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Say (No.): 422/2006

Tarix (Date): 7 Dec 2006

The Office of High Commissioner for Human Rights, Geneva,

Please circulate this Communication to the Special Representative of the Secretary-General on human rights defenders, also this of interest to:

- Special Rapporteur on the independence of judges and lawyers
- The Working Group on Arbitrary Detention
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
- The Independent Expert on Minority Issues



Mr. Rza Abbasi, a
Southern Azerbaijani
prisoner of conscience

CC Mrs. Harrison, Amnesty International, London

Dear sir/madam

Re UPDATE 2: THE COMMUNICATION ON MR. RZA ABBASI

Please find enclosed Update 2 for safeguarding human rights of the distinguished human rights defender of Southern Azerbaijan, who is verified by Amnesty International to a prisoner of conscience for being arbitrarily imprisoned by Iranian authorities. The documents provided for your attention are:

Table 1: The Communication form for the Special Representative of the Secretary-General on human rights defenders, using Statements by Amnesty International and our own sources

Table 2: The statement issued by Mr. Abbasi's lawyer and the news on the outcome of the Appeal Court

Table 3: The log of our correspondence to OHCHR or Amnesty International

Table 4: The reverse chronology on events in the case of Mr. Abbasi

In summary, the Appeal Court, as expected, confirmed the sentence. Mr. Abbasi's lawyer, as given in Document 3 of Table 2, argues that there are flagrant flaws in the case. We hold that, the whole case is riddled with flaws including:

- Denying the right to a lawyer of the victim's choice,
- Carrying out interrogation and court procedures without the presence of a lawyer, and
- Trying the victim in closed court sessions.

Thus, the case is deemed arbitrary and designed to arrive at a premeditated verdict. It needs the attention of your legal advisers else the cause for defending human rights is undermined by Iranian authorities.

An Azerbaijani poet (Nusret Kesemenli) says life is not just for whispering love to the ear of one's beloved but there are plenty of opportunities to speak up as the world is vast. Mr. Abbasi has done his fair share; we have done whatever we can, and Amnesty International have done their best by issuing two Urgent Actions. Now all the avenues are closed to defend this case. Our hope is your authority and Mr. Abbasi's defence rests before you.

Yours sincerely,

Boyuk Resuloglu



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Chairperson of the Committee for the Defence of the Rights of World Azerbaijanis

Table 1 Communication on Mr. Rza Abbasi	
The Special Representative of the Secretary-General on human rights defenders Office of the High Commissioner for Human Rights United Nations 1211 Geneva 10, Switzerland FAX: (41 22) 917 90 06	
1. Information regarding the alleged victim	
1.1	Full name Rza ABBASI (the Persian way of English transcription of his first name is Reza)
1.2	Age Born in 1979
1.3	Sex Male
1.4	Profession or occupation Journalist (working in <i>Medom-e-nov</i> published in Zenjan) and also a teacher (mathematics)
1.5	Place of residence (or origin, if relevant to the violation suffered) The Southern Azerbaijani city of Zenjan, in Iran
1.6	The victim's affiliation, if any, with an organization, association or group engaged in human rights work The victim is a human right defender and a founding member of an impressive range of human right organisations listed in 1.6.1.
1.6.1	Name of the organization, association or group The victim is prolifically associated with various human rights organization: <ul style="list-style-type: none">• A founding member of the Committee for the Defence of (Southern) Azerbaijani Political Prisoners (the abbreviation of the Azerbaijani Turkic name is ASMEK)• A founding member of the Iranian Alumni Association• A founding member the Student Union of the University of Zenjan (Association of the Azerbaijani Turks of the University)• An inspiring contribution to the feminist movement of Southern Azerbaijan
1.6.2	Name of the person heading the organization, association or group Of the above organizations only ASMEK is under an active state persecution and Mr. Abbasi is one of four founding members but believed to have many other contributors.
1.6.3	Nature of human rights work the individual performs The organisation investigates the violation of human rights of Southern Azerbaijani activists by the various state machineries and reports them in their websites, which have been closed



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down by the authority.	
1.10	If the alleged violation is against an organization: Although ASMEK is persecuted by the State but this Communication is not meant for safeguarding the rights of ASMEK. This will be a separate submission.
1.10.1	Name of the organization Not Applicable
1.10.2	Nature of the human rights work/activities it is engaged in Not Applicable
1.10.3	Territorial scope of its work (national, regional, international) Not Applicable
1.10.4	Affiliations with other human rights organizations, if any Not Applicable
1.10.5	Name of person(s) heading the organization Not Applicable
1.10.6	Additional information on the history of the work the individual or organization has performed, if submitted, may be helpful in assessing the complaint/allegation. As the four founding members were arrested in early April 2004, so the functioning of ASMEK was hampered for a few months but was regrouped and resumed its function after a few months. Again, since the May 2006 Mass Protests, ASMEK has been under increased persecution, as a result of which Mr. Rza Abbasi is imprisoned and Mr. Elirza Javanbekht Qulunju was repeatedly arrested but released. However the life was made impossible to him until he sought a political refugee status from the UN.
2.	Nature of the alleged violation All relevant information regarding the violation allegedly committed against the human rights defender, or organization, association or group, including: The following information is mainly derived from the two Urgent Actions issued by Amnesty International: MDE 13/101/2006 on 12 September 2006 and MDE 13/128/2006 on 28 November 2006 and our own source that we can reveal but in strict confidence.
2.1	Date 27 June 2006
2.2	Place A.I.: "Reza Abbasi was arrested on 27 June 2006, after he failed to comply with a telephoned order to attend an Intelligence Ministry facility for interrogation" This was when he was on his way to home around lunch time on the day.
2.3	Description of the events/incident Our reliable source has given the following account: Security agents in Zenjan called Mr. Abbasi on 22 June 2006 and warned him not to take part in the Babek Assembly. They infringed his civil liberty and human rights in a very aggressive tone and using a foul language. Mr. Abbasi revealed this experience by writing a comical story and sent it to the head of the security agents in the Ministry of Intelligence controlling activists of the



