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Arrests against trade unionists in various cities of Iran

Dear President,

The International Trade Union Confederation (ITUC) is extremely concerned by the continuous deterioration in the situation of trade union and other fundamental human rights in the Islamic Republic of Iran. For the past two weeks, it has received daily reports of arrests operated by your Government against trade unionists in various cities of Iran. This repression is particularly targeted at the independent teachers' movement and at the group of trade unionists collectively known as the "Saqez Seven", who have for years been the object of ferocious and vicious judicial harassment. We have very strong reasons to believe that this sudden increase in anti-union repression is designed to scare the independent union movement into passivity and submission ahead of International Labour Day on 1st May 2007. The international trade union movement, for its part, is determined to bring full political and moral support to Iranian workers and their legitimate demands to celebrate May Day freely and without fear of arrest or other harassment.

In the meantime, I am writing to urge you to order the immediate release of all these detained trade union activists and leaders. At the same time, I feel obliged to inform you that, in view of the renewed attacks by Iran's authorities against the legitimate activities of independent Iranian unionists, I have no alternative but to lodge a new, official complaint against your Government before the competent bodies of the International Labour Organisation. There is no doubt that your country's reputation in terms of human and trade union rights will further deteriorate in the eyes of the international community as a result.

1. Arrests of leaders and members of independent teachers' associations

As you are no doubt fully aware, hundreds of leaders and members of teachers' organisations in various Iranian cities have been arrested since 7th March, when public protests against the Parliament's failure to pass the Pay Parity Bill spread through the country. Since the inception of the Islamic Republic of Iran, teachers have fought for the right to equal pay as compared to other government workers, regular pay rises and the right to form trade unions. The Pay Parity Bill is seen by teachers all over Iran as the best hope to obtain a decent wage. Teachers have been actively campaigning for these rights and have repeatedly been repressed violently as a result at least since January 2002. Your government has however markedly stepped up its repression of teachers since March this year.

On the evening of 7 March 2007, around midnight, plainclothes agents from the Security and Intelligence Ministry went to the homes of over 20 teacher union leaders, including Mr. **Ali Akbar Baghani**, the Superintendent of the Teachers' Trade Association of Iran (Kanoone Senfiye Moallemane Iran, English acronym: TTAI) and TTAI Spokesperson Mr. **Beheshti**, as well as Mr. **Alireza Hashemi**, the Superintendent of the Iranian Teachers' Association (Sazemane Moallemane Iran, English acronym TA), and MM. **Mohammad Davari** and **Ali Poursoleiman**, members of the Coordinating Council of Cultural Workers' Associations, which groups thirty-four teachers' organisations. They were arrested without a warrant, without being charged, and were taken to undisclosed locations. While they were all released the next day, many of them were re-arrested afterwards. Meanwhile, however, the teachers' organisations agreed to suspend all protests; pending a meeting supposed to be held at the Parliament on 13 March 2007 with the participation of the Education Minister. The previous day, however (12 March), in the city of Kermanshah, the head of the Kermanshah TTAI Mr. **Sadeghi**, who was to participate in the meeting at the Parliament, was arrested on unknown charges. When other members of the Kermanshah TTA went to the authorities to inquire about his arrest, two more teachers, Mr. **Heshmati** and Mr. **Tavakoli** were also detained. When the meeting took place, the following day, the Education Minister failed to appear. Leaders of the teachers' organisations were met instead by representatives of the Security and Information (Intelligence) Ministry and of the armed forces. They were intimidated and treated with an utter lack of respect by the Speaker of Parliament, Mr. Kookhan.

As a result of this breakdown in dialogue, a gathering of teachers was scheduled in front of the Parliament for 14 March. It was met with deliberate and planned repression and violence by the security forces. A detailed account of this incident – and many others occurring in the following weeks – is provided in the complaint which is being sent to the International Labour Organisation in this matter. I must however condemn here, in the strongest possible terms, the detention of over 300 teachers. Some 50 to 60 of them were arrested in front of the Parliament, including TTAI Superintendent Ali Akbar Baghani, Spokesperson Beheshti Langroodi and the ITA Superintendent Alireza Hashemi.

