

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Ref.: AL IRN 18/2024
(Please use this reference in your reply)

22 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; 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 and Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, pursuant to Human Rights Council resolutions 52/4, 52/9, 50/17 and 55/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the repeated convictions and dismissal from employment of labour and children's rights defenders Mr. Mohammad Habibi, Mr. Jafar Ebrahimi and Mr. Rasoul Bodaghi who have reportedly faced repercussions due to their peaceful advocacy for labor rights and education reform in the Islamic Republic of Iran.**

Mr. Mohammad Habibi is a teacher and labour rights defender, serving as the spokesperson and a board member of the Teacher's Trade Union of Tehran. Since 2018, he has faced multiple arrests and sentences due to his human rights and trade union activities, leading to his termination from his teaching position. He recently received a new prison sentence.

Mr. Jafar Ebrahimi is a teacher and labour rights defender, serving as the inspector for the Coordinating Council of Iranian Teacher Trade Associations. He has been actively advocating for teachers' rights and education reform in Iran and has faced numerous arrests and charges since 2005, resulting in the termination of his teaching job. During a recent two-year imprisonment, his health seriously deteriorated. He was released in April 2024.

Mr. Rasoul Bodaghi is a teacher and labour rights defender, a board member of Iran's Teachers' Trade Association, and a former supervisor of the teachers' committee of Human Rights Activists in Iran. His advocacy for teachers' rights and education reform has led to repeated arrests and convictions since 2009, resulting in almost a decade in prison, as well as his dismissal from his teaching position. He is currently serving a prison sentence.

According to the information received:

The case of Mohammad Habibi:

On 10 March 2018, Mr. Habibi was arrested during a peaceful teachers' demonstration in Tehran. Reports indicate that his arrest involved excessive force. He was subsequently detained in Evin Prison.

On 4 August 2018, Branch 26 of the Tehran Revolutionary Court sentenced Mr. Habibi to seven and a half years in prison on charges of “collusion against national security,” “propaganda against the state,” and “disrupting public order” for his peaceful involvement in trade union activities.

In November 2020, Mr. Habibi was released from the Greater Tehran Central Penitentiary after serving 30 months, following a sentence reduction based on a directive issued by the head of the Iranian judiciary.

On 5 April 2023, Mohammad Habibi was arrested during peaceful protests against the poisoning of schoolgirls in Iran. These protests, held in April and May 2023, were a response to a series of poisonings, believed to be acts of reprisal against women and girls for asserting their rights and participating in the 2022 nationwide protests.

During his arrest, Mr. Habibi was reportedly assaulted and filed a complaint against the security agents involved. However, his lawsuit was dismissed after security agents claimed he had allegedly attempted to flee their vehicle.

On 21 May 2023, Mr. Habibi was released on bail of one billion IRR after 47 days of detention. He had been charged with "gathering and colluding to act against national security" by Branch 2 of the Shahryar Revolutionary Court, based on his social media posts protesting the poisonings and calling for accountability.

In September 2023, Mohammad Habibi was dismissed from his teaching position for the third time. Previously fired in 2020 and 2021, he was temporarily reinstated by the Administrative Justice Court. However, a new ruling by the Ministry of Education's Disciplinary Board, later confirmed by the court, led to his dismissal. His charges include organizing and participating in union protests and being a member of the Teachers' Trade Association.

On 21 July 2024, Branch 2 of the Shahryar Revolutionary Court sentenced Mohammad Habibi to six months and one day in prison on charges of “gathering and colluding against national and external security.” The charge was based on his social media posts protesting the poisoning of schoolgirls, within the broader context of the “Woman, Life, Freedom” movement.

The case of Jafar Ebrahimi

In 2005, Jafar Ebrahimi was arrested during a peaceful teachers' protest in front of the Iranian parliament and received a formal reprimand in his employment record.

On 10 June 2009, he was sentenced to six months in prison for “propaganda against the state” in connection with his labour rights activism. He was released after serving the full sentence.

On 26 December 2019, he was arrested for attending a ceremony honouring those killed during the nationwide protests in November 2019. He was released on bail in January 2020.

On 31 January 2022, the Karaj Revolutionary Court sentenced him to five years for "propaganda against the state" and "gathering and collusion against national security" for attending the ceremony.

On 30 April 2022, he, along with Mr. Bodaghi and Mr. Habibi, was arrested again for planning teachers' gatherings on 1 May. During the arrest, all three faced physical violence, house raids, and the confiscation of their electronic devices.

On 24 October 2022, the Tehran Court of Appeals upheld his five-year sentence for "gathering and collusion" and "propaganda against the state".

