

Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 27/1, 25/2, 25/18, 26/7, 28/21, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **arbitrary arrest, detention, prolonged solitary confinement, harassment, enforced disappearance, and prosecution of several trade unionists and human rights defenders.**

According to the information we received:

Mr. [REDACTED]

In April 2015, Mr. [REDACTED], General Secretary of the Iranian Teachers' Trade Association (ITTA), was ordered to resign from his position at the ITTA, or a prior sentence issued against him would be executed, imprisoning him for ten years. On 27 June 2015, while traveling to Armenia, he was detained at the border and his passport was confiscated. He was directed to the prosecutors' office in Tehran where he was arrested.

He was held in solitary confinement and his family has only been allowed access to him once, in the presence of an interrogator. He has not been provided information regarding the charges against him. He has been denied access to a lawyer of his choice and only allowed access to a government-appointed lawyer.

Mr. [REDACTED] and Ms. [REDACTED]

Mr. [REDACTED], a well-known ITTA member, and Mrs. [REDACTED], a human rights activist, were arrested by the Revolutionary Guards on 15 October 2015 in Kurdistan Province. They were allegedly subjected to ill-treatment during interrogation in a detention camp centre in Saez. Their current whereabouts remain unknown. The Revolutionary Guards also interrogated their eight year old daughter until she was released to family later that night.

Mr. [REDACTED]

Mr. [REDACTED], a well-known ITTA member was reportedly arrested in September 2009. He was sentenced to five years in prison for "propaganda against the state" and "gathering and colluding against national security," for activities related to his ITTA membership. In January 2011, his sentence was confirmed by the appeal court, and he was banned from civil society activities for five years. In May 2015, as his release date approached, Mr. [REDACTED] was reportedly transferred from Rajaii Shahr Prison to Evin Prison and placed in solitary confinement under the supervision of the Iranian Revolutionary Guard Corps. On 6 May 2015, despite the fact that Mr. [REDACTED] has been in custody continuously for six years, agents searched his family home. His daughters, some still in primary school, were allegedly interrogated and harassed. Agents seized his daughters' computers, CDs, camera and other items. One of his daughters was ordered to the sixth court where agents interrogated her and tried to pressure her into a false confession.

In September 2015, Branch 28 of the Revolutionary Court sentenced Mr. [REDACTED] to an additional three years in prison for "insulting Imam Khomeini and the Supreme Leader" and "propaganda against the state." The reasons and evidence for the new charges are unclear.

Mr. [REDACTED]

Mr. [REDACTED], a literature professor and unionist, was arrested on 4 January 2010. He was interrogated for 25 days, and eventually made a false confession under duress.

He was allegedly denied access to his family and a defence lawyer. He was then convicted by branch 15 of the Iran Revolutionary Court of 'enmity against God'

and sentenced to death based on unsolicited emails he had allegedly received from an armed group and contact he had reportedly had with a television station outside Iran. In March 2012, the Pardon Commission of Tehran Province Judiciary denied his appeal for pardon. In June 2013, the Tehran Revolutionary Court commuted his sentence to fifteen years in prison and exile in Borazjan. While in prison, Mr. [REDACTED] has developed a kidney disease, but he has been denied transfer to an outside hospital.

Mr. [REDACTED]

Mr. [REDACTED], the deputy director of the ITTA, was arrested in 2010 in Tehran and held in ward 209 of Evin Prison. He was released on heavy bail, and re-arrested on 25 May 2015. Mr. [REDACTED] was held in solitary confinement for several weeks. He was sentenced to five years in prison for his 2006 conviction related to teachers gathering in front of parliament and another one year for propaganda against the Government. His sentence was upheld by the court of appeals. In July 2015, Mr. [REDACTED] was transferred to hall 12 in Rajai Shahr prison, the political-security prisoners' ward.

