

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**

REFERENCE: UA  
IRN 10/2016:

28 April 2016

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 28/21.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention and prosecution of a trade unionist.

Mr. **Ismail Abdi** (also known as Mr. Esmail Abdi) is the Secretary-General of Iran's Teachers' Trade Association (ITTA).

Mr. Abdi's alleged arbitrary arrest and detention was the subject of a communication previously sent on 3 December 2015 (case no. IRN 23/2015). We regret that no reply has been received from your Excellency's Government to this day.

According to the new information received:

In April 2015, Mr. Ismail Abdi was ordered to resign from his position at the Iran's Teachers' Trade Association (ITTA) or face criminal sanctions, including the death penalty and up to ten years' imprisonment. On 27 June 2015, he was detained at the border with Armenia. He was transferred to the prosecutor's office in Tehran and was detained in solitary confinement with restricted access to his family. Reportedly, Mr. Abdi's arrest took place in the context of increasing

repression of trade unions activists' activities and demonstrations. In May and July 2015, Iranian teachers' peaceful protests and gatherings were disrupted and several teachers were arrested.

In April 2016, Mr. Abdi was sentenced to six years' imprisonment for criminal offences, including "gathering and colluding to commit crimes against national security". He has not yet appealed this sentence and may face a total of 16 years' imprisonment if this new sentence is upheld, due to a previous, suspended 10-year imprisonment sentence. Allegedly, his sentences are related to his peaceful trade unions activities and the exercise of his rights to freedom of association and freedom of opinion and expression.

He remains in detention in Evin Prison, awaiting the scheduling of his appeal date. He and another trade union activist have declared their intention to go on hunger strike on International Workers' Day on 1 May to protest the authorities' repressive responses to teachers' and trade unionists' protests.

Grave concern is expressed about the allegedly arbitrary arrest, detention and sentencing of Mr. Abdi, in apparent retaliation for his work as a trade unionist and the exercise of his rights to freedom of association and freedom of opinion and expression. Serious concern is expressed about his physical and psychological integrity, particularly as he was previously detained in solitary confinement and his expressed intention to go on hunger strike. Concern is expressed at the allegation that the Government is conflating trade union activities and the legitimate exercise of rights to freedom of association, of peaceful assembly, and of expression, with activities against national security.

Additional concern is expressed about the broader impact of the above allegations, which may have a chilling effect on civil society as a whole, in particular against trade unionists and individuals with dissenting opinions, exercising their rights to freedom of peaceful assembly, freedom of association and freedom of opinion and expression in Iran.

We would like to refer your Excellency's Government to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on 24 June 1975, which guarantee the rights of freedom of opinion and expression, freedom of peaceful assembly, and freedom of association, respectively. We would also like to bring to your Excellency's attention article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Iran on 24 June 1975, which recognizes the right to everyone to form trade unions and the right of trade unions to function freely and to go on strike.

We also recall Human Rights Council resolution 24/5 which reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and 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 rights to freedom of peaceful assembly and of association are 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, we recall articles 1, 2, 5, 6 and 12 of the Declaration.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 Mr. Ismail Abdi 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 detailed information about the reported justification for the application of national security provisions as the legal basis in the sentencing of Mr. Abdi. In particular, please explain how the enforcement of national security provisions against the legitimate exercise of his rights and trade union activities complies with international human rights norms and standards.
3. Please provide information about the date and proceedings of Mr. Abdi's appeal, and measures taken or to be taken to provide him the guarantee of a fair and impartial judicial procedure, as provided by international human rights norms and standards
4. Please provide information about the measures taken by your Excellency's Government to ensure the physical and psychological well-being of Mr. Abdi, and please provide information regarding current policies and regulations in place, to ensure that prisoners, including Mr. Abdi, have access to proper and adequate medical treatment.
5. Please indicate the measures adopted to ensure that human rights defenders and associations, including trade unions, are able to carry out their

legitimate work in Iran in a safe and enabling environment without fear or threats of retaliation, violence or harassment of any sort.

While awaiting a reply, we appeal to your Excellency's Government to review the sentencing of Mr Abdi. We also call your Excellency's Government to halt the alleged violations, to prevent their re-occurrence and to revise the application of national security provisions to ensure its conformity with international human rights norms and standards.

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.

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst

Special Rapporteur on the situation of human rights defenders

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