



Ünvan: Azərbaycan, Bakı, Şərifzadə 1, Ayna; Tel/Faks +47-99399225; Email: dunazhak@hotmail.com
Address: Ayna, Sherifzade 1, Baki, Azerbaijan; Tel/Fax +47-99399225; Email: dunazhak@hotmail.com

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The Office of High Commissioner for Human Rights, Geneva

Please circulate this letter to The Working Group on Arbitrary Detentions; and The Committee on the Rights of the Child

CC Mrs. Harrison, Amnesty International, London

Dear sir/madam,

Re COMMUNICATION UPDATE 1 ON MR. BEHRUZ ELIZADE

Please find enclosed **Update 1** on the Communication for safeguarding human rights of Mr. Behruz ELIZADE, a Southern Azerbaijani teenaged cultural activist who has been arbitrarily deprived of his liberty by Iranian authorities.

It is nearly two and half months since the arrest of this teenaged student who should be in his classroom with fellow students but certainly not with notorious criminals in a general prison. Moreover, here is a teenaged student who is probably breaking some sort of record by being arbitrarily detained for four times in less than one year. The amount of information provided you earlier (Ref: 402/2006 on 27 October 2006) was probably insufficient and not compiled in your format and therefore we provide you the following:

- **Table 1:** provides a log of our previous letters to you regarding Mr. Elizade;
- **Table 2:** provides an outline information on the four arbitrary detentions suffered by him;
- **Table 3:** the model Communication Form filled for your attention but only in relation to the ongoing Case.

It is clear to us that the case of Mr. Elizade has now become the case of an indefinite detention and in the words of a previous judge dealing with his case, a *running theme*. We are thoroughly worried about the well-being of this teenaged student and believe that you are the only authority with appropriate mandates to defend his human rights.

We would stress that in compiling and submitting this Communication and its updates we have not consulted with Mr. Elizade or anyone representing his interests. His defence lies before you and we thank you in advance for your speedy response.

Yours faithfully,

Boyuk Resuloglu

For and on Behalf of

The Committee for the Defence of the Rights of World Azerbaijanis



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Table 2 –DunAzHAK Log of Communications on Mr. Elizade

Cursory Mentioning of Mr. Elizade in our previous campaigns

Ref: 391/2006 on 29 September 2006;
Ref: 382/2006 on 17 September 2006; and
Ref: 344/2006 on 28 June 2006

Providing Person Specific Communication to OHCHR

Ref: 402/2006 on 27 October 2006 (this was submitted as a Complaint but the right expression is Communication)

Table 2 - The Reverse Chronology of the Detention of Teenaged Behruz Elizade

Date	Events
23 September 2006	<ul style="list-style-type: none"> Detained in connection with the campaign for the reinstatement of the official status of the Azerbaijani Turkic language
4 October 2006	<ul style="list-style-type: none"> Transferred to the General Prison in Erdebil, with 8 notorious criminals cellmates He was arrested together with other activists and when being tried in the court, the response of the judge, called Mr. Eali, to his question that why we are being treated in this manner was: “you are our running theme and we will arrest you as and when we wish”
14 June 2006	<ul style="list-style-type: none"> Arrested together with another fellow activist, called Elirza Yusufi, when distributing leaflets, campaigning for the release of the distinguished activist called Mr. Abbas Leysanli.
20 June 2006	<ul style="list-style-type: none"> He was denied of a furlough to meet his old mother in hospital and he was denied of attending his exams
9 August 2006	<ul style="list-style-type: none"> Was released after 88 days of illegal detention buying his freedom by meeting a bail of 15 million Tumen (\$15000)
Late May	<ul style="list-style-type: none"> Arrested by Iranian authorities in relation to the May 2006 Mass Protests sweeping through Southern Azerbaijan
Early June	<ul style="list-style-type: none"> Detained for two weeks but released after meeting a bail of 80 million Riyal
16 March 2006	<ul style="list-style-type: none"> Arrested and immediately detained without any indictment His family was unaware of the arrest and whereabouts of their child and extremely worried until they find out that their loved one is in prison without any indictment After the arrest he resorts to hunger strike
17 March 2006	<ul style="list-style-type: none"> His family meets with their child
19 March 2006	<ul style="list-style-type: none"> Transferred to Erdebil Prison, where he continued his hunger strike The judge Mr. Elai gets angry when attending the case of this young boy and has threatened his family to issue a sentence of 100 lashes if he carries on with his activities on promoting the national identity of Azerbaijan. The authorities want him to undertake that he will stop his activities but Elirza pledges his support to the national cause of Azerbaijan
4 April 2006	<ul style="list-style-type: none"> The judge says to his parents that “he has done nothing wrong but I keep him in the prison as he talks things too big for his mouth.”
7 April 2006	<ul style="list-style-type: none"> The judge Mr. Elai has explicitly stated that he is playing a game with this young boy by keeping him in the prison
10 April	<ul style="list-style-type: none"> He was set free who received a heroes welcome by other activists