Mr. [REDACTED] and Mr. [REDACTED]

Two other active ITTA activists, [REDACTED] and [REDACTED] were arrested on 31 August 2015. They were both taken from their homes. Mr. [REDACTED]'s computer and mobile phone were confiscated. They were held in solitary confinement for sixteen days. On 31 August 2015, they were released on 3 billion rials bail, equivalent of 100,000 USD.

We are gravely concerned that the arrest and detention of the above mentioned individuals may be arbitrary. We are also concerned about their physical and psychological integrity, particularly as the fate and whereabouts of two of them is unknown. We are further concerned that the alleged arbitrary detention of these individuals may be linked to their work as trade unionists and human rights defenders, legitimately exercising their rights to freedom of opinion and expression and to freedom of association. We are further concerned about the chilling effect that the repeated detention of civil society activists may have on the exercise of public freedoms in Iran.

While we do not wish to prejudice the accuracy of information made available to us, the above allegations appear to be in contravention with international law, in particular the right of every individual not be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, including the right to access legal counsel, in accordance with articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, articles 9 and 10 of the Universal Declaration on Human Rights (UDHR), and the UN Basic Principles on the Role of Lawyers.

In relation to the allegations that the fate and whereabouts of Mr. [REDACTED] and Ms. [REDACTED] remain unknown, we would like to draw your Excellency's Government attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, we would like to recall the prohibition to practice, permit or tolerate enforced disappearance (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7); the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention, and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

We would like to remind the government of Iran of the absolute and non-derogable prohibition of torture and cruel, inhumane or degrading treatment or punishment, as codified, inter alia, in the ICCPR and, in Human Rights Council Resolution 25/13 and in paragraph 1 of General Assembly Resolution 68/156. We also recall paragraph 7c of Human Rights Council Resolution 16/23 that urges states to ensure that no confession extracted under torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made. Additionally we would like to refer to the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), in which it is stated that the use of prolonged solitary confinement in itself runs afoul of this absolute prohibition. Moreover, due to the prisoner's lack of communication, and the lack of witnesses, solitary confinement enhances the risk of other acts of torture or ill-treatment.

We would also like to refer to your Excellency's Government to articles 19 and 22 of the ICCPR, which guarantee the right to freedom of opinion and expression and the right to freedom of association.

We recall Human Rights Council resolution 24/5 which reminds States of their obligation to respect and fully protect the rights of all individuals to associate freely, including persons espousing minority or dissenting views or beliefs, and human rights defenders. It calls on States to take all necessary measures to ensure that any restrictions on the free exercise of the right to association is in accordance with their obligations under international human rights law.

We also wish to refer to the Declaration on the Right and responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally

Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 12.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information regarding current policies for ensuring that prisoners are not subject to cruel, inhumane or degrading treatment or punishment, in particular any measures taken to ensure the physical and psychological integrity of the above-named individuals.
3. Please provide detailed information on the legal proceedings against Messrs. [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and Ms. [REDACTED], including the dates of all trials, appeals and decisions.
4. Please provide information regarding the pretrial detention of Messrs. [REDACTED], [REDACTED], [REDACTED], [REDACTED] and including whether they were accompanied by a lawyer during interrogations and if they were able to meet with their lawyer before their trials.
5. Please provide detailed information concerning the fate and whereabouts of Mr. [REDACTED] and Ms. [REDACTED]. Please also provide detailed information, and where available, the results of any investigation, judicial or other inquiries carried out in relation to the allegations of their enforced disappearance. If no enquiries have taken place, or if they have been inconclusive, please explain why.
6. Please indicate which measures, legislation, and policies your Excellency's Government has adopted to comply with articles 19 and 22 of the ICCPR regarding freedom of association.

7. Please provide detailed information on the measures taken to provide, to the above-mentioned individuals, the guarantees of due process and fair trial, and effective access to a lawyer of their choice, as established in international human rights law, in particular in articles 9 and 14 of the ICCPR and the UN Basic Principles on the Role of Lawyers.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning Mr. [REDACTED] and Ms. [REDACTED] as cases to the Working Group on Enforced or Involuntary Disappearances, these cases will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Houria Es-Slami

Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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