairman of the Bar Human Rights Committee and Head of Chambers at Charter Chambers; Jane Hickman, a criminal and human rights solicitor and founding partner of Hickman and Rose Solicitors; and Sara Mansoori, who was born in Iran and is a barrister practising in media and human rights law and Head of the BHRC Middle East Section.

5. The project was originally planned to take place in October 2003; however it was postponed due to the political situation that arose as a result of the request by the Government of Argentina in about September 2003 for the extradition of the former Iranian Ambassador to Argentina, Hade Soleimanpour, who it accused of being involved in the 1994 bombing of a Jewish Cultural Centre in Argentina. The application was refused in November 2003.
6. The project was rescheduled to take place in April 2004. We had put together a draft timetable based upon topics that had been identified in the Report from the Iranian judiciary's visit in March 2002 and our discussions with the Foreign Office. A meeting was set up between representatives of the Iranian Judiciary and Hannah Carter, a diplomat working in the British Embassy in Iran, to discuss and finalise the draft. The final timetable deviated from the original draft timetable we had proposed, which envisaged more talks, seminars and workshops than round table discussions. However, the new format served the purpose of the visit better as it enabled an exchange of information to take place.

7. Prior to the visit the delegates had a preparatory meeting in London. Andrew Woodcock from the Iran Desk at the Foreign Office attended part of this this meeting. Stephen Solley QC and Sara Mansoori also met the Iranian Ambassador shortly before departing to Iran. The Ambassador said he was delighted that the visit was taking place and requested that the delegation visit him after returning from Iran to discuss the results of the project.

III. PROGRAMME

8. The timetable for our programme in Tehran was arranged by the Iranian judiciary, in particular, Mr. Alireza Saedi, the General Director Assistant of the Judicial International Affairs. It was extremely comprehensive and we are grateful for the thought and planning that went into its preparation and implementation. During the week long visit we had meetings with judges, legal advisors, members of the Bar Association and law professors; and we gave lectures and participated in question and answer sessions with trainee judges and law students. We also visited the Civil Courts, Family Courts, judges' Disciplinary Courts, the Reconciliation/Arbitration Council and Juvenile Correction and Rehabilitation Centre in Tehran.
9. We spent the final two days of the visit in Shiraz. We greatly appreciated the hospitality of the judges from the Fars Province and the programme that had been arranged for us. After a formal meeting where issues relating to our respective legal systems were discussed, we visited the Civil Courts and the Revolutionary Courts and were then able to discuss legal issues on an informal basis over the course of the two days.
10. We were greatly assisted during our visit by our translators, Mr. Mehrabi and Mr. Kuhpareh, who accompanied us on all our meetings in Tehran and without whom we would not have been able to have had such in-depth and valuable discussions and exchanges about our respective

legal systems. We are also grateful to our translators in Shiraz who performed a similarly invaluable role when we visited the Fars Province. We appreciated the assistance of Hannah Carter both prior to and during our visit and she accompanied us on many of our visits. We were also accompanied by Mr Hadadi and Mr Roshan, from the Judicial International Affairs Department, who looked after us with great skill and energy and ensured that we were always on time for our various meetings.

11. We have summarised each meeting/visit below, setting them out in chronological order. In addition to these formal meetings and visits, we also had an opportunity to meet many of the judges, lawyers and academics informally over breakfast, lunch and dinner. This provided a very useful opportunity to discuss matters on a one-to-one basis and establish links with our Iranian hosts. The meetings were all conducted in Farsi, although a number of individuals that we met also spoke excellent English. We have endeavoured to accurately record and reflect what was said at each meeting with a view to assisting delegates on any future Iranian legal project. However, particularly due to understandable difficulties in translating technical legal terms, it is possible that there may be some misunderstandings and/or inaccuracies and if that is the case we apologise and hope that it does not detract from the main points in issue. It was not part of our remit to conduct an in-depth analysis of the various aspects of Iranian law and procedure that we were informed about and we have simply recorded what was said at the meetings we attended. Nevertheless, where possible we raised matters that had previously been discussed in later meetings to assess the topic from a different perspective and to confirm our understanding.

Meeting with the Law Professors of Tehran University, Judicial and Political Sciences Faculty, 24 April 2004, 15.00 – 16.30

12. This meeting introduced the delegation to the academic study of the law in Iran. The delegation was welcomed by the Head of the Faculty, Dr Doroudian who introduced his colleagues: Dr Golghi, the former Chief President of Tehran University and presently teaching Criminal and Penal law; Dr Eraghi, the former Head of the Faculty; Dr Mohammad Ashouri, Director of the Institute of Criminal Science and Criminology; Dr Mosavi, Head of the Public Law Department; Dr Khatradodi, member of the Public and International Law Department and a member of the Guardian Council; and Dr Nasrin Mosaffa, Head of the Institute on Human Rights.

13. We were told that the Judicial Faculty is one of the oldest faculties in the University and is currently celebrating its 70th anniversary. The faculty offers students a wide range of subjects, including public law, private law, human rights, international relations and public policy making. The average age of the students and length of BA and MA degrees and PhDs is similar to what one would find in British Universities. The majority of the current 2,000 law students are female and we were told that a woman had recently been appointed as the Legal General Director of Tehran University. The students are divided into two groups, day students and evening students. While the day students are exempt from paying fees, the evening students are not.

14. An Institute on Human Rights had been set up in about 2001 which offered postgraduate qualifications and there are currently 24 students undertaking the course. Subjects taught at the Institute include 'Freedom of Expression' and 'Justice, Equality and Equity in Human Rights'. In addition the Institute has held six workshops since 2000 on topics such as women's rights and the rights of the child. Certain key textbooks have been translated into Farsi and we were told that the students are very keen to learn about human rights. At the end of the meeting we were each given a booklet entitled '*Achievements of the First Phase of the Project on Strengthening Capacities for Human Rights Training and Research*'. We gained the impression during our meeting

that the teaching at the Institute concentrated on international human rights issues rather than domestic human rights issues. Although, following the meeting, we noted from the Human Rights booklet that Iranian domestic policy appears to be covered as part of the research studies syllabus. We are of the opinion that many of the professors, lawyers and judges would welcome further co-operation and dialogue on the topic of human rights and that further projects on this subject could be implemented. If such a project was to take place, we would recommend the involvement of the Institute on Human Rights at Tehran University.