Others detained the same day included **Mohammad Davari**, **Ali Poursoleiman**, **Mr. Gashghavi**, **Bodaghi**, **Noorollah Akbari**, **Akbar Parvareshi**, **Mohammad Reza Khakbazan**, **Mahmoud Bagheri**, **Ahmad Borati**, **Akram Hassani**, **Zahra Shad**, **Fereshteh Sabbaghi**, **Narges Pilehforoush**, as well as four superintendents from the Young Adult Schools including **Taheri**, **Gharjavand**, **Mohammad Beigi**, and **Sajjad Khaksari**, reporting on the situation for the "Teacher's Pen" newsletter. About 50 of the arrested teachers, including the heads of the teachers associations, were transferred by bus to the Intelligence Offices on Vahdateh Eslami Street and subsequently transferred to the infamous Evin Prison. On 19 March, the head of the Judiciary Ayatollah Shahroodi stated that the teachers were simply exercising their civil rights protesting in a civilised way and should never have been arrested. He instructed all prosecutors concerned to release all teachers in their custody. Despite his ruling, 14 of the leaders of the teachers unions remained in jail for 16 days, over the most important holiday in Iran, Norouz, or Iranian New Year (held from 21 March through 3 April 2007). To avoid further protests after the mass arrests of 14 March, your government instructed all schools in Tehran to close early for the Norouz holiday, from 16 March to 4 April.

As the teachers and their representative organisations kept up their public pressure in favour of the adoption by Parliament of the Pay Parity Bill, they continued to face an equally determined repression by your Government. Incidents which will feature in detail in the forthcoming complaint to the ILO include:

- The arrest on 7 April of leaders and members of the TTAI in the city of Hamedan, 39 of whom will be identified by name in the ILO complaint; although some have since been released, it appears that 9 to 15 are still detained, including **Ali Sadeghi**, **Mahmoodi**, **Ansari**, **Forouzanfar** and **Refahiyat**. We have a detailed account of the unacceptable conditions under which they were detained, which will also be provided to the ILO;
- The forced appearance in a Tehran court on 8 April 2008 of numerous TTAI activists and subsequent detention in Evin prison of **Mohammad Taghi Falahi**, **Seyd Mahmood Bagheri**, and **Mr. Montajabi**;
- The arrest on 14 April of three more teachers from the Teachers Trade Association, namely Mr. **Hamid Pourvosough**, **Mohammad Reza Rezai**, and **Alireza Akbar Nabi**, who were also summoned by mandatory warrant for questioning in court, and subsequently detained and transferred to Evin;
- The intimidation and warning against strike action issued by security officials to teachers in Ghoochan on 11 April;
- The summoning and subsequent detention of two unnamed teachers in Marand on 15 April;
- The forced eviction of teachers holding a sit-in strike in Eslamshahr, also on 15 April;
- Last but not least, the renewed detention on Tuesday 16 April of TTAI Superintendent **Ali Akbar Baghani**, at his workplace, the Roshd Middle School located in Region 7 of Tehran.

It is fully clear to the ITUC, Mr. President, that all these arrests, threats and other intimidation measures against teachers and their legitimate representative organisations are designed to prevent them from exercising their fundamental right to freedom of association and collective bargaining and to frighten them into refraining from collective action ahead of and on May Day 2007. These despicable acts will be utterly condemned by the democratic trade unions around the world.

2. Renewed repression against the “Saqez Seven”

The ITUC is also extremely unhappy about the continuous repression against **Mahmoud Salehi**, a founding member of the Committee of the Trade Association of Bakery Workers of the city of Saqez (Kurdistan Province), and founding member and spokesperson of The Coordinating Committee to Form Workers' Organizations, was again arrested on Monday 9 April 2007 in the offices of the Bakery Workers' Association, in which he remains very active. He was summoned to the prosecutor's office and later transferred to a place of detention.

“Saqez Seven” background and initial sentences – May 2004 to November 2005

As you know, the ITUC, and earlier the ICFTU, which is a predecessor organisation of the ITUC, have been closely following the case of Mahmoud Salehi and the remaining six unionists jointly known as the “Saqez Seven” since May Day 2004. On that day, our seven

colleagues were arrested and charged with a number of offenses all related to their legitimate trade union activities, including the organisation of an independent workers' rally in Saqez on 1st May 2004. The ICFTU was particularly upset by the fact that their arrests were also clearly connected to contacts they had had on 29 April 2004 with an ICFTU mission to Iran. In fact, the Prosecutor of the Saqez Revolutionary Court openly said this was the case, during the first trial against Mahmoud Salehi and his colleagues. You will certainly recall that all seven were released, on heavy bail, after a hunger strike in protest at their arrests and ill-treatment in detention and following an intensive international trade union campaign aimed at your government.