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	Southern Azerbaijani national movement. After 2 hours Mr. Abbasi was arrested and this happened on 27 June 2006.
2.4	<p>Nature of violation suffered or threatened (The information must indicate the connection of the alleged violation to human rights activities performed.)</p> <p>Besides being deprived of liberty, there is no information whatsoever on the details and nature of physical and psychological violations inflicted on Mr. Abbasi. Even his lawyer has not been allowed to know these details, as we will present the details and sources of our information. However, he has been kept in solitary confinement and inevitably this must be considered as violation of his individual rights, at least that of the rights for political prisoners.</p>
2.5	<p>If the violation involves or includes the arrest and/or imprisonment of an individual or group of human rights defenders, information is required on:</p> <p>Mr. Abbasi has been kept in solitary confinement (the Quarantine unit) of the General Prison in Zenjan and not yet transferred into the prison. His interrogations have all been without the presence of a lawyer and his parents have been threatened not to appoint any lawyer. In fact, his old parents have been persistently harassed and called to interrogation units several times despite suffering from medical problems.</p>
2.6	<p>Identity of the authority involved (individual and/or ministry and/or department)</p> <p>It is invariably the Ministry of Intelligence involved with these types of illegal acts, although prison authorities, the police and the Ministry of Justice all are colluding towards their arbitrary acts.</p>
2.7	<p>Date and place of arrest</p> <p>27 June 2006</p> <p>The exact details at the place where the act of arresting took place are not known. Such details are not normally available, as the Iranian authorities are extremely careful to cover their tracks and therefore such details are normally available if only there is an accidental eyewitness account.</p>
2.8	<p>Any circumstances under which the arrest was made that are relevant to the violation</p> <p>At no time the authorities have issued any information and the lawyers still have not given a proper access to the file of Mr. Abbasi and there is no specific information available on the circumstance of the arrest.</p>
2.9	<p>Nature of charges, if any, and the legal statute invoked</p> <p>The information on the charges became available only when the court sentence was issued verbally (and as the Iranian authorities are extremely careful to cover their tracks, the sentence was never issued in writing) and they are as follows:</p> <p>A.I.: The charges against him reportedly include "insulting the Leader [of the Islamic Republic of Iran]" and "propaganda against the system".</p>
2.10	<p>Potential penalties the individual or group faces</p> <p>The verdict has been already confirmed by the authorities to be a total of one year (six months per each of the charges).</p>



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2.11	Place of detention, if known Still believed to be in the solitary confinement in the Central Prison in Zenjan although we will be surprised if he has not been transferred to the general prison.
2.12	Term of detention According to Mr. Abbasi's lawyer, Mr. Khelili, any authority can only keep a detainee if approved by the prosecutor and he believes in this case this rule was flouted. Also a detainee can only be kept for one month and extension is only through a special procedure but he believes that this procedure was also flouted. See Table 2, Document 3.
2.13	Information on the provision of access to legal counsel and family members There is almost certainty that Mr. Abbasi was denied the right of access to a lawyer. The appropriate Iranian authority did not accept the lawyer of his choice and he was not even allowed to the first court. Then a second lawyer was appointed by the Council for the Defence of the Rights of Political Prisoners, Mr. Khelili, who was allowed to the second session of the trial court but the proceedings of both courts were conducted in closed sessions. As regards the Access of members of Mr. Abbasi's family to visit him in the prison, until recently not only this was denied but his elderly parents (suffering from health problems) were frequently summoned by the Ministry of Intelligence pressurising them towards some sort of confession. Also, A.I. gives the following account: According to reports, the Zenjan office of the Ministry of Intelligence has been harassing Reza Abbasi's family, including by repeatedly summoning his elderly parents for interrogation.
2.14	Steps taken to seek administrative or judicial remedy, nature of the remedy sought, legal entity before which proceedings have been taken, and stage or result of such proceedings The judiciary authority is colluding with the agents of Ministry of Intelligence in the most flagrant manner. These are most evident in the statements given by Mr. Abbasi's lawyer, Mr. Khelili who portrays a graphic picture of a number of shortfalls in the proceedings of this case and they all concern the judiciary system. See Table 2 Document 3. Therefore we are arguing that there is no internal procedure to seek justice for Southern Azerbaijanis.
2.15	If the defender is being prosecuted in the courts for any activity in defence of human rights or related activity, or as a consequence of such activity: Please note that Mr. Abbasi is not being prosecuted for any specific case but this is specifically related to his promotion of the national and human rights of the nation of Southern Azerbaijan. Even this clear issue has been transmuted by the authority in the form of charges "insulting the leadership of the Islamic Republic of Iran". We challenge this based on the following two evidence:
2.15.1	The date and location of the trial A.I.: Reza Abbasi is known to have appeared in court on two occasions: on 5 September, he was reportedly brought before Branch One of the Revolutionary Court in Zenjan, in a closed session without his lawyer or his family present. A second closed session was held on 11 September, this



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time with his lawyer present, who afterwards reportedly stated that Reza Abbasi had been questioned about his activities in various student organizations and for ASMEK.