Meeting with Dr Pour Nouri, President of the Tehran Civil Courts, 25 April 2004, 9.00 – 11.00

15. The meeting with Dr Pour Nouri, the President of the Tehran Civil Courts, and one of the members of the Iranian Judicial delegation that visited London in March 2002, took place in the Tehran Civil Courts complex.
16. Dr Pour Nouri explained the general court system in Iran and the work of the Civil Courts complex. The civil division of the public courts has jurisdiction over all civil cases regardless of value. The criminal division has jurisdiction over all criminal matters except those falling within the jurisdiction of the provincial criminal courts. The Appeal Court has criminal and civil divisions. The Supreme Court is the final court of appeal and also hears appeals from Revolutionary Courts. It also has a function in assisting lower courts by ruling upon interpretations of legislation.
17. There are over 45 courts and 55 judges in the Civil Court complex. The courts are all single judge courts. We were told that each judge deals with about 8-9 cases a day and that most of the parties have legal representation. Parties are not obliged to attend the hearings and some matters are dealt with on paper. The civil courts deal with disputes such as those relating to property and land, promissory notes, bills of

exchanges and cheques. Judges can either give their decision on the day of the hearing or within a week of the hearing. Writs can be filed within one day and a trial will normally take place within about 2-3 months. It takes on average two years to obtain judgment. Parties are encouraged to settle their disputes and a large number of Arbitration Councils have recently been set up (see paragraphs 45-49 below). Dr Pour Nouri said that legal aid and cost issues are the same as in the UK. He explained that judges are required to give reasoned judgments and that judges have immunity, not only in relation to their judgments, but also in all other areas of their life.

18. Dr. Pou Nouri observed that judges can make decisions against the government in relation to by-laws or regulations, but not in relation to Acts passed by Parliament. The delegation noted that in some countries, such as Pakistan, corruption in the judiciary was a problem and enquired whether it was also a problem in Iran. Dr Pour Nouri said that there was no corruption in Iran with judges or the police. In relation to enforcement of judgments, the delegation learnt that the civil courts have the power to imprison people who do not pay judgment debts. Dr Pour Nouri said that people could be imprisoned until they pay and that they could be imprisoned for life. If people were unable to pay, special provisions existed. Dr Pour Nouri said that this worked in 90% of cases in persuading people to pay judgment debts.

19. Following our meeting with Dr Pour Nouri, we were taken to observe a civil case. The applicant was not legally represented and was applying to invalidate a traveller's cheque for 20 million rials (about £1,440). The bank had been on notice of the hearing but had not appeared. The court room contained a small desk at the back of the room by the door where the judge's clerk carried out their administration. The judge sat at a slightly elevated desk and the applicant was sitting nearby on his left. The judge questioned the applicant about how and when he had obtained the traveller's cheque and wrote down his responses in manuscript. The atmosphere was informal and business-like. The

Courtroom was modest and without pomp. We asked to see another case and visited two further courts, but both judges had finished hearing cases for the day. These judges said that they had heard five cases that day.

Meeting with the “Legal Advisers” Centre, 25 April 2004, 11.15 – 12.30

20. Dr Hejazi welcomed the delegation and introduced his colleagues at the Legal Advisers Centre: Dr Nazemi, Dr Ebrahim and Dr Sedigh. Legal advisers are relatively new to the Iranian Legal System. Dr Hejazi explained that after Mr. Khatemi became President of the Islamic Republic of Iran, the Government gave permission to the judiciary to set up a legal advice service. Dr Hejazi stated that there were two problems that the people of Iran were facing: firstly the costs of legal services; and secondly the lack of access to lawyers. He said that the establishment of “legal advisers” has begun the process of eliminating this problem and created competition. Special exams have been held since 1991 and have been sat by 20,000 people. Out of these 3,000 are now certified legal advisers and about 1,000 of these are women. The criteria for admission is based on merit and not upon gender. At present there are 4,000 people going through training to become legal advisers. Dr Hejazi compared this to the Bar Association of Tehran where, despite being established for 90 years, there are only currently 4,000 trained lawyers. He said that they estimate that there will be 100,000 lawyers practising in Iran in 10 years time. Dr Hejazi said that they were expecting and hoping that every Iranian would be able to have a lawyer at low cost. Dr Hejazi explained that individuals have the right to free legal advice at a police station and that there were currently discussions to provide every prisoner with a lawyer and that a contract to that effect was being signed by the Head of the Prison. There were also plans to make it obligatory to have a lawyer in certain cases.
21. We were told that there are two categories of legal advisers, grade A and grade B. Grade A legal advisers have jurisdiction which covers all types

of cases, as with lawyers from the Bar Association. The jurisdiction of the grade B legal advisers is narrower, however grade B legal advisers can be upgraded to grade A legal advisers after two years. The legal advisers are paid by reference to judiciary tariff tables. The Legal Advisers' Centre operates a walk-in centre which provides pro bono advice. There is also a Disciplinary Committee in the centre which examines complaints that legal advisers have violated their job description, for example, by over-charging clients or failing to defend their clients properly. We were told that there had recently been three cases where legal advisers had over-charged their clients.

22. Dr Hejazi explained that plans were underway to introduce an insurance scheme whereby if a person was injured, they would pay part of the legal fees and the health insurance body would pay the other part. Due to lack of time we were not able to explore the mechanisms of this scheme further; however it is an area upon which we would recommend and welcome further co-operation and dialogue.
23. Dr Hejazi said that there was no conflict between the Centre and the Bar Association. This is obviously a very sensitive subject and we learnt more about the views and concerns of the Bar Association during our meeting with them (see paragraphs 63 – 68 below). We have set out our conclusions and recommendations on this matter at paragraph 77(i) below.

Meeting with Mr Karimirad of the Judges' Disciplinary Office, 25 April 2004, 16.00 – 17.00

24. Mr Karimirad welcomed the delegation and said that he had been a member of the delegation which visited London in March 2002. He stated that the Iranian delegation learnt very fruitful lessons on their visit and had brought what they had learnt back to Iran. He had also written a book entitled '*A Glance at the Judicial System in England*'.

