

PUBLIC

AI Index: MDE 13/037/2009

24 April 2009

Further Information on UA 66/09 (MDE 13/019/2009, 10 March 2009) Prisoner of conscience

IRAN	Ali Nejati (m),]
New names:	Jalil Ahmadi, (m)]
	Fereydoun Nikufar (m),] trade unionists
	Qorban Alipour (m),]
	Mohammad Haydari Mehr (m)]

Trade unionist Ali Nejati was released on bail on 14 April 2009. This followed a strike by his fellow workers a week earlier, in which they called for his release, amongst other demands. He was also supported by solidarity actions by international trade union bodies and non-governmental organizations, including Amnesty International. Ali Nejati had been arrested on 8 March 2009 by Ministry of Intelligence officers, after an earlier raid on his home on 28 February.

Ali Nejati is one of the leaders of the Haft Tapeh Sugar Cane Company (HTSCC) Trade Union. On 20 December 2008, he was reportedly charged with “acting against national security” and “propaganda against the system”, in connection with interviews he and other trade union leaders, including those named above, gave on 1 May 2008 to foreign journalists about working conditions at the plant. On 20 May 2008, he was ordered to present himself for questioning at a court in the town of Shoush, Khuzestan. He was subsequently brought to trial in two court hearings on 17 and 23 February 2009.

On 14 April 2009, Ali Nejati's lawyer told the BBC that Ali Nejati, and the four other leaders of the HTSCC Trade Union named above, had been sentenced to between four and six months' imprisonment for “propaganda against the system” and to a three-year ban on participating in trade union activities, including elections. It is not clear to Amnesty International if he is facing further charges in relation to his arrest in March 2009.

None of the five are believed to be currently detained. They have the right to lodge an appeal within twenty days of notification of the verdict. Should any of the five be imprisoned on account of their peaceful trade union activities, Amnesty International would consider them to be prisoners of conscience and would call for their immediate and unconditional release.

BACKGROUND INFORMATION

Under Iranian labour legislation, workers are allowed to form Islamic Labour Councils (ILCs) in companies with more than 50 workers. They are not, however, permitted to set up any other labour organization. The ILCs' remit does not include defending the terms and conditions of their members. Those standing for leadership positions in the ILCs must first be vetted and approved, and may be disqualified, by an official selection body under discriminatory selection criteria known as *gozinesh*.

The HTSCC Trade Union was formed on 22 October 2008, when its board members were elected, and is only the second independent union to be formed in Iran since the Islamic Revolution. In the course of 2008, more than 1,900 HTSCC workers had called for the dissolution of the company's ILC and for the creation of such

an independent labour body. HTSCC workers had set up a trade union in 1973, but in the early 1980s the authorities banned it when the creation of free and independent labour organizations was prohibited. The HTSCC Trade Union held elections without the permission of the Ministry of Labour, which, together with the Ministries of Industry and Intelligence, has told the HTSCC that it does not recognize the union. This lack of official status puts the union's members at risk of prosecution.

Iran is a State Party to the International Covenant on Civil and Political Rights (ICCPR), Article 22 (1) of which states: "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Persian, Arabic, English, French or your own language:

- calling on the authorities not to imprison these five men (naming them) on account of their peaceful trade union activities, as they would be prisoners of conscience;
- urging the authorities to review their convictions and sentences with a view to overturning them;
- recalling that, as a state party to the ICCPR, Iran has undertaken to protect the right to freedom of association, including the right to form and join trade unions.

APPEALS TO:

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi
c/o Director, Judiciary Public Relations and Information Office
Ardeshir Sadiq
Judiciary Public Relations and Information Office
No. 57, Pasteur St., corner of Khosh Zaban Avenue
Tehran, Iran

Email: info@dadiran.ir (In the subject line write: FAO Ayatollah Shahroudi)

Salutation: Your Excellency

Minister of Labour and Social Affairs

Mohammad Jahromi
Ministry of Labour
Azadi Avenue

Tehran, Islamic Republic of Iran

Email: pasokhgoo@irimlsa.ir (In the subject line write: FAO Dr Mohammad Jahromi, Minister)

Salutation: Dear Minister

COPIES TO:

President

His Excellency Mahmoud Ahmadinejad
The Presidency
Palestine Avenue, Azerbaijan Intersection
Tehran, Islamic Republic of Iran

Fax: + 98 21 6 649 5880

Email: via website: <http://www.president.ir/email/>

Director, Human Rights Headquarters of Iran

Mohammad Javad Larijani
Howzeh Riyasat-e Qoveh Qazaiyeh / Office of the Head of the Judiciary
Pasteur St, Vali Asr Ave., south of Serah-e Jomhuri
Tehran 1316814737, Iran

Fax: +98 21 3390 4986 (please keep trying)

Email: info@dadgostary-tehran.ir (In the subject line write: FAO Javad Larijani)

Salutation: Dear Mr Larijani

and to diplomatic representatives of Iran accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 June 2009.