2.15.2 The court hearing the case

Please refer to 2.15.1, as the information by A.I. cover this as well.

2.15.3 The relevant appeal procedures

This is detailed by the statements given by Mr. Abbasi's lawyer in Table 2 Document 3, according to which the lawyer has to submit a request and if this is accepted then details are submitted. This step has been taken but the Appeal Court has confirmed the sentence. We believe that this is due to collusion between a vast network of interacting system that the Ministry of Information, Ministry of Justice, Ministry of Internal Affairs, the Polices authority are working hand-in-hand, much similar to the Soviet system and there is no internal checks. So the authorities keep replicating their error through a lifecycle of each case over and over.

2.15.4 The penalties the group or individual faces

The verdict has already been issued and it is a total of one year.

3. Perpetrator(s) of the alleged violation

3.1 Name(s), if known

We consistently maintain that the authorities are extremely careful to cover their track on matters related to the politics or national and human rights of Southern Azerbaijanis. So all the perpetrators are harboured dearly by the authorities. Having said that, there is a rumour about an individual who is responsible to the acts of arrest of all activists promoting the national identity of Southern Azerbaijanis. However, this name has not been confirmed and therefore we would not like to name him. Nonetheless, other than the name of the judge, there is no other name revealed by the authority. In fact there is no single communiqué issued by the authority in relation to this case and many other cases.

3.2 If they are members of the security forces, their rank, functions, the unit or service, etc., to which they belong

Please refer to 3.2, above.

3.3 If they are members of a civil defence group, paramilitary or other forces or an armed group, details on whether or how these groups relate to the State (e.g. cooperation with the State security forces, including information on chains of command, if available, State collusion with or acquiescence in their operations)

Please refer to 3.2, above.

4. Steps taken by or on behalf of the victim or organization to seek a remedy at the national level

4.1 All relevant information regarding whether a complaint was filed

There is no organisation in Iran who can offer any remedy. This is a system of collusions to



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eliminate non-conformists. Even the lawyers undergo a considerable risk, e.g. the Case of Mr. Saleh Kamrani, a distinguished Southern Azerbaijani human rights lawyer who is suffering similar ordeals. Also, it is evident from the statement of Mr. Khelili, the lawyer of Mr. Abbasi, that he is keen to give statements to cover himself, see Table 2, Document 3.

4.2 If so, when, where, by whom and before which authority
Please refer to 4.2, above.

5. Steps taken by the concerned authorities

5.1 Whether or not an investigation or inquiry into the alleged violation has been initiated and/or concluded
This is not really relevant in Iran when the victims are promoting the national and human rights for the nation of Southern Azerbaijan. The authorities are then most brutal.

5.2 If so, by which authority, ministry or department of the Government
Please refer to 5.2, above.

5.3 Progress and status of the inquiry or investigation at the time of submission of the allegation
Please refer to 5.2, above.

5.4 Whether or not the investigation or inquiry has resulted in charges or other legal action
Please refer to 5.2, above.

5.5 If so, the reason why the result is unsatisfactory
Please refer to 5.2, above.

5.6 Measures, if any, taken to protect person(s) under threat
Please refer to 5.2, above.

6. The violation alleged may not be the result of one incident or event, but may be a continuing violation owing to conditions, policies, practices or laws that obstruct the promotion, protection and/or realization of human rights

In such cases submissions must include:

The Islamic Republic of Iran is simply waging racist policies and highly intolerant of the national movement of Southern Azerbaijan. We would like to quote three items of information as issued by Amnesty International to support our statement:

A.I. MDE 13/074/2006 on 29 June 2006: Mass demonstrations broke out in towns and cities in north-west Iran following the publication on 12 May 2006 of a cartoon in the state-owned daily newspaper, *Iran*, which offended many in the Azerbaijani Turkic community. The government suspended publication of the newspaper on 23 May and both the editor-in-chief and cartoonist were arrested. Protests began on a small scale mainly among Azerbaijani Turkic students in universities in Tehran and Tabriz, but rapidly to Azerbaijani Turkic areas. A huge demonstration took place in Tabriz on 22 May and further demonstrations were held in other places in the following days. Most of these protests were peaceful, but some ended with attacks on government buildings and cars. Some Iranian Azerbaijani Turkic sources have claimed these attacks were



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instigated by government agents. The Iranian government has accused the United States (US) and other outside forces of stirring up the unrest. The US government has denied this.

OR - A.I. MDE 13/074/2006 on 29 June 2006: Amnesty International is calling on the Iranian authorities to respect international human rights standards in relation to the policing of the Babek Castle gathering and ensure that those responsible for law enforcement conform at all times with standards such as the United Nations Code of Conduct for Law Enforcement Officials release all prisoners of conscience immediately and unconditionally. Other detainees should be released unless they are to be charged with a recognizably criminal offence and brought to trial promptly and fairly grant all detainees prompt and regular access to lawyers of their own choosing and their families and to appropriate medical care if necessary investigate all allegations of torture or ill-treatment promptly and thoroughly. The methods and findings of any such investigation should be made public. Anyone implicated in human rights violations should be brought to justice promptly and fairly and victims of torture and ill-treatment should be granted compensation ensure that any trials respect, as a minimum standard, the relevant provisions of the International Covenant on Civil and Political Rights investigate all possible unlawful killings or extra-judicial executions promptly and fairly in accordance with the UN Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, and bring to justice, fairly and promptly, any members of the security forces responsible for unlawful killings or other grave violations of human rights.