25. Mr Karimirad explained the role of the Judge's Disciplinary Court. Essentially its function is to supervise and ensure that judges act in accordance with the law. He referred to Article 166 of the Constitution, which provides, '*Decisions of the court must be rational and supported by law and by those principles based on which the decision has been rendered*'. According to Article 570 of the Islamic disciplinary law, judges are not allowed to breach any right that have been given to people in Iran. Mr Karimirad said that judges in Iran have complete independence; he only has to obey his conscious and God. The Judges' Disciplinary Office has jurisdiction over all judges, including those of the Supreme Court and Revolutionary Courts. The Disciplinary Prosecutor is appointed by the Head of the Judiciary. There are various sanctions that the Judges' Disciplinary Office can impose, including:

- punishment without a note on file;
- punishment with a note on file;
- reduction in salary by 1/3 for 5 months;
- temporary suspension;
- reduction in status of judge; and
- dismissal.

26. The delegation explained that in England and Wales, if a judge made a mistake that was not a matter of discipline, but rather a matter that could be appealed.

27. At the beginning of the meeting we were told that the number of complaints could reach 500 per year, however later in the meeting we were told that 450 complaints had been received in the previous month alone. Mr Karimirad stressed that about 95% of all complaints were groundless and were rejected. (It may be that the initial figure that we were given did not include complaints deemed to be groundless.) When asked further about specific statistics he said that such statistics were

not available. There was no penalty or punishment for making a complaint that was rejected. When asked to provide an example of a recent case where a judge had been disciplined, we were told of an instance where a judge had not accepted a surety that an individual had brought to court when he should have done. The consequences of the judge's decision was that the individual was imprisoned when he should not have been. That judge had been suspended.

Meeting with the General Director and Staff of the Tehran Juvenile Correction and Rehabilitation Centre, 26 April 2004, 10.30 – 12.45

28. The delegation was welcomed by the General Director of the Tehran Juvenile Correction and Rehabilitation Centre ("the Centre"), Mr Maghareh Abed, who introduced us to the Deputy Administrator of Prisons in Tehran, the Assistant President of the Centre, The Head of Training and Research Department for the Prisons and the Chief Executive of one of the groups of volunteers that had been involved in the Centre for 10 years.
29. Mr Meghareh Abed explained that this was the only Centre of its kind in Tehran, although there are 23 similar centres around Iran. The Centre accommodates under 18 year olds. There are currently about 250 boys and about 36 girls. The boys who are under 15 years of age are kept separately, as they are below the age of criminal responsibility. The age of criminal responsibility for girls is 9 but is being increased to 16. The average age of the children in the Centre is 17 years of age. The main offences committed by the children are theft and aggression offences.
30. The Centre is affiliated to the Ministry of Education, it has links to the Ministry for Labour and Social Affairs and it works under the supervision of the prisons and the judiciary. The Centre also has interaction with other bodies such as Sports Centres, Vocational Training Centres, NGOs and UNICEF. It offers 11 different vocational courses.

31. Mr Meghareh Abed explained that he and the other members of staff treated the children in the Centre as their own sons and daughters. On arriving at the Centre, the children are given a bag containing items such as a toothbrush, books, paper and pens. They are shown a film about the Centre and told that it is a Centre for training and education and not a prison. Mr Meghareh Abed said that this decreases the tension and the desire of the children to take revenge on the police who arrested them. Each child has a social worker and psychologist (who each look after 25 children). Mr Meghareh Abed said that the Centre benefits from the experience of women who have been mothers. The Centre also 'practices democracy' by holding elections for a Mayor and City Council from amongst the children. The Centre has a barbers' room, computer room, sports room and workshops where the children learn crafts and the children are paid for any services they render. They are also allowed to spend 1-2 days with their families and this can be extended with the permission of the judge. There is a place in the Centre known as the department for advice, where children are kept under surveillance, for example if a child has committed murder or there is a real concern that they might try to escape or they are causing trouble with other children. There are four separate bedrooms. Children are kept there in order to assess their behaviour and can then be sent back to the main dormitory. Each child has their own file, which contains their records and details of tests they have taken, such as personality tests and other psychological tests.
32. The average length of time children spent in the Centre is 3-4 months, however there are many children who have spent 3-4 years and other cases where children are only in the Centre for 10 days. The decision as to length of sentence is for the judge, who is assisted by a social worker or psychologist. Some children are released after serving half their sentence. Mr Meghareh Abed explained that there is a new scheme in Iran which allows custody at home or obliges children to follow a course of study or career. When the children are released from the Centre they

are given a card with the telephone number of the Centre on it and told to get in contact with their social worker if they encounter any problems.

33. There are also a scheme which began about 2-3 years ago called 'My Home'. These Homes are run by individuals who adopt a parental role in relation to the children. Mr Meghareh Abed gave an example of one Home where two girls were currently staying, one of whom had been seriously addicted to drugs and the other who had been trapped in prostitution. He said that one of the girls is now studying in University and the other is working and earning a living.
34. We were told that whereas previously the number of children who were re-offending and returning to Juvenile Correction Centre was 18%, since the introduction of this Centre it had been reduced to 6.1%. Mr Meghareh Abed explained that there was no centralised system for collection statistics and so they cannot be sure how many children were re-offending and going to other Centres either in Tehran or elsewhere. We were told that one problem was that Tehran was a big city and that this was the only Centre of its kind in the capital. He said that some of the children who are released may commit crimes and not be arrested or that they may go back to their homes in other towns and cities where they could re-offend. We were told that there was one instance of a child committing suicide about 5 years ago and that the instances of self-harm amongst the children had decreased. Mr Meghareh Abed noted that children do such things to attract attention to themselves and that they had put in place measures to try and avoid the problem from arising.
35. Following our round table discussion we were shown round the Centre. We were greeted by the Mayor and he accompanied us on our visit. The Centre was extremely impressive, both in terms of the variety of activities that were being taught and in terms of the atmosphere. There were rooms and workshops set up for the children to study computers; learn how to cut hair; and do woodwork and pottery. There was a library and a large gym where the boys performed a football display for us. We were

also given a copy of the newspaper that some of the children at the Centre had produced and met the editor of the newspaper. The atmosphere was comparable to that of a school or college. The interaction between the staff and the children that we witnessed was extremely friendly and it was clear that they shared a good relationship. Specific steps had been taken to create an environment that would alleviate tension, for example by painting the bars on the windows the same colour as the bricks.