Working Group on Arbitrary Detention

"No one shall be subjected to arbitrary arrest, detention or exile."
(Article 9, the Universal Declaration of Human Rights)

VII. Model questionnaire to be completed by persons alleging arbitrary arrest or detention

I. Identity of the person arrested or detained

1. Family name: Elizade (the Persian transcription of the name could be Alizadeh) ..
 2. First name: Behruz
 3. Sex: Male
 4. Birth date or age (at the time of detention):

Normally quoted as 18 years old and sometimes 19
 5. Nationality/Nationalities: Southern Azerbaijani national; a citizen of the Islamic Republic of Iran
 6. (a) Identity document (if any): not available
 - (b) Issued by: Being from the Southern Azerbaijani city of Erdebil, the General Registry Office in Erdebil would be responsible for issuing his birth certificate
 - (c) On (date): The data not available
 - (d) No.: The data not available
 7. Profession and/or activity (if believed to be relevant to the arrest/detention):
A student who spends his time not in his classroom but in four detentions with notorious criminals
 8. Address of usual residence: He is from the Southern Azerbaijani city of Erdebil. No more specific information on his address is available
-

II. Arrest

1. Date of arrest: 23 September 2006. However, this was his fourth detention in less than 1 year
2. Place of arrest: There is no specific information available on the place where he was arrested but this took place in Erdebil
3. Forces who carried out the arrest or are believed to have carried it out:
Normally this information is not available even in cases where data is rich but invariably, the acts of arrest or abduction are carried out by security agents harboured by the Ministry of Information.
4. Did they show a warrant or other decision by a public authority?
(No) Showing a warrant is highly unusual and basically Iranian security agents can get away by arresting or abducting Southern Azerbaijani activists, as they wish, even a judge has said this.
5. Authority who issued the warrant or decision: Undoubtedly, the Ministry of Intelligence is the culprit even without issuing any warrant.
6. Relevant legislation applied (if known):

Normally this data is non-existent as the acts of arrest or abduction is arbitrary.

III. Detention

1. Date of detention: He was transferred to the General Prison in Erdebil on 4 October 2006, where his cell's mates include 8 known criminals.
 2. Duration of detention (if not known, probable duration): Now it is approximately 2.5 months he is in detention and suffers from impunity.
 3. Forces holding the detainee under custody: He was held 11 days in custody and no specific information has been released by the officials or obtained by Southern Azerbaijani activists as who was holding him in the custody, i.e. the Ministry of Information, the Internal Ministry or the Ministry of Justice. However, there is often collusion between them and it is highly likely that the prison authorities are under a direct order from the Ministry of Information to hold him.
 4. Places of detention (indicate any transfer and present place of detention): General prison Erdebil
-

5. Authorities that ordered the detention: *As in III.3*
6. Reasons for the detention imputed by the authorities: *As there is no official information released, this is a proof in itself that the arrest, remanding in custody and detention are all arbitrary acts.*
7. Relevant legislation applied (if known): *As there are no imputed charges, relevant legislation underpinning the arrest, custody and detention are not relevant.*