OR - A.I. MDE 13/108/2006 on 25 September 2006: 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.

And Finally A.I. MDE 13/101/2006 on 12 September 2006: Reza Abbasi's arrest followed widespread demonstrations in predominantly Azerbaijani Turkic areas in May 2006 in protest at a cartoon published on 12 May by the state-owned daily newspaper *Iran*, which many Azerbaijani Turks found offensive. The arrest was in advance of the annual Babek Castle gathering on 30 June, at which thousands of Azeri Turks gather to celebrate the birthday of Babek Khorramdin, who lived in the ninth century and is regarded as a hero by Azerbaijanis. These gatherings have frequently met with repression on the part of the Iranian authorities, and this year the security forces were reported to have carried out arrests prior to the event, possibly to prevent certain people attending (for further information see AI Public Statement:

<http://web.amnesty.org/library/Index/ENGMDE130742006?open&of=ENG-IRN>). [reference to



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Azeri and Turkish were refined to Azerbaijani and Turkic in the above text]

We hold that the Iranian authorities are waging a continual racist policies and a s a results

- 6.1 All relevant information regarding such conditions, policies, practices or laws
This is a vast subject and we intend to produce a series of report to describe these. For the time being, we suffice to the response in Sec. 6.
- 6.2 The nature of the prejudice suffered by an individual or group(s) working for the defence of human rights because of the above
Some of the symptoms of the racist policies of the Islamic Republic of Iran include:
- Undermining the economical integrity of Southern Azerbaijan
 - The environment of Southern Azerbaijan is approaching a disaster, where the Iranian authorities regard our homelands as their backyard for washing their dirty linen.
 - They are balkanising Azerbaijan and undermining its territorial integrity, we are preparing a report on this issue.
 - The Iranian authorities have one rule for Persians and another rule for non-Persians. For instance after insulting the national integrity of the nation of Southern Azerbaijan, the authorities arrested the two perpetrators and temporarily stopped the publication of the daily newspaper *Iran* but in time the publication of this daily newspaper was resumed, the chief-editor of *Iran* was cleared, and the cartoonist was smuggled out of the country. Yet the nation of Southern Azerbaijan is still victimised for their democratic protest and the case of Mr. Abbasi is one of the evidences among hundred sentences passed to Southern Azerbaijanis and approximately another hundred is expected.
 - The authorities are responsible for killing some 28 individuals in an extra-judiciary manner during the May 2006 Mass Protests. No official enquiry was launched and it seems that it is just ok to exterminate Southern Azerbaijani individuals.
 - The prejudice is widespread, as our mother tongue is treated in contempt and as a sure sign of separatism. There is no single classroom in our mother tongue and the nation is extremely upset about this and reaching to the point of intolerance. The authorities are even violating their own Constitution with appropriate provisions for education in mother tongue.
- 6.3 Methods used to impede the work of human rights defenders on the basis of the above conditions, policies, practices or laws
The authorities are the most ingenious in impeding the activities of human right defenders. Depriving funds is the most obvious ways. For instance the amount of financial aid that the Iranian authorities provide to Tajikistan or Armenia is greater the budget allocated to Eastern and Western Azerbaaijan, Erdebil and Zenjan provinces (these together with the provinces of Hemedan and Erak are referred to as Southern Azerbaijan).
- Bringing punitive verdicts against Southern Azerbaijani cultural, political and human right activists is another trick employed by the authorities. We are analysing these sentences and



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you will soon have our report.

The Case of Mr. Abbasi exemplifies one such complex case. He is most explicit in defending the rights of Southern Azerbaijan and yet the charges brought to him are very intriguing indeed. If insulting the leader of the Islamic Republic of Iran is an issue why did the authority remain silence in other occasions. We provide the following instances, where Mr. Abbasi was explicit in criticising the authorities (but never insulting anyone, simply critising):

Instance 1 (we can only reveal our source under strict confidential undertaking by the OHCHR or Amnesty Internationa): It is in the record that Mr. Abbasi delivered a speech in 2002 in the University of Zenjan in defence of human rights of Mr. Aghajari (a Persian activist at the time, who is regarded with suspicion by many Persians but bears no affiliation to Southern Azerbaijan and its national movement) against the capital punishment sentence that was mysteriously revoked later on by the authorities. Mr Abbasi's statement is translated as:

"I am criticising those who claim to implement justice in the manner of Imam Ali, the first Shiite Imam, but implement policies like of Yazid (the executioner of Imam Hossein, the third Imam of Shiites (His statements in Farsi: "ruye sokhane ma ba kasi ast ke dam az edalate alavi mizanad amma yazid var hokumat mikonad").

The above statement was given by Mr. Abbasi in the capacity of the leader of the Islamic Society of the University of Zenjan. Here one sees that Mr. Abbasi has drawn an analogy between the policy conduct of the government of Islamic Republic of Iran only four years ago and that of Yazid, the second Omayyad Caliph (ruled between 680-750 A.D.), who crushed the Shiite revolt in 685-687 A.D. This is a highest degree of insult to fundamentalist Shiites and yet Mr. Abbasi was never even harassed for his remarks.