36. We were extremely impressed with the work of the Centre and its staff in dealing with the difficult problem of juvenile offenders.

Round table discussion with Dr Sadeghi and Professors from the Judicial Science Faculty, 26 April 2004, 14.30 – 15.30

37. Prior to the lecture to the trainee judges at the Judicial Sciences Faculty, the delegation had a round table discussions with Dr Sadeghi, the Dean of the Faculty and some of the Law Professors. We were told that the Faculty has 23 employed members of academic staff and caters for 650 students, almost all of whom become judges. We discussed the Iranian and English judicial systems; the distinction between barristers and solicitors; the Law Commission; the Judicial Studies Board; Legal Aid and methods by which the English systems deals with the heavy workload of cases, such as mediation and case management by Masters.

Lecture to trainee judges at the Judicial Sciences Faculty, 26 April 2004, 15.30 – 18.00

38. Sir Robert Owen introduced the lecture by saying that he had learnt that all the students present were intending to become judges. He said that it was a role with heavy responsibilities but that it can be very rewarding.

He said that he admired them all for their choice and that he confident that all of them would discharge their functions as judges with the independence that we expect in the UK and Iranians expect of their judges. He concluded by stating that he knew that in their training they would have come to realise that the rights of their fellow citizens depend upon a strong and independent judiciary and he wished them well in their careers. The main lecture covered an outline of the English Legal System, including the court structure, training for judges, the role of the judge and an explanation of the common law system.

39. The lecture was followed by a question and answer session, which, by request of Dr Sadeghi, continued for about two hours. A large number of questions were written by the students and Dr Sadeghi chose which ones to read out. We were impressed by the high standard and depth of these questions, which were as follows:

- (i) Is there a Prosecutors Office in the UK?
- (ii) What is the salary of a judge?
- (iii) If, due to a change of circumstances it is evident that certain case law is not satisfactory, what are the ways to change it?
- (iv) What is the distinction between a barrister and a solicitor?
- (v) What is the UK position on capital punishment and is it just to imprison someone?
- (vi) Is there any definition of 'political crimes' and is there a particular court in the UK to deal with political crimes?
- (vii) Is there any particular court for crimes committed by Heads of State?
- (viii) Why did the judicial system not intervene in the case of David Kelly?
- (ix) If the jury are not lawyers, how can they determine whether the accused are guilty or not guilty?
- (x) How are judges appointed?
- (xi) Are there special courts for juveniles and special courts for judges?

- (xii) Is it necessary for someone who wants to become a judge in the UK to be a British Citizen?
- (xiii) Is it true that there is a tendency to move towards having a codified system of law in the UK?
- (xiv) English law is based on case law - if there is an area where there is no case law, how is the court able to pronounce a judgment?
- (xv) If the same offence was committed by two people, one under pressure of hunger and the other to attract the attention of his parents, would there be a difference in how the law is applied and/or the sentences handed down?
- (xvi) How might we be able to continue our studies in British Universities?

Round table discussion with Supreme Court Judges, 27 April 2004, 9.30 – 11.00

- 40. Dr Abul Ma'ali, the Chief of the 6th Branch of the Supreme Court, said he was delighted that we had accepted their invitation to meet and hoped that we would be able to have more co-operation in the future. He said that they anticipated having discussions and exchanging ideas about the Supreme Court. Amongst his eight colleagues was Dr Mir-Hosseini Abedian, who had been a member of the Iranian delegation that had visited the UK in March 2002.
- 41. The discussion concerned the role of the Supreme Court in the Iranian judicial system and the role of the House of Lords in the British system. Dr Abul Ma'ali explained that the judges of the Supreme Court in Iran, in addition to sitting on the final court of appeal in certain narrow instances (i.e. that the judgment was contrary to law or to Sharia), also sat as a General Assembly. The General Assembly is formed by all the judges of the Supreme Court. There are now approximately one hundred Supreme Court judges. Previously, the number was lower; however, it has increased due to the need to have more judges to settle the growing

number of disputes. The General Assembly resolves instances of disagreement between the Court of Appeal and the Supreme Court in situations where the Supreme Court, having disagreed with a decision of the Court of Appeal, has sent a case back to the Court of Appeal and the case has been again decided in accordance with the previous Court of Appeal decision. It also has a role in interpreting legislation. Any authority can notify the Supreme Court if it considers that certain legislation is unclear and capable of different interpretations. The Supreme Court will then decide which cases should go before the General Assembly. Dr Abul Ma'ali said that they have become convinced that this is a useful method of clarifying the law. Background reports are provided to the judges sitting on the General Assembly prior to the debate and the timetable for the debate is prepared in advance. If a judge wishes to speak at the debate, he must notify the Head of the Supreme Court in advance and he will be allotted a certain amount of time. These debates usually take place once a month. Lawyers do not participate. The decisions are notified to other judges and lawyers via newspapers and legal newsletters, and a book setting out all the decisions is published every few years.

42. The Supreme Court is divided into branches; half deal with criminal matters and the other half deal with civil matters. We were told that the Supreme Court judges are not chosen by the government and are separate from the government. They are subject to the disciplinary court, although it is very rare for this to happen. Parties have 30 days to appeal a court decision and cases normally take about 3-4 months to be heard. There is no 'permission to appeal' stage and, Dr Abul Ma'ali said that there are sometimes cases where a party has no sound reason for appealing and uses the process as a delaying tactic.
43. We asked the judges about the Bar Association and the new legal advisers. Dr Abul Ma'ali said that the two bodies complimented each other's activities. He said that Iran needed more lawyers and that

although in theory there are conflicts between the two bodies in practice they have not found any problems.

44. During our meeting there was a discussion between the judges in Farsi which led to one of the Supreme Court judges leaving the room. It appears that this was caused by a language problem. Some of the legal phrases that the judges were using were derived from the Koran and were in Arabic. Our translator understandably encountered difficulties in translating some of these phrases and Dr Mir-Hossein Abedian, who spoke excellent English, therefore explained them to us. It appears that the judge took offence at this and thought that the Iranian judges should all be speaking Farsi and that we should either understand them or our translator should be able to explain what they were saying. After he had left the room, Sir Robert Owen expressed sorrow that the meeting could not be conducted in Farsi and that language problem had caused the judge to leave the room. This incident did not affect the rest of the meeting.

