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The Problem of Southern Azerbaijan

Say (No.): 511/2008
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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

CC Mr. Dyke and Mrs. Harrison, Amnesty International, London
Also: Human Rights Watch and Human Rights Server

Abdullah Abbasi Javan



A Southern Azerbaijani
prisoner of conscience

Dear sir/madam

COMMUNICATION 1: CAMPAIGNING FOR HUMAN RIGHTS OF MR. ABDULLAH ABBASI JAVAN— A SOUTHERN AZERBAIJANI HUMAN RIGHTS DEFENDER

Please find enclosed Communication 1 on Mr. Abdullah Abbasi Javan for safeguarding his human rights, who is an academic and a distinguished human rights defender from Southern Azerbaijan and being persecuted arbitrarily 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 published information and those from our own sources

Table 2: The reverse chronology of the ordeals suffered by Mr. Javan

Mr. Javan is from the Southern Azerbaijani city of Sulduz (Naqadeh), west Azerbaijan province, and has been arbitrarily deprived of his liberty by Iranian authorities. He is resident in Tehran, where he is a university lecturer. He was arrested during his participation in the Settar Khan's anniversary, where he was simply exercising his human rights while fully complying with the laws of the Iranian authorities. He has suffered arbitrary detentions in the past but we were unable to document his cases due to our resource limitations.

We would like to stress that in compiling this Communication, we have not consulted with Mr. Javan's family or anyone else for that matter. It is necessary to mention this to manage the risk of reprisal by the Iranian authorities against him and his family.

Mr. Javan is being ill-treated while in detention in Evin prison and on this account he has resorted to hunger strike, as the only remaining mean to protest against the arbitrary detention and defend his human rights. As all the means for restoring Mr. Javan's human rights in Iran have been exhausted, we therefore appeal for your urgent attention. Thank you in advance for your care.

Yours sincerely,

Eli Tashkent

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



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Table 1 Communication on Mr. Abdullah Abbasi Javan

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

Abdullah Abbasi Javan

1.2 Age

1 December 1974 (the date may not be exact)

1.3 Sex

Male

1.4 Profession or occupation

University lecturer in architecture, Senior civil servant, Journalist and human rights defender

1.5 Place of residence (or origin, if relevant to the violation suffered)

The Southern Azerbaijani city of Sulduz (in west Azerbaijan) but resident in Tehran

1.6 The victim's affiliation, if any, with an organization, association or group engaged in human rights work:

The victim is an active contributor to ASMEK (the Committee for the Defence of Azerbaijani Political Prisoners (Azərbaycan Siyasi Mahpuslarını Müdafiə Komitəsi), and possibly to other human rights defending organisations

1.6.1 Name of the organization, association or group

ASMEK, as specified above.

1.6.2 Name of the person heading the organization, association or group

The victim is a human right defender and a contributor of ASMEK. It is known that he also contributes to other human rights defending organisations.

1.6.3 Nature of human rights work the individual performs

1. As the Iranian authorities do not issue any communiqué about the prisoners of conscience, one of the difficult task of such human rights defenders is to do information "mining"
2. He is an arduous campaigner for the recognition of the identity of Southern Azerbaijan
3. He was detained in the past a number of times for his activities

1.7 If the alleged violation is against an organization:

We are unable to be specific as there is no imputed charges and official communiqué

1.7.1 Name of the organization

As above.

1.7.2 Nature of the human rights work/activities it is engaged in



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As above.

- 1.7.3 Territorial scope of its work (national, regional, international)
His activities cover the whole of Southern Azerbaijan and in particular his own region of west Azerbaijan including Sulduz, Urmu, Qoshachay, Khoy, Maki, Salmas
- 1.7.4 Affiliations with other human rights organizations, if any
No specific information is available to us.
- 1.7.5 Name of person(s) heading the organization
Not Applicable
- 1.7.6 Additional information on the history of the work the individual or organization has performed, if submitted, may be helpful in assessing the complaint/allegation.

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:

- 2.1 Date
14 November 2008
- 2.2 Place
The arrest took place at the Mausoleum of Settar Khan, a national hero of Azerbaijan, when the victim was attending the commemoration of Settar Khan's anniversary.
- 2.3 Description of the events/incident
The victim was first taken to a detention unit near Rey but was then transferred to Evin prison, apparently the same day or its following day.
- 2.4 Nature of violation suffered or threatened (The information must indicate the connection of the alleged violation to human rights activities performed.)
The victim is an outspoken human right defender and pro-identity activist of Southern Azerbaijan.
- 2.5 If the violation involves or includes the arrest and/or imprisonment of an individual or group of human rights defenders, information is required on:
As outlined in (http://savalansesi.blogspot.com/2008/11/blog-post_14.html), at least 10 individuals were arrested on 14 November 2008 from participants gathered for commemorating the anniversary and the victim is one of them.