Instance 2: In a conference for the 60th anniversary of the national government of Southern Azerbaijan in 2004 he has a brief deliberation focussed on criticising the totalitarian Iranian regime for persecuting fellow students and in particular interrogating the father of fellow student and activist of Southern Azerbaijan. His brisk message to the authorities is that:

"Those masters who are ruling our country, if you are too busy to study history, why not to learn a lesson from the fate of Saddam Hussein in Iraq." The speech is in Azerbaijani Turkic and may be viewed through the following link:
http://www.azadtribun.net/Rza_Abbasi.ram

Again, he is very bold here but was not arrested for expressing his opinion. So the question is why?

We hold that the Iranian authorities think that they are most ingenious by resorting to tricks and bringing irrelevant charges to hide their true aims of perpetuating their infringements to the national and human rights of Southern Azerbaijanis. If the human rights organisations resort to silence, they will appease the Iranian racists and perpetuate the sufferings of the individuals like Mr. Abbasi.

6.4 Agencies (State, non-State) employed to harass, intimidate and/or injure human rights defenders on the basis of these conditions or in implementing such laws, practices and policies

This is really a network and a subject of a specialist paper.



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6.5 Possible measures that can be taken to remedy the situation
We cannot see any internal remedy and Amnesty International is doing their best to expose the violation of human rights by Iranian authorities perpetrated against Southern Azerbaijan. The only mechanism remaining is the UN OHCHR and the UN Security Council. We believe you are our best hope with executive powers at least to document the violation of human rights against Southern Azerbaijanis in general and against Mr. Abbasi in particular. Of course the ultimate authority is the nation of Azerbaijan who voted for their wishes by orchestrating the May 2006 Mass Protests with approximately two million people taking part in it throughout Southern Azerbaijan.

6.6 Any action taken by individuals or groups at the national level to reverse the conditions, policies and practices or for reform of the laws that are contrary to the rights recognized by the Declaration
There is a history of 15 years of writing petitions to the Iranian authorities in the most inclusive manner. The activists who do not share the fundamentalist stance of the authorities were happy to compromise and therefore all of the petitions are framed within the UN declarations of human rights and its subsequent covenants as well as within the Iranian Constitution and laws. Invariably, all these were ignored and the complacent authorities even did not bother to respond to any. We have reflected on some of these petitions and translated them to Mr. Kof Annan but many more may be obtained from the following references:

- <http://www.azbilotop-gis.blogfa.com> or
- <http://tomarlar.blogspot.com/> (the letters go back as much as 10-12 years)

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Note that DunAzHAK is an NGO devoted to the defence of human rights of Southern Azerbaijanis.



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TABLE 2 SUPPORTING DOCUMENTS

Document 1 Translation of the Statement on the Outcome of the Appeal Court
Sources: <http://riza.blogfa.com/post-43.aspx> Date: 6 November 2006

The Appeal Court Upheld the One Year Punitive Imprisonment Passed to Rza Abbasi, the Founding Member of ASMEK

Branch 3 of the Appeal Court of the Province of Zenjan chaired by the Judge, Naser Qavami confirmed in definitive terms the one year imprisonment sentence passed to Rza Abbasi, the founding member of The Committee for the Defence of (Southern) Azerbaijani Political Prisoners (ASMEK), the founding member of the Student Union of the University of Zenjan (Association of the Azerbaijani Turks of the University) a standing member of the Iranian Alumni Association, and an activist promoting the Azerbaijani Turkic identity.

Rza Beheshti, the representative of the Abbasi family confirmed to our reporter the outcome of the Appeal Court and criticised the authority for the terrible conditions of the prison, keeping Abbasi in the solitary confinement wing of the prison and not transferring him to the general wing. He calls for respecting Rza Abbasi's rights in the prison. He added "The Abbasi family are supporting their Lawyer, Mr. Khelili, after 162 days since the arrest, to ensure that at least Rza Abbasi's right for furlough is respected or be fully released after spending half of his imprisonment term."

The information in the next paragraph is already written to you in the past.

Document 2 Translation of the Statement on the Outcome of the Appeal Court
Sources: <http://riza.blogfa.com/post-42.aspx> Date: 30 October 2006

The Appeal Court Confirmed the Sentence passed to ex-member of the Student Union of University of Zenjan (Islamic Student Union)

Tehran: Iran Labour News Agency

Branch 3 of the Appeal Court of the Province of Zenjan confirmed the one year sentence passed to Rza Abbasi, an ex-member of the Student Union of the University of Zenjan.

According to the reporter of ILNA, this journalist from Zenjan was earlier sentence to one of punitive imprisonment by Branch 1 of the Revolutionary Court in Zenjan accused of waging publicity against the system and insulting to the leader. His appeal file was then submitted to the Appeal Court of Zenjan, Branch 3. This Branch evaluated the case and confirmed it as it was.

News Code: 365000

Document 3 The Statements by Mr. Abbasi's Lawyer in a Press Conference
Source: <http://riza.blogfa.com/post-38.aspx> Date 17 October 2006

The Interview Given by the Lawyer of Rza Abbasi Regarding the Illegality of the Sentence in the Court Procedures

The Lawyer of Rza Abbasi in a Press Meeting of Journalists Stated: I have appealed as the time lapse between the last defence and issuing of the sentence was excessive.

The lawyer defending Rza Abbasi stated he has lodged appeal regarding the one year sentence passed to his Client in the lower Court.