Meeting with Mr Ahmed Miyanji, Assistant to the Minister of Justice and General Director of the Arbitration Council, 27 April 2004, 11.30 – 12.30

45. Mr Ahmed Miyanji said that it was an honour to meet the members of the delegation and that he hoped that these meetings would lead to a greater understanding of our respective systems. He introduced the delegation to his colleague, Mr Ahmad Mohadeghi, an author, criminal judge and Deputy Manager of the Arbitration Councils.
46. He said that Arbitration Councils had been introduced less than two years ago and that there are currently 6616 such Councils throughout Iran. The objectives of the Arbitration Councils are:
- (i) to promote culture, peace and reconciliation in society;
 - (ii) to encourage people to refrain from disputes and quarrelling;

- (iii) to show people an alternative means of resolving disputes than that of the courts; and
- (iv) to decrease the number of cases taken to court.

47. Each Arbitration Council as three members. One is recommended by the Islamic City Council; one is recommended by the Governor, the Leader of the prayers, the Head of the Police Force and the Head of the Justice Department; and one is chosen directly by the judiciary. The minimum age is 25 and individuals are appointed for three years. Mr Miyajji said that efforts are made to ensure that at least one member of the Council has studied law. There are also workshops and classes for Council members. There are a large number of women who are Council members. The members of the Council are not paid, but they receive thanks from their community and each year they are given a letter of thanks and presents. Mr Miyajji also explained that religion also plays a strong role as Imam Ali said that, in the view of God, the act of an individual who reconciles two people is equal to one year's worship and prayers.

48. The jurisdiction of the Arbitration Councils is wide although it is restricted to dealing with cases under a certain financial limit. Mr Miyajji pointed out that even in cases of murder, Arbitration Councils can assist in reconciling the parties. Appeals from Arbitration Council decisions is to a judge in the Justice Department. The system costs one tenth that of the court system. According to statistics, Arbitration Councils have relieved the burden on the courts by 25-30%. Mr Miyajji said that more important than that was the quality of the judgments and the fact that, whereas after a court judgment there is always one side which is unsatisfied and this can lead to future disputes, following a successful arbitration both sides have been reconciled and have forgiven one another. Mr. Miyajji said that the reaction of the public to the Arbitration Councils has been excellent.

49. We were extremely impressed with the speed at which these Arbitration Councils have been set up and with the positive impact we were told they were having on the Iranian legal system.

Meeting with Dr Larijani, Head of the International Judicial Affairs Department, 27 April 2004, 15.30 – 16.30

50. Dr Larijani welcomed the delegation and explained that the Department of International Affairs. He said that it had three main tasks:

- (i) human rights work;
- (ii) the promotion of co-operation with other countries to examine how they administer justice; and
- (iii) to help foreign detainees inside Iran and Iranian detainees outside the country.

51. Dr Larijani said that recently twenty young Iranian judges had been sent to Greece for ten days to participate in workshops and that one hundred prisoners had been exchanged with Azerbaijan. He said that it was unfortunate that human rights had become politicised and that the topic should be de-politicised.

52. The discussion moved to consider the tension that was currently being experienced between the UK judiciary and the executive regarding terrorism, the Human Rights Act 1998 and extradition treaties. The delegation raised the issue of the recent Iranian elections and the fact that many reformist candidates had been barred from standing. Dr Larijani said that there were many flaws in the Iranian election system. He pointed to the fact that anyone could register to stand for election. He then explained that any individual running for election has to declare that they would apply the constitution and would not act against the Islamic State of Iran. By way of example, Dr Larijani said that if someone opposes the constitution they might make a very good

philosopher, but they would not make a good lawyer. He said that the candidates that had been barred from standing were barred because new information had come to light since their last appointment which showed that they had spoken out against the Islamic State. In response to a question about what would happen if a majority of the population wanted to have a secular state, Dr Larijani said that there would have to be a revolution to turn the Islamic State into a secular State – as such an evolution was not possible within the Constitution.

53. We asked Dr Larijani about the Bar Association and the Legal Advisers. Dr Larijani said that in order to qualify for the Bar Association an individual had to pass both a written and oral exam. He said that the written exam was okay, but that the oral exam '*was where they kill you*'.
54. We raised the issue of the death penalty, and what followed was a vigorous exchange on issues such as efficacy and necessity. Dr Larijani explained that 90% of current executions were for drug offences. This sentence had been introduced for expediency as they were fighting a 'war on drugs'. He said that the policy is going to be reviewed shortly to see whether or not it has been working in tackling the problem. The remaining cases were firstly private cases, where the victims family become the 'owners of the blood' and have the right to ask for the death penalty – although Dr Larijani said that the Koran states that it is better to forgive than to ask for blood – and secondly cases where an individual has acted against the security of the State.

**Meeting with the Islamic Human Rights Commission, 27 April 2004,
17.00 – 18.00**

55. Mr Mohammed Hassan Ziaefar, the Secretary General of the Islamic Human Rights Commission introduced himself and his colleagues, Professor Akhoundi, a criminal professor, author of numerous

publications who had previously worked as a judge and Dr Ahmad Khoshemi, a judge of the Supreme Court.

56. Mr Ziaefar explained that the Islamic Human Rights Commission was established nine years ago and has a number of roles, including:

- following up cases where human rights has been violated;
- monitoring cases on human rights both in Iran and abroad;
- research and education on the subject of human rights;
- interaction with international organisations, such as NGOs, the UN and government organisations; and
- expanding a national human rights defenders network in Iran.

57. The Commission has 29 full time staff. It has a number of Committees including a Women's Committee, a Domestic Monitoring Committee and a Foreign Monitoring Committee. They publish an annual report of their findings. Mr Ziaefar continued to explain the role and function of the Islamic Human Rights Commission and then the discussion moved to consider various topics including the current tension between the executive and judiciary in the UK over terrorism; the Human Rights Act 1998 and prisoners rights in the UK.

58. Mr. Ziaefar observed that human rights abuses in certain countries are ignored by the international community and those countries individuals are therefore left defenceless before their government. He said that in such circumstances nations should help one another as one could not expect governments, who are usually the violators of human rights, to assist in this area.