As a result of their initial trial, held in the month of Farvardin 1384 (April 2005) and chaired by *Judge Tayari*, **Mahmoud Salehi** was sentenced on 9 November 2005 to five years of imprisonment and three years in exile in the city of Ghorveh for "assembly and conspiracy to commit a crime". His colleague **Jalal Hosseini**, also a member of the Trade Association of Bakery Workers in the City of Saqez, was sentenced to three years imprisonment, whereas **Mohsen Hakimi**, **Borhan Divangar** and **Mohammad Abdipour** were all sentenced on 11 November 2005 to two years' imprisonment. They were found guilty of the charge of "attempting to endanger national security by participating in an illegal gathering", namely the celebration of May Day 2004. **Hadi Tanomand** and **Esmail Khodkam** were acquitted. In other words, five out of the seven initially charged were sentenced for legitimate trade union activities, while two were acquitted.

These sentences were subsequently appealed against by the defendants' lawyers before Division 7 of the Court of Appeals of Kurdistan Province. The appeal trial was presided over by *Judge Mohammad Mostofi*, the Chief of Division 7 of the Appeals Court, assisted by Court Counsellor *Mr. Hamid Reza Hassan Pour*. All the defendants were fully acquitted from all charges.

Further judicial harassment of the "Saqez Seven" – October-November 2006

Judicial harassment against the "Saqez Seven" did not stop there, however, in spite of their acquittal on appeal. You will certainly recall, Mr. President, how the then-ICFTU, its affiliated national unions in countries around the world, as well as our partners, the Global Union Federations (GUFs), have written to you countless times since the initial verdicts. In actual fact, we have all protested regularly to you during the various subsequent phases of what can only be described as judicial persecution unleashed against the "Saqez Seven". We also did so after the second stage of the appeals procedure, which took place in October – November 2006.

Indeed, the ITUC protested to you once more on 4 December 2006, after Mahmoud Salehi was sentenced to four years' imprisonment - on 11 November of that year - by the Saqez Revolutionary Court for "congregating to conspire to commit crimes against national security", according to article 610 of the Islamic Punishment Act. We also denounced the sentences passed against Jalal Hosseini and Mohsen Hakimi, who each received two years' imprisonment in the same case, on 11 November 2006 and on 27 November 2006, respectively. We duly acknowledged that Mohammad Abdipour, who had his case remitted to the Saqez Revolutionary Court in the same case, had been acquitted. But we condemned the fact that Borhan Divangar had been sentenced to two years' imprisonment, on 17 October 2006.

Irregularities in the final appeal trial – March 2007

The November 2006 sentence against Mahmoud Salehi was subsequently appealed by his lawyer and his last appeal trial was held on March 11, 2007. We have since been informed in detail by our own sources in Iran about how this last stage of proceedings was handled by your country's judiciary authorities. The way in which Salehi's case and that of his colleagues were treated can only be seen as an insult to civilized standards in the administration of justice. It is simply unacceptable.

Hence, Mahmoud Salehi, Jalal Hosseini and Mohsen Hakimi faced their final appeal trial on Sunday, March 11, 2007 at Division 7 of the Kurdistan Province Court of Appeals. All three, along with their lawyer, Mr. Mohammad Sharif, appeared at the Kurdistan appeal court at 9:00 am, in accordance with the court's summons. After some delay, Mr. Sharif was told that Mr. *Mohammad Mostofi*, the *Presiding Judge* of Division 7, was on leave. In accordance with the required procedure, Mr. Sharif informed the Court Secretary of their presence in the court and of his and his clients' intention to leave, but the Secretary asked them to wait while he informed the Chief of the Court. One hour later, they were informed that the hearing was going to take place after all. The hearing took place at 10:45 a.m., with *Judge Sadeghi* in the chair.

As you may not be fully aware of the details of the case, given the heavy burden of your high Office, you will most likely be interested in the background to this last-minute change in the composition of the Court. At the time of the initial arrest of the Saez Seven, in May 2004, Mr. Sadeghi was the prosecutor of the City of Saez and had therefore personally signed the arrest warrants against our seven trade union colleagues. In the second trial, held in the Saez Revolutionary Court in October 2006, he was the Chief of the Justice Department in the city of Saez. The judge who sentenced Salehi and his three colleagues in that trial was Mr. *Shayegh*, a substitute judge, while the sentences were only confirmed after approval by Mr. Sadeghi. In other words, Salehi and his colleagues have been tried on appeal – in March 2007 – by the same person who was Prosecutor at the time of their initial arrest – in May 2004 - and who has since approved their sentencing by a court in their second trial, in November 2006. Under any civilised criteria of judicial process, this can only be called a blatant case of miscarriage of justice, at best, and a judicial masquerade at worst! The ITUC, and no doubt the wider international community, will certainly fail to understand why Mr. Mohammad Mostofi, the presiding judge of Division 7 of the Kurdistan Province Court of Appeals, was replaced in the final appeals trial by Mr. Sadeghi, a person who had not only ordered the initial arrests of the defendants, but also confirmed their earlier sentences.