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According to the reporter on legal affair of ISNA (Iranian Students News Agency), Seid Khelili gave a statement in the press meeting of journalists of Zenjan regarding the outcome of the sentence of his Client: “the sentence passed to my Client comprises two sets of 6 months of imprisonment in accordance with Article 500 and 514 of the Islamic Penal Code. I requested the authorities to scrutinise the file so that I could extract appropriate passages to facilitate the appeal. However, I was not allowed access to the file and apparently certain documents have been added to the file.”

According to this reporter, Seid Khelili also gave a statement regarding the submission of the appeal: “I have now submitted a request for appeal and it will probably take one week until the Appeal court will let me know if they accept my request, after which I will submit the appeal.

Khelili also explained his engagement to the Case of Rza Abbasi by the Council for the Defence of the Rights of Political Prisoners and said that: we do the best as we can to help our Client but we are not engaged in politics ourselves though our activities are more oriented towards human rights.

He referred to his meeting with Rza Abbasi stating that he has been kept in the solitary confinement wing of the prison and explained that this wing is allocated for temporary keeping of the prisoners before they are allocated to their appropriate wings. “He is now approximately 110 days kept here and is upset about his current prison condition.”

The lawyer expressed his concern on the prison authorities and judiciary system and asked the question that what wrong did Rza Abbasi do to be imprisoned so long?

Khelili gave some clarity to the various points and shortfalls in the file of Rza Abbasi saying that “the first point I raised regarding the court sentence was that they were talking about failing to produce Guarantee for 5 million Tumen. On the contrary, the family of my Client have referred numerous times to the Court to provide the Guarantee but the Court has dismissed the Guarantee offered (by the individuals introduced by his family – the text within this bracket is added by the Translator). You see that my Client was not short of individuals offering the Guarantee but then now the sentence has not yet been confirmed and then you see him still imprisoned.”

He continued with the information that: “When someone offers a guarantee, the court is obliged to accept it but then if the guarantors are dismissed by the court, then the accused must be released if they can provide monetary bail. I have actually requested this one month ago but the Court did not agree to it.

Khelili discussed another shortfall contained in this file: “The interactions between the lawyers and the complexes of the judiciary systems particularly in relation to political cases are not



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often pleasant one. Dismissing the engagement of a first class lawyer of the Ministry of Justice or coercing them to give their engagement is a violation of law. Besides, when a lawyer attends a trial court, this does not mean that the lawyer is defending the deeds of his client but is present at the court to ensure that the procedure is correct and the prisoner's primary rights are not violated. After all when anyone in the prison is readily vulnerable to the violation of his/her rights. This is where the presence of a lawyer is a necessity. It is regrettable that his (i.e. Rza Abbasi's) previous lawyer was not accepted (by the court – assumed and added by the translator) for a long time after he was engaged.”

He also discussed the third shortfall in his Clients file: “according to Articles 33 and 34 of the law on the proceedings of penal cases and Article 37 that oversees the previous two articles (i) any decision leading to the detention of an accused person must be confirmed by the prosecutor, but this procedure has been violated in the case of my Client; (ii) in the case of detention, the validity of the decision for the detention is one month (according to Article 37) and after one month, the situation must be reviewed, and in the case of my Client this procedure has not also been followed; i.e. it is approximately four months but there is only one (false – added by the translator) decision in the file that my Client was unable to introduce a Guarantee.”

Khelili also pointed to one of many rights that has been violated regarding his Client is that his Client was denied the right to object to the decision that led to his detention. “This right was also denied to my Client and his protests were neglected or even the authority did not receive them; and this scenario is also true regarding the extension of the detention period, which was probably dismissed in the first place.”

The last shortfall in the file compiled against Rza Abbasi that was discussed by the lawyer was related to the time lapsed between the last court hearing and the issuance of the sentence: “it took 30 days until today, at which time the sentence was issued to me but the legitimate period is one week.”

Khelili stated that the sentence passed is a total of one year: “currently the court ruling is an indefinite sentence but not a definite verdict. It is the appeal court that transforms it a definitive term and there are three outcomes: confirmation, reduction or vindication. Until then nothing can be done regarding my Client.”

According to the lawyer, if the term is reduced Rza Abbasi can make use of furloughs and after spending half of his term he be released conditionally. According to the lawyer, Rza Abbasi meets his family members in the prison once a week; he is upset about the prison condition. The lawyer was hopeful that the Appeal Court will evaluate the appeal under a different light.

THE SOURCE DOCUMENTS

Document 1

Source Document on the Outcome of the Appeal Court

Sources: <http://riza.blogfa.com/post-43.aspx> Date: 6 November 2006



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دادگاه تجدید نظر استان زنجان حکم یکسال حبس تعزیری برای رضا عباسی را تایید کرد
دادگاه تجدید نظر تایید کرد:

یکسال حبس تعزیری برای رضا عباسی
عضو هیات موسس آسمک

شعبه سه دادگاه تجدید نظر استان زنجان به ریاست قاضی ناصر قوامی، رضا عباسی عضو هیات موسس کمیته دفاع از زندانیان سیاسی

رضا بهشتی نماینده خانواده عباسی در گفتگویی که با خبرنگار ما ضمن تایید این خبر، از شرایط بد زندان و نگهداری عباسی در قرنطینه زندان

لازم به ذکر است که رضا عباسی از فعالین هويت طلب حرکت ملی آذربایجان می باشد که پیش از مراسم قلعه بابک در کلیبر به صورت تلفنی

۶ نظر نوشته شده در دوشنبه پانزدهم آبان ۱۳۸۵ ساعت ۱۲:۴۴ توسط | +

Document 2 Source Document on the Outcome of the Appeal Court

Sources: <http://riza.blogfa.com/post-42.aspx> Date: 30 November 2006

Note: We believe the logo below in the Source document should not signify any official sanction but it is just cut and paste by ILNA.