Visit to Tehran Family Courts, 28 April 2004, 9.00 – 10.45

59. Mr Hamidian, the Chief Justice of the Tehran Family Courts, welcomed the delegation to the Family Courts and said that this was the third visit

by UK delegates in the last two years. He said that he believed such meetings were useful to both countries and presented a good opportunity to exchange ideas about family law and courts.

60. Mr Hamidian presented an overview of the Iranian Family Courts and law. He said that the family has got a special status in Iran. The Tehran Family Courts is the largest family law complex in Iran. All cases relating to Tehran's population of 16 million are heard in the court and any decision issued in a Family Court outside Tehran needs to be approved and enforced by the Tehran Family Court. Judges of the Family Court should have four years experience and should have only been married once. Women can and do act as judicial assistants and more than two thirds of the staff in the Tehran Family Court complex are women.

61. The courts have jurisdiction over all family matters, including marriage, divorce, dowry, custody of children, parentage, maintenance and re-marriage. He said that the age of marriage for girls had now increased from 9 years of age to 13 years of age. He explained that his view as that this was still too low and that the Family Court had proposed that the age be increased to 18 years of age and they believed that puberty was not the sole factor that should be considered, and that emotional, social and economic factors should also be taken into account. Mr Hamidian explained the differences between divorce at the request of the husband and divorce at the request of the wife. One out of every five marriages ends in divorce in Tehran. The main reason for divorce was drug abuse, followed by unemployment. Domestic violence was another reason but not the main one. He noted that divorce can have social, economic and legal consequences that are harmful to children and said that if more attention was paid to children then there would be less crime in society. Mr Hamidian also discussed the topics of pre-nuptial agreements, which are widely recognised by the courts and the legal position of second wives.

62. Mr Hamidian then accompanied the delegation on a tour of the complex. The complex was very busy, with a large number of men, women and children waiting on seats in the corridors. We were shown a couple of Family Courts that were sitting – although the hearings were halted on our entry.

Tehran Bar Association, 18 April 2004, 11.30 – 13.00

63. The delegation was welcomed by Mr Jandaqi Kermani who said that he was happy that we had managed to visit the Iranian Bar Association and who introduced us to his twenty colleagues who were present for the meeting. Mr Kermani presented a brief history of the Bar Association. He said that it was over 70 years old and until 1952 it had been under the supervision of the judiciary and was not independent. Following an Act in 1952 the Bar Association was made independent. The first President of the Association was the late Mr. Vakil. In 1968 the Bar Association became a member of the International Bar Association (“IBA”) and it has taken part in IBA conferences from 1979. Following the Revolution, for 18 years, the Bar Association did not have an elected Board of Directors. In 1997 this situation changed and the first round of elections took place for directors. Elections take place every two years and the current directors of the Bar Association are the fourth Board of Directors. There are currently 11 Bar Associations in Iran.
64. Mr Kermani said that in 1999 a law was passed which enabled the judiciary to take a certain number of law graduates to be trained to become legal advisers. A complaint was lodged by 7 Bar Associations regarding this law, however Mr said that the complaint has still not been properly dealt resolved. He said that the Bar Association still believe that legal advisers should not be permitted to become the legal representatives of the people. They believe that the legal representatives of the people should be individuals who have been chosen and trained by the Bar Association and who are independent.

He said that people have argued that there not enough lawyers in Iran; however, his response to this argument is twofold: firstly, the Bar Association was not fully working for 18 years following the Revolution and secondly, an Act of Parliament provides that the number of lawyers in every town be determined by a committee of three individuals comprising of the President of the Bar Association and two members of the judiciary. He said that the number of lawyers could be increased, but only if it became compulsory to have a lawyer in every case and this is not the law in Iran. He said that the situation was often compared to that in the UK where it was understood that there are 100,000 lawyers. At present, Mr Kermani said there are 12,000 fully qualified and trainee lawyers.

65. In order to qualify as a member of the Bar Association it is necessary to pass an entrance exam; complete 18 months training under the supervision of a lawyer of 10 years standing; and pass a written and oral exam. The rules of entry are stringent because the Bar Association only wants to attract the best candidates. The practising certificates are issued by lawyers from an independent association.
66. There is a centre in the Bar Association which houses six lawyers who provide free legal advice; a disciplinary section to oversee complaints made by members of the public; an International Relations Committee; a Committee of Human Rights; an Arbitration and Mediation Centre. There is also a 'legal aid' section comprising of over 200 lawyers who provide free legal representation to individual with limited means. There is a library in the Bar Association Centre which lawyers and trainees are entitled to use.
67. Sir Robert Owen thanked the President for his welcome and the background to the Bar Association. He said that the UK legal profession regard an independent legal profession as being as important to the role of law as an independent judiciary and that the independence of the judiciary is reinforced by the independence of the Bar.

68. Mr Kermani said that the concern of the Bar Association was that the practising licences for legal advisers were given by the judiciary. He also said that the entrance exam and training for legal advisers was very short and superficial. He said one of the reasons for introducing the new legal advisers was to lower unemployment. He said that the Bar Association did not want to monopolize the legal sector, but they did want good quality lawyers. One of the lawyers present said that it was not possible or fair to compare the situation of lawyers in Iran to that of lawyers in the UK. He listed a number of situations which lawyers from the Bar Association in Iran had encountered: courts displaying signs preventing lawyers from entering; the government preventing the election of a Bar Association for 17 years; the prohibition on lawyers accompanying their clients when the client attends the public prosecution office; and the imprisonment of lawyers for defending political prisoners. He said that all these factors underlined the need for lawyers to be independent of the judiciary and government.

Lecture to law students at the Jihad University, 28 April 2004, 15.30 – 17.00

69. Our final visit in Tehran was to the Jihad University where we delivered a lecture on the UK Legal System to students of the law faculty. The lecture theatre was full, with over 200 students, both male and female, attending. Once again we were impressed with the high quality of questions that were posed by the students following the lecture, which were as follows:

- (i) Are judges in the Crown Court paid a salary and do they work full time?
- (ii) How can an Iranian law student attend an English University?
- (iii) We understand that the age of criminal responsibility in the UK is 10 years of age – is this correct?

