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ITF/ITUC/HTUR/MT/JS

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**Freedom of Association: Islamic Republic of Iran (CFA Case n° 2508)**

Dear Mr. Somavia,

Further to the joint ITF-ITUC communication of 13 September 2007, the ITUC and the ITF hereby submit additional information regarding the complaint against the Government of the Islamic Republic of Iran (case n° 2508 of the Committee on Freedom of Association).

Prison sentences for Mr. Osanloo and Mr. Madadi

On 30 October 2007 prison sentences were announced for Mr. Mansour Osanloo, the president of Syndica Sherkat-e Vahed, kidnapped by security forces on 10 July 2007 on his way home in Tehran, and for Mr. Osanloo's deputy, Mr. Ebrahim Madadi, arrested on 9 August 2007 on his way to Mr. Osanloo's house in Tehran.

The 36<sup>th</sup> branch of the Tehran Court of Appeal confirmed Mr. Osanloo's five-year prison sentence decided on 28 May 2007 (see page 3 of our communication of 11 July 2007) on the charges of acting against national security and propaganda against the state. We understand that the court of appeal confirmed, without a proper trial, a verdict of the Revolutionary Court that had never been delivered to Mr. Osanloo or his lawyer in writing. Mr. Osanloo who had previously been transferred to a hospital (see below for details) was sent back to the general ward of Evin prison, against his doctor's recommendations. It is currently unclear if the 13 months that Mr. Osanloo has already spent in prison prior to the sentence being finalised will be subtracted from his prison term.

Mr. Madadi has been sentenced to two years of imprisonment for acting against national security by the 28<sup>th</sup> branch of Tehran Revolutionary Court. This sentence has been protested against by his lawyers. According to the defence statement to the Tehran Province Court of Appeal (see Annex 1), the judges had issued the sentence “based on assumptions”, and the verdict cited Mr. Madadi’s trade union activities at Syndica Sherkat-e Vahed, which, as a workers’ constitutional right, “cannot be considered a crime”.

To our understanding, the defence lawyers did not have full access to the files of Mr. Osanloo and Mr. Madadi. Also, an additional file against Mr. Osanloo had been opened following his latest arrest (see also page 2 of our communication of 3 September 2007); we understand that these additional charges were withdrawn after Mr. Osanloo’s wife had submitted her identity card as a security deposit, but there is no clarity as to how many files against Mr. Osanloo exist, what they include, and how many of them are still open. Mr. Madadi’s charges concern his participation in solidarity action supporting Mr. Osanloo; it is possible than he could be later tried on charges related to the strike in 2004.

On 1 November 2007 the Founding Board of Workers’ Syndicates published an open letter to the judicial authorities of Iran, demanding the immediate release of Mr. Osanloo and Mr. Madadi (see Annex 2). According to this letter, the trade unionists’ trial was in conflict with the Constitution of Iran, namely the principle of public trials enshrined in its Article 165. Furthermore, on 3 November 2007 Syndica Sherkat-e Vahed published a statement (see Annex 3) condemning the arrest of its leaders, pointing out that imprisonment as a consequence of defending workers’ rights is not foreseen by the Constitution, the labour laws, civil rights or Islamic Sharia laws, and drawing attention to unacceptability of secret trials and informing defendants about their sentences “unofficially”.

#### Mr. Osanloo’s prison conditions

On 15 September 2007 Mr. Osanloo’s lawyers had a meeting with Mr. Hassan Haddad, a judge in the Tehran Revolutionary Court, who again refused to allow them to meet their client. Judge Haddad reportedly mentioned that Mr. Osanloo refused to co-operate with his interrogators and insisted that he would only speak if his lawyers were present.

On 17 September 2007 Mr. Osanloo’s mother, wife and sons were able to visit him in the Evin prison for 30 minutes. It was the first time Mr. Osanloo had been allowed to meet his direct family after 67 days in jail. There were visible wounds on Mr. Osanloo’s face, his eye condition had deteriorated, the jail guard had refused to give Mr. Osanloo his spectacles, and he had also developed a kidney condition.