On 27 April 2024, after serving two years, Mr. Ebrahimi was released from Qezel Hesar Prison in Alborz Province. His health had significantly deteriorated, with his autoimmune IBD condition becoming active. He reportedly developed diabetes during his imprisonment following a denial of adequate medical treatment and medical furlough. On one occasion, when he was taken to a hospital outside the prison for treatment on 15 November 2022, he was reportedly chained to the hospital bed for over 12 days during his stay.

In May 2024, following his release, he appealed his dismissal from the Ministry of Education after 24 years of service. However, the Administrative Court of Justice upheld his dismissal, barring his return to teaching.

The Case of Rasoul Bodaghi

On 2 September 2009, Mr. Bodaghi was arrested and later sentenced on 4 August 2010 by Branch 15 of the Revolutionary Court to six years in prison for "assembly with the intent to disrupt national security" and "propaganda against the state" due to his activities for teachers' rights and union efforts. He was also banned from social, political, or union activism for five years.

In September 2015, following the completion of his six-year sentence, Branch 28 of the Revolutionary Court sentenced Mr. Bodaghi to an additional three years in prison for "propaganda against the state" and "insulting the supreme leader." This sentence followed a complaint filed by the Head of Rajae Shahr Prison.

On 28 April 2016, Mr. Bodaghi was released from Evin Prison, after serving a total of seven years.

On 11 Dec 2021, Mr. Bodaghi's home in Tehran was raided by security forces. He was physically assaulted, detained, and held in Evin Prison's 209 Ward until 21 Dec 2021. His and his wife's devices were confiscated, and he was denied proper clothing. The arrest occurred during nationwide teacher protests demanding better classification, pension reforms, and educational improvements.

On 12 April 2022, Branch 26 of the Tehran Revolutionary Court sentenced him to four years in prison for "gathering and collusion with the intention of disturbing national security" and one year in prison for "propaganda activities

against the state.” In addition, Mr. Bodaghi was handed a one-year travel ban, a two-year ban on residing in Tehran and neighboring provinces, and a two-year ban on membership of political parties and social groups.

On 23 February 2024, Mr. Bodaghi’s attorney, Ramin Safarnia, informed Mr. Bodaghi's family that his request for retrial had been accepted by the Supreme Court's 32nd branch, with his potential release on bail pending court assignment.

On 16 Sept 2024, Mr. Bodaghi was granted a one-week release to attend his daughter's wedding.

Without prejudging the accuracy of the information received, we wish to express our grave concern that the repeated convictions and dismissals of Mr. Mohammad Habibi, Mr. Jafar Ebrahimi, and Mr. Rasoul Bodaghi appear directly linked to their peaceful advocacy for labor rights and education reform, including by exercising his right to free expression and participating in peaceful assemblies, and seriously infringe upon their human rights and livelihoods.

The recent conviction of Mr. Habibi for peacefully criticizing the handling of the schoolgirl poisonings in Iran is particularly troubling, especially since the state has yet to provide any results from its investigation into this issue. This concern is further amplified by our previous communication IRN 17/2023, where we brought attention to your Excellency’s Government information regarding similar cases in which activists were convicted for criticizing the investigation into the poisoning of schoolchildren.

Additionally, while we welcome Mr. Bodaghi’s temporary release and retrial, the harsh sentence he endured and his return to prison after completing his temporary release are alarming. It is also troubling that all three labour rights defenders have been dismissed from their jobs, depriving them of their sole source of income due to their union activities.

The Government's conflation of legitimate trade union activities with criminal actions raises serious concerns about its chilling effect on civil society, in violation of international human rights law, including the International Covenant on Civil and Political Rights, ratified by Iran in 1975.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the legal basis for the new conviction against Mr. Habibi and explain how these actions align with your

Government's obligations under international human rights law, particularly under the ICCPR.

3. Please provide the legal basis for the conviction of Mr. Bodaghi and his prolonged sentence over a decade and explain how these actions align with your Government's obligations under international human rights law, particularly under the ICCPR.
4. Please provide the legal basis for the dismissal of Mr. Habibi, Mr. Bodaghi, and Mr. Ebrahimi from their teaching positions and explain why their appeal in the Iranian Administrative Court of Justice was dismissed, including the reasoning behind this decision.
5. Please indicate what measures have been taken to ensure that trade unionists and other human rights defenders in Iran can carry out their legitimate work in a safe and enabling environment, without fear of threats, intimidation, harassment, or prosecution.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would also like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

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

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

Mai Sato
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR or "the Covenant"), ratified by the Islamic Republic of Iran on 24 June 1975.