- (iv) What happens if there is a conflict of views between the judge and the jury?
- (v) Can you explain the four centres [The Inns of Court] for attorneys in the U.K.?
- (vi) Who selects the 12 members of the jury?
- (vii) What is the advantage of the common law system?
- (viii) Does the English legal system protect the family as a fundamental unit in society?
- (ix) Do magistrates, who have not the same professional qualifications as judges, not pose a risk to the legal system?
- (x) Is there discrimination between men and women in the UK judicial system?
- (xi) We have heard stories about David Beckham - Is there any punishment for adultery?
- (xii) What are the professional duties for lawyers in the UK and are they any different for barristers and solicitors?
- (xiii) Do solicitors and barristers work for the Government?

Meeting with Shiraz Judges and visit to the Shiraz civil courts and the revolutionary courts, 29 - 30 April 2004

- 70. The delegation spent two days in Shiraz with the Judges from the Fars Province. We are very grateful to Mr. Ali Amiri, the Head of the Justice Department in the Fars Province, and his colleagues for their warm welcome and their hospitality during our stay.
- 71. We first visited the main judicial complex in Shiraz and had a round table discussion with Mr Amiri and 14 of his colleagues from the Revolutionary, Family, Criminal and Civil Courts. Mr Amiri presented a history of the Far Province and its legal sector. Subjects that were discussed included: our respective legal systems; the role of legal advisers; mediation; the remit of the Revolutionary Courts and the role of women in the Family Courts.

72. The delegation then visited a Revolutionary Court. The judge presiding over the hearing said that he had explained our visit to the defendant and his lawyer before our arrival and they had consented to our attendance. The room was large with rows of chairs at the rear of the room and a row of cushioned settees along each wall adjacent to the judge. The lawyer, who was a member of the Bar Association, was sitting to the immediate right of the judge and his client was sitting on one of the chairs in the first row. The defendant was on trial for drug offences. Following a raid by the police on his home, he had agreed to assist them in identifying and arresting the other members of the drug gang. The judge indicated that this would work in his favour on the issue of sentencing. When we asked the judge about the case the following day he said that the hearing had not been the final trial and that the sentence had not yet been determined.
73. During our stay in Shiraz we were accompanied by a number of female judicial assistants from the Family Court. They worked in the main Family Court in Shiraz. They were keen both to inform us about Iranian family law and to learn more about UK family law. We would recommend that any future project on the topic of family law should involve female judicial assistants from Shiraz if possible, as it was clear that the judges in Shiraz had fewer opportunities than those in Tehran to be involved in international legal projects.

Meeting with Mr Alireza Saedi, 1 May 2004

74. We were met by Mr Alireza Saedi at the airport on the morning of our departure. We discussed the trip and expressed the hope that there would be further exchanges in the future. Mr Alireza Saedi explained that a number of future projects had been planned with other countries and another delegation was arriving that same day. He said that the judiciary are aware that there had been criticism of it. He stressed that

this was right and they had made mistakes; however they were keen to change the situation and hoped that exchanges such as ours would assist.

Meetings in London with Charles Gray of the FCO and the Iranian Ambassador

75. Following our return to the UK, we met with Charles Gray, Head of the Middle East Department of the Foreign Office on 12 May 2004 and the Iranian Ambassador on 26 May 2004 to discuss the results of our trip and future projects and co-operation.

IV. CONCLUSIONS AND RECOMMENDATIONS

76. The delegation felt that the visit was highly successful and worthwhile and that we had met all the main aims and objectives that we were seeking to achieve. The timetable was extremely intense and we were all exhausted by the end of the week; however, this did mean that we were able to meet a great number of judges and lawyers, both formally at meetings and informally at breakfast, lunches and dinners. During our visit we met most of the judges who had visited the U.K. in March 2002. We have identified a number of future projects and opportunities for co-operation and these are set out at paragraph 79 below.
77. The delegation was particularly impressed with the work of the Juvenile Correction Centre and the Arbitration Councils. The Arbitration Councils had been devised and set up with great speed and the statistics showed that they were already having a positive impact on relieving the burden on the Courts and resolving disputes in a less adversarial manner. The manner in which the Juvenile Correction Centre was dealing with the difficult problem of juvenile offenders was inspiring. Members of the Centre visited London in May 2004 on a project hosted by Penal Reform

International. The delegation considers that future exchanges and the sharing of ideas between Iranian and UK organisation responsible for juvenile offenders could be extremely beneficial to both sides. We noted the obvious efforts put into family dispute resolution and the investment in quality family Court buildings. We were impressed by the quality and worldliness of the students we lectured and met and the intelligence and directness of their questions to us.

78. There are a number of different areas that merit specific attention:

(i) **The Legal Advisors and Bar Association:** Unfortunately, in the short time that we were in Iran we did not have enough time to fully analyse the legal and regulatory framework and all the implications of the role of the new legal advisers. Our understanding of the situation may therefore be somewhat superficial; however it is clear that there need to be enough lawyers to provide a full and proper service to the Iranian people and it is essential that all lawyers are properly trained and qualified and that they are independent. One factor which appeared to us to be of potential assistance would be the establishment of a common Code of Conduct/Ethics for all lawyers (both legal advisers and members of the Bar Association) and the establishment of an independent body to monitor complaints and adjudicate any disciplinary measures. In the UK there are situations where solicitors re-qualify as barristers and vice versa. We wonder whether this may in future be a possibility for legal advisers and members of the Bar Association.

(ii) **Dr Shahroudi statement:** Towards the end of our stay Dr Shahroudi issued a statement to the judiciary, police and intelligence officials setting out guidelines for treatment of prisoners and prohibiting torture. A copy of the statement can be found in the Appendices. We welcome this statement. We would be grateful if we could be kept updated about reports on its enforcement and

recommend that the statement and its impact be considered if any future human rights project takes place.

(iii) **The role of women in the Iranian legal system:** Almost all of the meetings we attended had a woman representative present – although for the most part their roles were extremely limited. In our first meeting Dr Nasrin Mosaffa obviously played an important part in University life and the female judicial assistants we met in Shiraz similarly had a crucial role in the Family Courts. Particularly as the majority of Iranian law students are currently female, it is important that women are included in any future projects and we recommend that any future Iranian dialogue or co-operation involve women on both sides of the delegation.