Arrest of Mahmoud Salehi in March 2007

Quite surprisingly, no official verdict was given at the time of the final trial on 11 March 2007. Neither the lawyer nor the defendants were notified of the trial's outcome. However, on 9 April 2007 the ILNA news agency ILNA reported a statement by Salehi's lawyer, Mr. Mohammad Sharif, according to whom his client had just been arrested. The ITUC later discovered that Salehi had been visited around 1 p.m. on that day by a commanding officer in the Saez security force at the Bakery Workers Association's solidarity office. The official required that Salehi appear at the office of the prosecutor to discuss issues related to this year's May Day celebration with the Governor and Prosecutor of the City of Saez. Once in the Prosecutor's Office, however, Salehi was informed that the Kurdistan Court of

Appeal had reached a final verdict in his case and had sentenced him to one year imprisonment and a further suspended sentence of three years imprisonment. He was arrested on the spot and denied the right to inform his lawyer or relatives.

Salehi then protested his sentence and arrest and refused to sign the verdict. After the authorities were warned by Salehi's colleagues and relatives that the citizens of Saez would be called to protest, he was allowed to talk on the phone with his family. This is how his relatives learned that he was being transferred to Sanandaj, the capital of Kurdistan Province. We have since been able to determine that Salehi is being held in the Central Prison of Sanandaj city, ward 7, cell number 3.

Attack by security forces against a workers' gathering in support of Salehi

On 16 April, security forces violently disbanded a rally in support of Salehi's freedom held by dozens of workers and labour activists - mostly bakery workers from Saez - in front of Mahmoud Salehi's workplace, namely the Saez Workers Consumer Cooperative of Saez. Uniformed and plainclothes security officers reportedly attacked the workers with batons and gas sprays; several workers were reportedly injured. Two of the "Saez Seven", Jalal Hosseini (sentenced on 11 November 2006 to two years imprisonment) and Mohammad Abdipour (acquitted on appeal the same month), were summoned to the Prosecutor's office to prevent them from attending the gathering. Abdipour was kept in detention at the Prosecutor's office until the end of the event while Hosseini was warned that he could not attend the rally under any circumstances owing to his sentence. It was also reported that Mahmoud Salehi's 17 year old son, Samarand Salehi, was arrested during the rally. The Cooperative's offices were closed down by the security forces.

Mr. President, the ITUC strongly condemns the arrest of and the unjust sentence passed on Mahmoud Salehi. We are also very concerned about his state of health: it is widely known that he has a kidney condition. Based on previous experience, we are concerned that he might be denied adequate medical assistance while in custody. We further to understand why Salehi was transferred to the heavily militarized City of Sanandaj since we understand that, under Iran's rules of criminal procedure, the sentence, if it is to be served at all, should be served in the city where his alleged "crimes" are supposed to have been committed.

The truth remains, however, that Mahmoud Salehi is very clearly the object of constant, systematic and vicious repression by your country's judicial authorities. As you certainly know, he has already been arrested countless times and spent many years in prison as a result of his legitimate trade union activities, particularly for organising May Day rallies and other collective workers' actions. Among other occasions, he has been detained in 1986 (for 3 years), 1995, 1999 (75 days), 2000 (for 10 months, after which he was deprived of the right to stand for union office), and 2001 (for several days, after which he was dismissed from his job), before being arrested on 1 May 2004 for organising the Saez May Day rally.

On behalf of the ITUC and the millions of workers whom it represents throughout the world I urge, you Mr. President, to intervene with the relevant authorities in order that Mahmoud Salehi be immediately released, his sentence rescinded once and for all, that all charges against him and the other unionists belonging to the "Saez Seven" be dropped

unconditionally and permanently, and that state repression of trade union rights cease in Iran once and for all.

As long as your Government fails to abide by internationally-recognised trade union and other fundamental workers' rights, as well as by all the obligations deriving from its membership in the International Labour Organisation, the international trade union movement will have no choice but to continue its public campaign against this unacceptable and despicable repression.

Yours sincerely,

General Secretary