As we already mentioned (see page 4 of our communication of 3 September 2007), Mr. Osanloo was scheduled to receive eye surgery on 15 July, but his imprisonment precluded the operation. Mr. Osanloo’s eye condition was a direct result of the damage sustained when he was assaulted by government security forces in 2005. One of his eyes had been operated on; however, due to lack of appropriate treatment in prison he had reportedly lost the sight in that eye. Shortly before his meeting with his family on 1 October 2007, Mr. Osanloo underwent a medical check in prison, and was told that he needed new surgery on his eye urgently, or he would become permanently blind on the eye.

Mr. Osanloo also had to withstand long hours of constant interrogation without his lawyers being present, and he was not allowed to read newspapers or watch television.

As the international trade union movement and human rights group became increasingly more worried not only about the perspectives of Mr. Osanloo's release, but also his physical and psychological integrity, including the risk of permanent blindness, an international trade union solidarity mission was dispatched to Iran. On 7-10 October 2007 Mr. Hanafi Rustandi, the chairman of Indonesian Seafarers' Union (KPI, affiliated to the ITF), accompanied by Mr. Syukur Sarto, General Secretary of the Indonesian trade union congress (KSPSI), visited Tehran seeking a meeting with Mr. Osanloo. They also hoped that, since they were from a predominantly Muslim country, Indonesia, they would be able to help secure the release of the detained trade unionists.

The visit was a follow-up to an invitation extended by the Iranian embassy in Jakarta, which had met a delegation of trade unionists on the occasion of the International Action Day, 9 August 2007. The Indonesian trade unionists were able to enter Iran as tourists, although there had earlier been a series of occasionally heated exchanges between the KPI and the Iranian embassy in Jakarta, after the embassy refused or found itself unable to confirm its earlier assurances that Mr. Rustandi would be allowed to visit Mr. Osanloo in jail. These exchanges culminated until shortly before Mr. Hanafi's departure for Iran, when he almost forcibly retrieved his passport from the embassy, which reportedly wanted to keep it, pending further instructions from its capital about the issuing or refusal of a visa.

Mr. Rustandi and Mr. Sarto were able to meet the families of Mr. Osanloo and Mr. Madadi, and members of Syndica Sherkat-e Vahed. However, despite their best efforts, including an attempt to visit the Labour Minister's residence, they were not received by the Iranian authorities. When Mr. Rustandi and Mr. Sarto tried to meet Mr. Osanloo, Mr. Osanloo's family was told that the visit was not possible since Mr. Osanloo was just then receiving the urgent medical treatment he needed.

However, on 16 October we learned that Mr. Rustandi and Mr. Sarto were given misleading information and Mr. Osanloo had not, in fact, received the necessary medical assistance. We were also informed that the Evin prison doctor had admitted that a further delay of treatment would result in Mr. Osanloo's permanent blindness within merely two weeks. An international protest campaign ensued led by the ITUC, The ITF and human rights organisation Amnesty International.

In the evening of 20 October 2007, Mr. Osanloo was finally taken from the Evin prison to Labafinejad hospital in Tehran in order to receive the much-needed eye surgery. We have received reports that the procedure took about eight hours; however the physicians recommended six weeks' to three months' follow-up care and complete rest. The outcome of the operation could only be known 3 to 6 months later, and the follow-up care was an important element towards healing. Mr Osanloo was returned to Evin prison on 26 October, contrary to the doctors' recommendations. On 15 November Mr. Osanloo was moved from ward 209 to ward 7 of the Evin prison; he was briefly taken to the Basir hospital for follow-up care on his eye condition and brought back to Evin Prison the same day. The ITUC and the ITF would respectfully suggest that the Committee requests the Government to provide information about the treatment of Mr. Osanloo's eye and the outcome of the operation.