از سوی دادگاه تجدیدنظر؛
محکومیت عضو سابق انجمن اسلامی دانشجویان دانشگاه زنجان تایید شد
تهران- خبرگزاری کار ایران
شعبه سوم دادگاه تجدیدنظر استان زنجان، محکومیت یک سال حبس رضا عباسی، عضو سابق انجمن اسلامی
به گزارش خبرنگار "ایلنا"، این روزنامه نگار زنجانی پیش از این از سوی شعبه اول دادگاه انقلاب زنجان به اتهام تبلیغ

کد خبر: ۳۶۵۰۰۰

Document 3 Source Document on Mr. Abbasi's Lawyer in a Press Conference

Source: <http://riza.blogfa.com/post-38.aspx> Date: 17 October 2006

مصاحبه مطبوعاتی وکیل رضا عباسی در مورد موارد غیر قانونی و غیر حقوقی انجام گرفته در روند پرونده وی

وکیل رضا عباسی در جمع خبرنگاران:
تقاضای تجدیدنظرخواهی کرده ام
مدت زمان اخذ آخرین دفاع تا صدور رای بیش از حد قانونی بود

وکیل مدافع رضا عباسی خبر داد که نسبت به رای یک سال حبس موکلش در دادگاه بدوی، درخواست تجدیدنظرخواهی را تهیه و به دادگاه تقدیم



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به گزارش خبرنگار حقوقی خبرگزاری دانشجویان ایران (ایسنا)، سعید خلیلی درباره‌ی اعلام نتیجه محکومیت موکل خود در جمع خبرنگاران

وی در ادامه افزود: من فعلا تقاضای تجدیدنظرخواهی را تهیه و به دادگاه تقدیم کرده‌ام و احتمالا ظرف یک هفته آینده نتیجه نظر شورای

خلیلی با اشاره به اینکه از سوی انجمن دفاع از حقوق زندانیان مسوول پیگیری پرونده رضا عباسی شده است، گفت: سعی ما بر این است که

وی به ملاقات خود با رضا عباسی اشاره کرد و با بیان این که وی در بند قرنطینه، زندانی است و این بند محل نگهداری موقت زندانیان جهت

وی با ابراز گله از مسوولان زندان و دستگاه قضایی، این سوال را مطرح کرد که تخلف رضا عباسی چه بوده که وی در این مدت زندانی

خلیلی با بیان اینکه نکات و ایراداتی در پرونده رضا عباسی وجود دارد، گفت: اولین نکته که در رأی دادگاه اعلام شده است، موضوع عجز از

وی در ادامه گفت: دادگاه باید کفالت کسانی که مراجعه می‌کنند را بپذیرند و نهایتا اگر آن پیش‌بینی لازم را که در قانون شده، مناعت شخص کفیل

خلیلی درباره‌ی نکته بعدی ایراد وارده به این پرونده گفت: برخوردهایی که با وکلا در مجموعه دستگاه‌های قضایی خصوصا در پرونده سیاسی و

وی ادامه داد: نکته سوم، ادامه بازداشت موکل است زیرا طبق مواد ۳۳ و ۳۴ از قانون آیین دادرسی کیفری و ماده ۳۷ که نظارت بر دو ماده

خلیلی با اشاره به اینکه از جمله حقوقی که در مورد متهم مورد تعدی قرار می‌گیرد، حق اعتراض وی به قراری است که منجر به بازداشت شده

وی آخرین ایراد وارد به پرونده رضا عباسی را مدت زمان طولانی از ختم دادرسی و اخذ آخرین دفاع در پرونده تا صدور رأی دانست و گفت: تا

خلیلی با بیان این که مدت بازداشت موکل در مجموع یک سال محاسبه شده است گفت: در حال حاضر حکم غیرقطعی است و تقاضای تجدیدنظر



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وي با بيان اینکه اگر دادگاه کمتر از این حکم را تأیید کند، وي مي تواند از قانون مرخصي زندان استفاده و بعد از گذشت نيمي از محکوميت خود،

+ نوشته شده در سه شنبه بیست و پنجم مهر ۱۳۸۵ ساعت ۱۷:۲۲ توسط

Table 3: DunAzHAK Correspondences Log in relation to Mr. Rza Abbasi

Initial informative letters by DunAzHAK

- Ref. 382/2006 on 17 September 2006 introducing more 66 arbitrary sentences
- Ref. 373/2006 on 31 August 2006 provides detailed information on this case
- Ref. 365/2006 on 19 August 2006, a general update on prisoners of conscience
- Ref. 355/2006 on 28 July 2006, a general report by ASMEK

General Communication submitted (this was inappropriately referred to as a complaint):

- The Communication – Ref: 376/2006 submitted on 5 September 2006

Updates:

- Update 2: 397/2006 on 7 December 2006 – Update No 2, submitting the form in Table 1
- Update 1: 397/2006 on 15 September 2006 – Update No 1, giving a chronology of the events



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Table 4 The Reverse Chronology of Mr. Rza ABBASI