IV. Describe the circumstances of the arrest and/or the detention and indicate precise reasons why you consider the arrest or detention to be arbitrary

As in our report Ref: 391/2006 on 29 September 2006, it is explained that there was a national call in Southern Azerbaijan to stage protests and civil disobedience campaigns against the racist policies of the Islamic Republic of Iran towards uprooting the mother tongue of Southern Azerbaijanis. The occasion was selected as it was the commencement of the new academic year in Iran and therefore in Southern Azerbaijan. The Iranian authorities resorted to their characteristic repressive acts and the following is an extract from a *General Statement* by Amnesty International (MDE 13/108/2006 on 25 September 2006):

More than 15 members of the Iranian Azerbaijani community are reported to have been detained in recent days in connection with a call for students to boycott schools on the first day of the new academic year - 1 Mehr (which this year fell on 23 September 2006). Similar boycott calls have been made in previous years.

Iranian Azerbaijanis, who live mainly in the north-west of Iran, and who speak Azerbaijani Turkic, have over the past 15 years or so been demanding that the Iranian authorities respect their right to be educated in the medium of their own language. Article 15 of the Iranian Constitution permits “the use of regional and tribal languages in the press and mass media, as well as for teaching of their literature in schools... in addition to Persian”.

Under international law, persons belonging to minorities have the right to use their own language, in private and in public, freely and without interference or any form of discrimination. States cannot deny the right to use one’s own language.

While the state provides education in the state’s official language(s) for the majority population, members of minorities have a right to establish and maintain schools where education is provided in their own language, provided that they conform with the minimum educational standards laid down by the state. Parents have a prior right to choose the kind of education that shall be given to their children. This includes the right to choose for their children institutions other than those established and maintained by the public authorities.

State authorities should take positive measures: (a) so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue; (b) in order to encourage knowledge of the language of the minorities existing within their territory.

Whilst the *General Statement* by Amnesty International is authoritative and lays down an unambiguous legal and human rights context to the protests, the Iranian authorities resorted to repression and one instance of this is the case of Mr. Behruz ELIZADE. He is a well-known campaigner and therefore the authorities arrested him perpetrated their arbitrary acts.

- V. Indicate internal steps, including domestic remedies, taken especially with the legal and administrative authorities, particularly for the purpose of establishing the detention and, as appropriate, their results or the reasons why such steps or remedies were ineffective or why they were not taken

As far as we know Iranian authorities are unique in obstructing any flow of information in relation to their arbitrary acts against Southern Azerbaijani activists. We have no doubt that Mr. Elizade's family members have explored all the domestic avenues but to no avail. It is relevant to bear in mind the following two points:

- Mr. Elizade's father was killed four years ago subsequent to being exposed to chemical warfare between Iran and Iraq and although Iranian authorities go a long way towards positive discrimination of such people, in this case it looks that they are upset and therefore act with extra vengeance against this teenager who is an arduous campaigner for the mother tongue of Southern Azerbaijanis.
- As in our letter Ref: 402/2006 on 27 October 2006, we have shown that the judge Mr. *Elai* regarded Mr. Elizade as their recurrent theme and had vowed to arrest him anytime as he wished. Under this condition, there is no chance for domestic remedies.

- VI. Full name and address of the person(s) submitting the information (telephone and fax number, if possible) ^(d)

Mr. Boyuk Resuloglu

On behalf of:

The Committee for the Defence of the Rights of World Azerbaijanis

Address:

Ayna, Sherifzade 1, Baki, Azerbaijan; Tel/Fax +47-99399225; Email:

Boyuk_Resuloglu@hotmail.com or bo-diza@online.no

Date: 4 December 2006

Signature:

This questionnaire should be addressed to the Working Group on Arbitrary Detention, OHCHR-UNOG, 1211 Geneva 10, Switzerland, fax No. (41-22) 917.90.06.

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Geneva, Switzerland Send e-mail with comments and suggestions to:
webadmin.hchr@unoq.ch

OHCHR-UNOG
8-14 Avenue de la Paix
1211 Geneva 10, Switzerland
Telephone Number (41-22) 917-9000