The ITUC and ITF would also like to draw the attention of the Committee to a mission of the International Labour Office to Iran in October 2007, charged with examining Iran's implementation of Convention 111 (Discrimination in Respect of Employment and Occupation) and Convention 95 (Protection of Wages), in pursuance of conclusions reached by the Committee on the Application of Standards of the International Labour Conference during its 95<sup>th</sup> and 96<sup>th</sup> session respectively. In view of the situation of detained unionists, the Office had also been requested to attempt to visit them in jail on that occasion. We understand that the visit did not take place and would appreciate it if the Committee could kindly request full details from the Office as to why this was so.

In any event, the complainants can only express regret that no international observers, whether from the ILO or the international trade union movement, were able to visit Mr. Ossanloo in prison. This is all the more disturbing in the light of repeated reports that he had been tortured in prison with chains and electrical shocks.

Further, it has also been brought to our attention that, in a conversation with his family on 21 November 2007, Mr. Osanloo complained about a herniated disc.

The ITUC and ITF are therefore very concerned with Mr. Osanloo's physical and psychological well-being, notably the torture allegations and the effects of prison conditions on his eyesight and general health situation.

#### Continued imprisonment and trial of Mr. Ebrahim Madadi

On 26 September 2007 Mr. Madadi's attorney, Dr. Parviz Khorshid, told the Iranian Students' News Agency (ISNA) that Mr. Madadi had been formally charged with acting against national security. When Mr. Khorshid went to the 28<sup>th</sup> branch of Tehran Revolutionary Court to review the case documentation, he was denied access to the file unless he could present his attorney-client retainer to the authorities.

The attorney-client agreement is a financial document stipulating the honorarium for representation. Since the lawyers took a decision to represent the Syndica Sherkat-e Vahed activists pro bono, such a document had never been prepared. Mr. Madadi, who was denied access to his attorney, found himself in a vicious circle where he was not permitted to see his lawyer in the absence of the contract, but could only sign the contract in person, after having met with his lawyer, which was made impossible by the authorities.

On 30 September 2007 Mr. Madadi was brought before the Tehran Revolutionary Court. We have learnt that Mr. Madadi's health had seriously deteriorated. His voice had become unrecognisable, possibly due to a common cold or a similar condition on top of his high blood pressure, diabetes and other health problems. Nevertheless, Mr. Madadi had been brought to court with his hands and feet chained, a fact that was perceived as a demonstration of utmost disrespect by the defendant and triggered his refusing to respond to the judge's questions. Even though Mr. Madadi made a verbal statement that Dr. Khorshid was indeed his appointed lawyer, in the absence of the client-attorney retainer Dr. Khorshid was once again denied access to Mr. Madadi's file.

On 16 October 2007 Mr. Madadi was transferred to Ghezal Hesar prison in the city of Karaj, south of Tehran. As a rule, Ghezal Hesar is a place where hardened criminals and drug addicts are sent. Sometimes prisoners of conscience are being sent there as a means of additional moral and psychological pressure.

On 23 October 2007 Mr. Madadi was taken to the Public Prosecutor's office of the Tehran Revolutionary Court, and then tried at the 28<sup>th</sup> branch of said Court, in the presence of his lawyers, Dr. Khorshid and Dr Yousef Molaei; Mr. Madadi pleaded not guilty. Mr. Madadi expected to hear the verdict the following day, but it was only announced on 30 October 2007 (see page 1).

#### Further judicial persecution of Syndica Sherkat-e Vahed activists

On 15 September 2007 Mr. Saeed Torabian, the spokesperson for the Vahed trade union, was tried at the 14<sup>th</sup> branch of Tehran Revolutionary Court. He was charged with jeopardizing national security, giving interviews to the media and acting as a liaison person between his trade union and the international trade union community.

Mr. Torabian pleaded not guilty to all accusations; his lawyer, Mr. Parviz Khorshid, requested permission to submit his defence statement in one week's time so that the court could issue a preliminary verdict (See Annex 3 for the defence statement by Dr. Molaei and Dr. Khorshid).

The defence statement shows that Mr. Torabian has never committed any offence punishable under Article 500 or 610 of the Islamic Penal Code ("propaganda against the state" and "acting against national security" respectively), if these Articles are applied in accordance with the "*principle of legality*."