Date	Events
7 December 2006	DunAzHAK issued Update 2 for safeguarding human rights of Mr. Abbasi
28 November 2006	Amnesty International issued their second Urgent Action on Mr. Abbasi: MDE 13/128/2006 verifying him as a prisoner of conscience.
6 November 2006	From the statement given by the family spokesman, it appears that Mr. Abbasi is still in solitary confinement.
30 October 2006	The outcome of the appeal was released and the sentence was fully confirmed.
17 October 2006	A request was submitted around these days for appeal and the information indicates that the request was accepted by we do not know the exact dates
16 September 2006	An Update by DunAzHAK to the UN Office of HCHR
12 October 2006	A clip was loaded to Azad Tribun and Yeni Ses websites: http://www.azadtribun.net/Rza_Abbasi.ram or http://www.yenises.org/?p=671#more-671
8 October 2006	Yet another defiant statement by the Student Union (Islamic) of the Zenjan University calling for the immediate and unconditional release of Mr. Abbasi
28 September 2006	The US State department expresses its support for safeguarding human rights of Southern Azerbaijanis. Mr. Abbasi's name is mentioned in the report.
26 September 2006	The Student Union (Islamic) of the Zenjan University issued a defiant support to Mr. Abbasi
23 September 2006	A news item by the Voice of America refers to Mr. Abbasi
17 September	An update by DunAzHAK to the UN office of HCHR
12 September 2006	Amnesty International issues an Urgent Action (MDE 13/101/2006) and campaigns for the immediate and unconditional release of this prisoner of conscience
11 September 2006	The second closed-session court but the lawyer was allowed in
10 September 2006	The lawyer revives the release on bail and objects to solitary confinement
5 September 2006	A complaint by DunAzHAK to the UN office of HCHR
7 Septemebr	Mr Khelili is appointed as the lawyer but no indication if his presence in the court will be allowed
4 September 2006	The first closed-session trail and without the presence of the lawyer; still the parents are intimidated
2 September 2006	A letter by DunAzHAK to the UN Office of HCHR making a case for Mr. Abbasi
31 August 2006	An article by Seid Neimi: <i>Rza will never submit</i>
30 August 2006	Security agents finally yield and allow the file to be transferred to the court. He still has no access to his lawyer, his parents are intimidated and he is kept in the quarantine unit of the prison (solitary unit)
19 August 2006	The letter by DunAzHAK including the case of Mr. Abbasi
12 August 2006	The letter by DunAzHAK including the case of Mr. Abbasi
7 August 2006	Mr Abbasi's father suffering from diabetes is under increasing pressure to conform with the authority
6 August 2006	<ul style="list-style-type: none"> • On the 50th day of detention but still indecision by the authority • The parents were called to the interrogation for the second time



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	<ul style="list-style-type: none"> • Chronic threatening telephone calls by security agents to the parents often using foul language • The parents are forbidden to give information to the media • The Judge (Naqilu) plays animosity games with the family on the arrangement for releasing
30 July 2006	<ul style="list-style-type: none"> • The lawyer (Mr. Dadkhah) is angry that he is not allowed to visit his client. • Family members are intimidated for appointing a lawyer and threatening with more detention • Apparently, there is file for Mr. Abbasi in the court and he is still in the Quarantine unit
29 July 2006	The judge (Naqilu) is employing all sorts of infantile games to postpone the release e.g. he did not turn up in the court
24 July 2006	The lawyer (Mehemmed Eli Dadkhah) unable to visit Rza, is hoping to release him on bail
17 July	Various political organisations called for the immediate release
11 July 2006	A statement by the Islamic Society of Zenjan University undersigned by some 50 Alumni of the university
10 July 2006	A statement by the Student Union (Islamic) of the Zenjan University expressing their solidarity with Rza Abbasi and other Southern Azerbaijani activists
9 July	A letter of support by Seid Metinpur: <i>where is Rza?</i>
8 July	EdvarNews reported that: <ul style="list-style-type: none"> • The charge: insulting the leadership • Transferred to Zenjan Prison • No access to a lawyer
4 July 2006	A statement of support from the Iranian Alumni organisation calling for his immediate and unconditional releases
29 June 2006 Amnesty International: MDE 13/074/2006	On 27 June, Reza Abbasi, a member of ASMEK Association for the Defence of Azerbaijani political prisoners) and of the Office for Strengthening Unity (Daftar-e Tahkim-e Vahdat), a student body, was reportedly arrested in Zenjan after he refused to comply with a verbal summons to attend an Intelligence Ministry facility for interrogation.
28 June 2006	Transferred to Zenjan Prison without being charged; no access to family or lawyer
27 June 2006	Arrested in the evening; he was summoned verbally for the interrogation in the morning, but ignored it on the grounds that the basis for the summoning was illegal.
Previous detention	As the four founding members were arrested in early April 2004, so the functioning of ASMEK was hampered for a few month but was regrouped and resumed its function after a few months.
Membership	<ul style="list-style-type: none"> • One of the four founders of ASMEK (the other three are Seid Neimi, Ilqar Merendli and Elirza Qulunju) • A founder of the Islamic Society of the University of Zenjan, • A cofounder of the Iranian Alumni • Also contributed to the feminist movement
Personal Details	Date of birth: Born in 1979 Education: first degree in mathematics and an alumni of the university of Zenjan Occupation: journalist (working in <i>Medom-e-nov</i> published in Zenjan) and also a teacher (mathematics) Marital status Single