79. There are a number of practical recommendations: Firstly, we were provided with background reading prior to the visit which was very useful in enabling us to gain a basic understanding of the Iranian legal system; secondly, our visit highlighted the importance of good translators - they are essential for any project of this kind to work properly and be of any benefit; and thirdly, the informal meetings were very useful to discuss matters on a one-to-one basis and we would suggest that, in appropriate cases, the formal meetings should finish earlier and be followed by informal meetings.

80. The delegation identified a number of potential future projects/co-operation. In each case we would recommend that consideration be given to conducting all or part of the project outside Tehran:

(A) Judicial exchanges: It was clear that the Iranian judges who had visited the UK in March 2002 had found their visit to the UK to be informative and beneficial. In particular, we were told that the visit to the Magistrates Courts had been highly influential and was one of the main factors that had led to the establishment of the Arbitration Councils. We see room for a programme of judicial co-operation

and consider that further focused visits of this nature would be extremely beneficial in providing opportunities for mutual exchanges of information and re-enforcing links between the Iranian and UK judiciaries.

We recommend that the proposed programme includes the following topics:

- judicial training;
- the role of the Judicial Studies Board in the UK;
- the Judges' Disciplinary Committee; and
- the rule of law.

It was clear from our visit to the Judicial Sciences Faculty that judicial training, both at the judicial trainee stage and continuing professional training for appointed judges, was an area where further dialogue and co-operation was welcome and would be beneficial to both sides. It would also be useful to have further meetings with members of the Judges' Disciplinary Office, with a view to addressing and discussing the matters raised during our meeting on 25 April 2004 in more depth. If the programme is to take place in Iran, we could recommend that the delegates include senior judges from the UK, with knowledge of the areas identified above. If the programme was to take place in the UK, it would obviously be preferable if individuals other than those who took part on the 2002 visit could participate in any such visit. We would also encourage the inclusion of one or more female Family Judicial Assistants on any such delegation.

(B) Human Rights: The subject of Human Rights was raised by a number of the judges that we met, including Dr Larijani. In addition, Tehran University has recently established a Human Rights Institute. Given the statements that were made during our visit, we consider that a project on the topic of human rights would be

welcomed by the Iranian judiciary. Topics that we recommend are addressed are:

- international human rights and the implementation of treaties which Iran has ratified;
- freedom of expression/religion/assembly;
- torture;
- the death penalty;
- prison rights (including an analysis of the effect of the statement issued by Dr Shahroudi during our visit); and
- women's rights.

If necessary, potential project partners in Iran include the Islamic Human Rights Commission; the Organization for Defending Victims of Violence, (Alireza Taheri and Arash Guitoo) and the Institute of Human Rights at Tehran University. We would recommend that the audience for such a project include the judiciary, legal advisers, the Bar Association, trainee judges and law students. The format of the project would depend upon the audience, but could involve round table discussions with judges, workshops with legal advisers and seminars/lectures with law students.

(C) Family Law: As identified above, we consider that a project focussed on family law either in Iran or in the U.K. would be extremely worthwhile. We consider it to be important for any Iranian delegation visiting the U.K. to be representative of the whole legal profession specialising in family law and would therefore recommend that it includes the following members: the Head of the Tehran Family Courts, Mr. Hamidian; at least one female judicial assistant (preferably from Shiraz) and two family law specialists, one from the Bar Association and one from the Legal Adviser's Centre. We would encourage Mr. Hamidian to identify specific topics that he feels would be useful to address on the visit. Elements that we envisage the project including are round table discussions with judges and family specialist barristers and

solicitors; Family Court visits; and specialist lectures/talks and/or workshops. We would recommend that any U.K. Family Law Delegation to Iran includes judges, barristers and solicitors experienced in family law.

- (D) Commercial law:** We would also recommend a project on Commercial Law. We envisage such a project taking the form of a series of talks and workshops on different aspects of commercial law to members of the Bar Association and Legal Advisers. Round table discussions would be a more appropriate format for meetings with judges. Topics that would be useful to consider include private international law; international trade agreements ratified by Iran; conflict of laws; corporate responsibility; and the rule of law and need for transparency. We understand that a commercial law project is currently being prepared by the Law Society of England and Wales.
- (E) Young Judges Study Project:** This is a project that has worked very successfully in China. For a number of years about 15 talented young judges from China have spent one year studying specific areas of law at SOAS. This has proved to be extremely beneficial in establishing links and a number of the lawyers are now in prominent position in the Chinese judiciary. We suggest that a similar project could also be of benefit to Iranian young judges, who were very keen to be given an opportunity to study in the UK. While the young judges are studying in the U.K. arrangements could be made for them to do marshalling, mini-pupillages or work in law firms. The selection process is obviously of crucial importance and will need to be considered carefully in due course.
- (F) Trial Observations:** As detailed in our report, we were permitted access to visit Civil Courts, Family Courts and Revolutionary Courts. The Revolutionary Court judge said that unless the case fell within certain provisions (such as dealing with matters relating to

national security) the hearings of the Revolutionary Courts were held in public. Given the statements made during our visit and particularly by Mr Alireza Saedi on our departure, it would appear that the judiciary is keen to show that the judiciary is independent and open. We would therefore suggest that, where appropriate, requests should be made to the Iranian judiciary to observe and report upon trials.

(G) Book Aid/Library Resources Project: We had a couple of requests for English legal books while in Iran from the Bar Association and the Judicial Science Faculty (who requested “English Legal Texts”). We informed these groups about Book Aid. The Judicial Sciences Faculty appeared to us to be the more needy of these two organisations.

(H) Children’s Islamic Art Project: This follows on from an initiative seen by Sara Mansoori in Sudan where WarChild and the British Council had held an art fair showing juvenile offenders paintings. Following discussions between Brendan Finucane QC of the BHRC and the Tate, a similar project has now been commenced with the Tate in London involving a number of Islamic countries, including Iran. Sara Mansoori passed on the details of the NGO working at the Juvenile Offenders Centre in the hope that they could also be included in the project.

Sir Robert Owen

Stephen Solley QC

Jane Hickman

Sara Mansoori

© July 2004

APPENDICES

Timetable (Tehran)

Timetable (Shiraz)

Iranian newspaper articles covering the visit

Dr. Shahroudi's statement

Photographs