According to the defence statement, Mr. Torabian's activities, which the judiciary qualified as "propaganda against the state", were trade union activities, i.e. attending meetings and protest gatherings organised by the Syndica Sherkat-e Vahed, or participating in the trade union leaflet distribution or one-hour strike calls organised by the same trade union. The statement further stresses that the defendant sought to address trade union demands by means envisaged in the Constitution, legislation and official institutions of the Islamic Republic of Iran. Mr. Torabian has indeed been interviewed by foreign media; however these interviews concerned strictly trade union issues, including the news on the sufferings of the families of the arrested union activists. Furthermore, the defence lawyers argue that Mr. Torabian could not be accused of propaganda against the state due to the absence of *mens rea* – Mr. Torabian's intention was never to damage the Government (or the State) but to proffer criticism of certain realities.

Later, Mr. Abbas Najand Koudaki and Mr. Hayat Ghaybi, both members of the Executive Board of the Syndica Sherkat-e Vahed, appeared before the 14<sup>th</sup> branch of the Tehran Revolutionary Court on 15 and 16 October 2007 respectively. The men were summoned to court in connection with the trade union protests in the winter of 2005. Both sittings included the prosecution's reading out an indictment accusing each man of acting against national security and propaganda against the state; both men pleaded not guilty. Their attorneys (Dr. Saleh Nikbaht and Dr. Yousef Molaei respectively) received 5-7 days to prepare a formal defence statement. Mr. Homayoun Jabeti, one of the Syndica activists detained on 9 August 2007 (see page 4 of our communication of 3 September 2007), was

also summoned to the Revolutionary court in late October, without any specific reason being given.

We have been informed that these processes, along with the continuous imprisonment of the Syndica leadership, have created a climate of fear among the trade union members. The Syndica activists are apprehensive that additional similar charges will be produced, and more arrests and prison sentences could follow.

In the meantime, on 10 October 2007, the Kar va Kargar newspaper communicated the information from the Syndica spokesperson that the company management still prevented reinstated workers from returning to their jobs.

According to Mr. Torabian, who has himself been suspended from work in the company, thirteen of the 55 workers who were suspended from work as a result of trade union protest activities in the winter of 2005 received formal reinstatement orders issued by the dispute resolution boards of the Tehran Labour Department. However, the management refused to reinstate the workers unless they signed a letter of commitment, contrary to the law.

#### Syndica Sherkat-e Vahed activists' lawyers resign

As we were finalising this letter, we have been informed today, on 28 November, that Dr. Parviz Khorshid and Dr. Yousef Molaei, the lawyers of Mr. Osanloo, Mr. Madadi and others of the abovementioned Syndica Sherkat-e Vahed activists, have tendered their resignation to the Court on 27 November 2007. At the time it is believed that their resignation concerns all cases concerning Syndica Sherkat-e Vahed activists, including the cases against Mr. Osanloo and Mr. Madadi. The ITUC and the ITF have not been informed about the reason for their resignation and requests the Committee to inquire with the Government on what grounds Dr. Parviz Khorshid and Dr. Yousef Molaei will no longer represent the Syndica Sherkat-e Vahed activists.

The ITUC and the ITF are very concerned that all Syndica Sherkat-e Vahed activists now lack legal representation, and suggest that the Committee request the Government to inform it about the impact of the resignation on the pending cases against the Syndica Sherkat-e Vahed activists, and whether the defendants will be granted the right to find new legal representation.

Kindly bring the contents of this letter to the attention of the Committee on Freedom of Association as additional information to our complaint.

Yours sincerely,

Guy Ryder



ITUC General Secretary

David Cockroft



ITF General Secretary

Enclosures (4):

Annex 1 – Defence Bill of Mr. Ebrahim Madadi (appeal), November 2007 (copy of original and English translation).

Annex 2 – Letter of the Founding Board of Workers’ Syndicates, 01 November 2007 (English translation)

Annex 3 – Statement of the Syndica Sherkat-e Vahed, 03 November 2007 (English translation)

Annex 4 – Defence Bill of Mr. Saeed Torabian, 19 September 2007 (copy of original and English translation)