

The right of the lawyer is to preserve professional confidence and the free and unhindered contact between a client and his lawyer is a condition of existence for the free democracy.

The right which to the lawyer in a free, democratic community seem natural and indispensable, may under altered social structures be taken away from the lawyer, and thereby in a fundamental manner taken away from the citizens in whose interest the provisions are given.

The lawyer should bear in mind that he is a servant of justice and a collaborator in its administration, and that the essence of his professional duty is to defend his client's rights to the best of his ability and in strict accordance with moral law.



the court, or has received special permission to speak with the prisoner.

During the preliminary investigation the client is subject to control by the examining judge or interrogator, on account of the danger of collusion.

In a few cases a prison guard will have to be present during conversations but out of ear-shot.

All written material is censored for the collusion.

The public prosecutor might desire to inspect the lawyer's file to see whether perhaps some contain some documents which are incriminating on one of his client.

Whenever a client advises his lawyer of his intentions to commit a crime, such confidence is not protected within the duty of preserving professional confidence. The lawyer may make the necessary disclosures in order to prevent the commission of the crime, or to protect persons who may be in danger.

If a client should bring an accusation against his lawyer, the latter may then have the right to reveal the truth, insofar as the accusation is concerned, even though in so doing he may be forced to disclose the facts of a confidence communicated to him by the same client.

The lawyer may not accept another case without his client's consent when it involves some matter concerning which he has received his client's confidence in the course of professional services.

If a testimony is necessary to prevent an innocent person from being punished, the privilege of secrecy cannot be maintained.

Rules of secrecy could not be maintained with the same force. In certain cases there exists an obligation to give information which may be of importance for the security of the country.

The client could release his lawyer from his obligation and the lawyer cannot disclose what has been entrusted to him.

In accordance with the article 220 of the Iranian penal Code, if physicians, surgeons, midwives, chemists and druggists, and all the persons that in connection of their profession are confident, reveal the secrets, will be condemned from one month to one year of correctional imprisonment.

It is the duty and the right of the lawyer to preserve professional confidences.

With regard to his client, this is a duty which outlasts his employment, while with reference to judges it is a right, for the lawyer could not have accepted confidences had he known that he might be compelled to disclose them.

If the lawyer is called as a witness, he must appear in court, and with full independence of judgment, may refuse to reply to any questions which would force him to disclose or violate professional confidences.

The lawyer's attitude should be one of respectful independence, maintaining at all times the fullest autonomy in the free exercise of his profession.

It has been remarked, that the reverse side of the lawyer's obligation to keep information, which has been brought to his knowledge in his capacity, entirely confidential and secret, is his right to refrain from divulging what has so been entrusted to him.

The lawyer in his activity must be independent both of the administrative and the judicial authorities.

A lawyer cannot be ordered to testify about matters which have been confided him by a client.

The lawyer as far as his professional secrecy is concerned towards fiscal and other governmental authorities in the same position as he is towards the court.

A lawyer, acting as counsel for the defence, may communicate with his client both personally and in writing without censorship of any kind.

The lawyer's right of unhindered contact with an imprisoned client is unlimited if he has been specially appointed by

امتیاز حفظ اسرار موکل

**The client's privilege of secrecy in his communication
with his lawyer.**

It is the duty and the right of the lawyer to preserve professional confidences.

The lawyer can only fulfill his duty as his client's confidant when the latter can rely on it that anything he communicates confidentially to his lawyer in his capacity will be kept a secret.

The professional secrecy extends also to a lawyer's partners and apprentices clerks who in their sphere of duties will inevitably get knowledge of confidential matters.

No doubt there is a conflict of interests between the lawyer and his client, who do not want to divulge certain or even any information, on one side and the court, the fiscal and the governmental authorities, who want the information, on the other side.

From a professional ethical point of view, a lawyer should never disclose what has been communicated to him confidentially in his capacity as lawyer, even after he has ceased to be the client's counsel.

This duty extends to his partners, to junior lawyers assisting him and to his employees.

The Iranian legislations contain general provisions maintaining the client's privilege of secrecy in his communication with his lawyer and punish violations thereof.

Lawyers must keep the secrets of their clients which get to their knowledge through the grant of power of attorney by the clients and also the secrets relating to the prestige, honour and credit, the offender of disclosure will be condemned in interdiction, from 3 months to 3 years in accordance with article 3 of the legal profession.