We would like to refer to article 9 of the ICCPR enshrining the right to liberty and security of person and establishing in particular that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law as well as the right to legal assistance from the moment of detention. Article 9(4) also entitles everyone detained to challenge the legality of such detention before a judicial authority. United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court state that the right to challenge the lawfulness of detention before a court is a self-standing human right, the absence of which constitutes a human rights violation. Furthermore, in its general comment No 35, the Human Rights Committee has found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of peaceful assembly (art. 21), freedom of association (art. 22) and freedom of religion (art. 18). This has also been established in consistent jurisprudence of the Working Group on Arbitrary Detention. It has also stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary. Furthermore, article 14 upholds the right to a fair trial and equality of all persons before the courts and tribunals, the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to legal assistance.

We would furthermore like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture or to cruel, inhuman or degrading treatment or punishment, as stipulated in article 7 of the ICCPR, and set forth in article 5 of the Universal Declaration of Human Rights (UDHR).

We would also like to refer your Excellency's Government to article 10 of the ICCPR, which guarantees the right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person. In this connection, we draw your attention to paragraph 3 of the general comment 21 of the Human Rights Committee, which states that article 10(1) of the ICCPR imposes on States parties a positive obligation towards persons who are particularly vulnerable because of their status as persons deprived of liberty, and complements for them the ban on torture or other cruel, inhuman or degrading treatment or punishment contained in article 7 of the ICCPR. Thus, not only may persons deprived of their liberty not be subjected to treatment that is contrary to article 7, including medical or scientific experimentation, but neither may they be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons.

We also recall article 19 of the ICCPR, which guarantees that everyone shall have the right to hold opinions without interference, and the right to freedom of expression; which includes freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of one's choice. We note with concern the apparent retaliatory measures taken against prisoners, including Ms. Mohammadi, for exercising their right to freedom of expression. Legitimate restrictions to freedom of expression may be implemented only in full accordance with the requirements of article 19(3) of the Covenant.

Restrictions must meet the standards of (i) legality, meaning that they are publicly provided by a law which meets standards of clarity and precision, and are interpreted by independent judicial authorities; (ii) necessity and proportionality, meaning that they are the least intrusive measure necessary to achieve the legitimate interest at hand, and do not imperil the essence of the right; and (iii) legitimacy, meaning that they must be in pursuit of an enumerated legitimate interest, namely the protection of rights or reputations of others, national security or public order, or public health or morals. Although article 19(3) recognizes "national security" as a legitimate aim, national security considerations should be "limited in application to situations in which the interest of the whole nation is at stake, which would thereby exclude restrictions in the sole interest of a Government, regime, or power group". States should "demonstrate the risk that specific expression poses to a definite interest in national security or public order, that the measure chosen complies with necessity and proportionality and is the least restrictive means to protect the interest, and that any restriction is subject to independent oversight" (A/71/373). In this context, we underscore that the Human Rights Committee has found that "It is not compatible with article 19(3), for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information." (CCPR/C/GC/34 para. 30)

In its general comment No. 34, the Human Rights Committee asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression. Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (CCPR/C/GC/34, para. 23).

We would also like to refer to article 21 of the ICCPR, that states that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline. We also recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights

can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose.

In this regard, the Human Rights Committee stated that “the imposition of any restrictions should be guided by the objective of facilitating the right, rather than seeking unnecessary and disproportionate limitations on it. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect” (CCPR/C/GC/37, para. 36).

In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and of association highlighted that “negative and hostile narratives increasingly used to vilify and criminalize civil society and activists deepen the stigmatization of those exercising their rights to peaceful assembly and association. Stigmatization, whether intentional or not, especially when propagated by authorities, effectively denies these fundamental rights. It misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on these rights” (A/79/263, para. 11).

We would like to refer your Excellency's Government to the fundamental principles set forth in 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 would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We also wish to draw your Excellency's Government's attention to 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 form trade unions and for trade unions to function freely.

We also refer to the UN Declaration on Human Rights Defenders, particularly articles 1, 2, 5, and 6, as well as Human Rights Council resolution 24/5, which calls on States to protect the rights of individuals to peacefully assemble and associate freely, including trade unionists and human rights defenders.

Furthermore, Human Rights Council resolution 22/6 ensures the right of individuals to unhindered access to international bodies, including the UN Human Rights Council, and resolution 24/24 calls on States to protect individuals from reprisals for cooperating with UN human rights mechanisms.