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Freedom of Association: Islamic Republic of Iran (CFA Case n° 2323)

Dear Mr. Somavia,

Further to its communication dated 4 December 2006, the ITUC would like to submit additional information to its complaint against the Government of the Islamic Republic of Iran (case n° 2323 of the Committee on Freedom of Association).

Irregularities in the final appeal trial and re-imprisonment of Mahmoud Salehi

The November 2006 sentence against Mahmoud Salehi was subsequently appealed by his lawyer and his last appeal trial was held on 11 March 2007, in a procedure that violated the elementary standards of fair trial: they were tried on appeal by the same person who was Prosecutor at the time of their initial arrest in May 2004 and who approved their sentencing by a court in their second trial in November 2006.

Mahmoud Salehi, Jalal Hosseini and Mohsen Hakimi along with their lawyer, Mr. Mohammad Sharif, appeared at the Kurdistan Province Court of Appeals at 9:00 am on March 11, 2007, 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.

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 the seven trade unionists arrested in March 2004 (Salehi, Hosseini, Hakimi, Borhan Divangar, Mohammad Abdipour, Hadi Tanomand and Esmail Khodkam). 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 a substitute judge, Mr. Shayegh, while the sentence was only

confirmed after approval by Mr. Sadeghi. Therefore, Salehi, Hosseini and Hakimi were tried on appeal by the same person who had ordered their initial arrest and confirmed their sentencing in the second trial, in November 2006.

No official verdict was given on 11 March 2007. Neither the lawyer nor the defendants were notified of the trial's outcome.

On 9 April 2007, around 1 p.m., Salehi was visited 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 (2007) May Day celebration with the Governor and Prosecutor of the City of Saez. As soon as he entered 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's imprisonment and a further suspended sentence of three years. 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 (400 kilometres away from Saez). He is currently being held in the Central Prison of Sanandaj city.

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

On 16 April 2007, security forces violently disbanded a rally in support of Mr. Salehi's release by dozens of workers and labour activists – mostly bakery workers from Saez – in front of his workplace (the Saez Workers Consumer Cooperative). Uniformed and plainclothes security officers attacked the workers with sticks and gas sprays; several workers were injured. Jalal Hosseini and Mohamad Abdipour were summoned to the Prosecutor's office to prevent them from attending the gathering. Abdipour, who was acquitted of all charges in November 2006, was kept in detention at the Prosecutor's office until the end of the event, while Hosseini, who had been sentenced to two years imprisonment on 11 November 2006, was warned that he could not attend the rally under any circumstances because of his sentence. It was reported that Salehi's 17 year old son, Samarand Salehi, was arrested during the rally. The Cooperative's offices were closed down by the security forces.

Salehi's prison conditions

On 18 April 2007 the ITUC wrote to the President of Iran to protest at various arrests of trade unionists and expressed its concern that Mr. Salehi, while in custody, could be denied the medical attention he needs in his situation for his a kidney condition. The ITUC received no reaction from the Iranian authorities. Meanwhile, Salehi's family, lawyer and supporters were trying to get a temporary release for him on medical grounds, so he could receive assistance outside prison. The Prosecutor's Office of Saez allowed Salehi a temporary leave on 22 May 2007; however, the Chief of Sanandaj prison and the Prosecutor's Office of Sanandaj denied it and left his release for the Prison Council to decide – which meant that a decision would not be taken for at least another month.

On 28 May 2007 Mr. Salehi informed his wife, Ms. Najibeh Salehzadeh, that his health condition had become life-threatening (extreme kidney pain and falling blood pressure), and asked for an urgent response to address his health problem.

On 31 May 2007 the ITUC wrote to the ILO Director-General, requesting his intervention in this matter; the Executive Director of the Standards and Fundamental Principles and Rights at Work Sector intervened immediately and personally with the Iranian Government delegates to the International Labour Conference, calling on them to take all possible steps to ensure Mr. Salehi's release.

On 5 June 2007 Ms. Najibeh Salehzadeh wrote to the ITUC, providing it with more details regarding Mr. Salehi's situation in prison. While his health consistently deteriorated; his family's efforts to get him transferred to a hospital for a specialist treatment or to be seen by a kidney specialist were met with delays and rejection by the prison authorities; meanwhile several authorities that were approached with a request to transfer Salehi to the Saqez prison said that they had no mandate to take such a decision. According to his physicians' opinion (which was expressed in a letter hand-delivered to the prison authorities on 31 May 2007), Mr. Salehi cannot be treated in prison. Even the prison doctor informed Salehi that nothing could be done for him unless he was given an access to a specialised physician.

On 17 June 2007 Mr. Salehi was transferred to Tohid Hospital in Sanandaj under heavy security, and, after a medical examination, sent back to prison. To the knowledge of the ITUC, Salehi is still not being granted adequate assistance, notwithstanding the further deterioration of his health: Mr. Salehi has developed heart and intestinal problems, and is unable to stand on his feet.

On 19 June 2007 Mr. Mohammad Sharif (Mr. Salehi's lawyer) was unable to meet with his client in prison – the authorities did not authorise the visit. Mr. Sharif was informed that, since the verdict in Salehi's case had been final, the lawyer did not have any right to intervene anymore and this for the whole duration of the imprisonment. Salehi's family is not allowed to visit him anymore either: they can only contact him by telephone.

The ITUC is deeply worried that the denial of proper assistance to Mr. Mahmoud Salehi is an attempt on behalf of the Iranian intelligence services to force him to stop his trade union activities, and that his life could be in imminent danger. The ITUC therefore requests you to bring this communication to the attention of the Committee on Freedom of Association as additional information to its complaint.

Yours sincerely,

General Secretary