This anniversary is held every year to strengthen the ethnic identity of the nation of Azerbaijan in Southern Azerbaijan. The gatherings are always peaceful and the participants are always careful to fully observe the Iranian laws. So we are confident that no law, rule or bylaw was breached. However, the Iranian authorities are spearheading their racist policies and would go to any length to violate their laws and illegally arrest individuals wishing to



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- exercise their human rights. Although it is almost certain that interrogations are normally violent, but the specific details are yet to emerge and even then the Iranian authorities make sure that these details re not surfaced out through the constant intimidation.
- 2.6 Identity of the authority involved (individual and/or ministry and/or department)
It is invariably the Ministry of Intelligence involved with these types of illegal acts. The names of the individual agents/police committing the act of arrest are not known.
- 2.7 Any circumstances under which the arrest was made that are relevant to the violation

No details are available.
- 2.8 Nature of charges, if any, and the legal statute invoked
There is no imputed charge, as the Iranian authorities religiously cover their track to hide the heinous face of their racist acts.
- 2.9 Potential penalties the individual or group faces
The charges against Southern Azerbaijani activists when emerge from the underworld of Iranian disinformation, are normally nonsensical and Amnesty International has made this very point in many occasions. Despite the arbitrariness of the charges, penalties are nearly always severe and sometimes even reach as much of punitive one year of jail sentence together with hefty fines and the infamous act of flogging.
- 2.10 Place of detention, if known
Wing 209 of Evin prison, Tehran.
- 2.11 Term of detention
No information has emerged from the underworld of Iranian disinformation system.
- 2.12 Information on the provision of access to legal counsel and family members
As far as we know, the victim had no access to a lawyer and this is typical.
- 2.13 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 attempts of the victim's brother to obtain any information from the Iranian authorities are in vain, as the authorities not only holdback information but threaten his family members to keep silence (<http://www.cevansulduzlu.blogfa.com/post-40.aspx>). The campaign for safeguarding the victim's human rights by Southern Azerbaijanis is strong, and this includes arranging meetings with Ayatollah Karrubi, an Iranian official, see Table 2.
- 2.14 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:
No information has been released by the officials and therefore we do not know of the intentions of the officials.
- 2.14.1 The date and location of the trial



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-
- 2.14.2 The court hearing the case
-
- 2.14.3 The relevant appeal procedures
-
- 2.14.4 The penalties the group or individual faces
-
- 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 of or national and human rights of Southern Azerbaijanis. So all the perpetrators are harboured dearly by the authorities.
- 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 3.1, 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 3.1, 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 opportunity to complain as the Iranian authorities constantly threaten the family members of the victims to keep quiet.
- 4.2 If so, when, where, by whom and before which authority
-
- 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 and many organisations collude with one another including: the judiciary system attached to the Ministry of Justice, Ministry of Information, Ministry of Interior responsible for prisons,



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- the police and many paramilitary organisations. We are definitely not expecting any governmental investigation.
- 5.2 If so, by which authority, ministry or department of the Government
Please refer to 5.1, above.
- 5.3 Progress and status of the inquiry or investigation at the time of submission of the allegation
Please refer to 5.1, above.
- 5.4 Whether or not the investigation or inquiry has resulted in charges or other legal action
Please refer to 5.1, above.
- 5.5 If so, the reason why the result is unsatisfactory
Please refer to 5.1, above.
- 5.6 Measures, if any, taken to protect person(s) under threat
Please refer to 5.1, 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**
- The victim has suffered arbitrary arrests and detentions in the past, please refer to Table 2.
- 6.1 All relevant information regarding such conditions, policies, practices or laws
-
- 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.
 - They are balkanising Azerbaijan and undermining its territorial integrity.
 - 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 this is not overlooked anymore. 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
Intimidation, detention, imprisonment, flogging, financial crippling of the victims by releases on bail or fining and also shutting down businesses under the official seal.



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- 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
*Security agents of the Ministry of Intelligence, paramilitary units of **Basij** and **Pasdar**, and the police*
- 6.5 Possible measures that can be taken to remedy the situation
International campaign
- 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
The Iranian authorities even deselected an outspoken Southern Azerbaijani MP, Dr Ekber E'lemi (Akbar Aalami) and therefore there is hope for taking any action within Iran.

Name and full address:

Mr. Eli Tashkent,
Ayna, Sherifzade 1,
Baki,
The Republic of Azerbaijan

Telephone and fax numbers and e-mail address (if possible):

Email: elitaskent@yahoo.com

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



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Table 2 The Chronology of the Arbitrary Violation of Human Rights of Mr Javan

To date	Mr. Javan has been denied of the right of access to a lawyer and to his family,
23 Dec 08	According to the news items (http://www.oyrenci.com/News.aspx?newsId=5371), there has been another meeting with Ayatollah Karrubi, as a campaign for the restoration of human rights of Mr. Javan and other Southern Azerbaijani prisoners of conscience.
12 Dec 08	He resorted to a hunger strike as the only remaining mean of protesting against the ill-treatments by prison authorities.
1 Dec 08	His birthday was spent in detention
28 Nov.08	To campaign for his release, his family members met Ayatollah Karrubi, who promised to take up the matter but nothing materialised from this campaign.
24 Nov.08	First short telephone call from Evin prison for just confirming the detention
14 Nov. 08	Arrested while taking part in the anniversary of Settar Khan and was first taken to a detention unit near Rey but was then transferred to Evin prison
Previous Activities	
Feb 2008	Was disallowed to take part in parliamentary elections due to his Azerbaijani pro-identity activities.
10 June 08	Iranian authorities passed an arbitrary sentence of six months in the Revolutionary Court, Branch 115, Tehran, which was suspended for five years. He did not have the right of access to a lawyer and the sentence was in a closed court.
25 Dec 07	Released on bail after 131 days without indictment.
18 Aug 07	He was released on bail but was arbitrarily sentenced on 10 June 2008.
May 2006	Participated in the May 2006 Mass Protests, which was orchestrated throughout of Southern Azerbaijan against racist policies of the Iranian authorities.
1980s	A first generation student activist explicitly promoting the Azerbaijani identity.