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<i>The Problem of Southern Azerbaijan</i>	
Say (No.): 517/ 2009 İlaygün (Date): 3 June 2009	Mr. Elirza Fershi
The Office of High Commissioner for Human Rights, Geneva Please circulate this to Working Group on arbitrary detention; it is also of relevance to: <ul style="list-style-type: none"><li>• Special Rapporteur on the independence of judges</li><li>• Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression</li><li>• Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance</li><li>• The Independent Expert on Minority Issues, and</li></ul> CC Mr Dyke and Mrs. Harrison, Amnesty International, London Also: Human Rights Watch and Human Rights Server	 A south Azerbaijani prisoner of conscience

Dear sir/madam,

### COMMUNICATION 1 CAMPAIGNING FOR HUMAN RIGHTS OF MR. FERSHI

Please find enclosed Communication 1 for safeguarding human rights of Mr. Elirza FERSHI Dizej Yeken, a Southern Azerbaijani cultural activist, who has been deprived of his liberty by Iranian authorities since 22 May 2009. He is a university lecturer and Information Technology specialist.

The general background for Mr. Fershi's detention have been provided in our General Communication 4 (Ref 516/2009 on 3 June 2009) but the particular circumstances leading to the detention are detailed in Table and outlined below. We build on our previous communications informing you on the May 2006 Mass Protests, which its anniversary is now marked every year on the 22<sup>nd</sup> of May. The event was triggered by a cartoon published in an official daily newspaper, implying an insult to the national integrity of the nation of Azerbaijan in Southern Azerbaijan. Normally the Iranian authorities resort to the suppression of the event but this year they went further by planning a carnival in Tebriz to commemorate the Iran-Iraq war. This could have two purposes of overshadowing the anniversary of the May 2006 Mass Protests and diffusing the ongoing wave of protests against yet another racial insult to the nation of Azerbaijan by Hojjet-ul-Islam Khatami, a former president of the Islamic Republic of Iran. The cultural activists took part in this carnival and exercised their right to protest by producing placards demanding the right to education in mother language. The agents of the Iranian authorities did not tolerate this simple gesture and brutally arrested a number of Azerbaijani activists including Mr. Fershi.

We would like to stress that in compiling this Communication, we have not consulted with Mr. Fershi family or his lawyer. This statement is necessary to manage the risk of reprisal by the Iranian authorities.

We are submitting this Communication, as we have just received an official news release, claiming that a number of detainees were engaged in arm deals (<http://www.irna.ir/View/FullStory/?NewsId=522267>). For a long time, Iranian authorities have been trying in vain to force confession out of Southern Azerbaijani activists for extremist activities. This therefore shows that they are still alluding themselves with such non-existent excuses, which is also a pretext for torture. We therefore urge you to campaign for Mr. Fershi and other detainees, as indicated in our General Communication 4. Thank you in advance for your campaign.

Yours faithfully,  
Mr. Eli Tashkent

The Committee for the Defence of the Rights of World Azerbaijanis



**Table 1 The COMMUNICATION FOR CASE OF MR. FERSHI**



**Office of the High  
Commissioner for Human Rights**



**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:  
FERSHI Dizej Yeken Esedi (the transcription of the name from Farsi may be as: Farshi Dizaj Yekan and in Arabic script is فرشي ديزج يکان)
2. First name:  
Elirza (the transcription of the name from Farsi may be as: Alireza and in Arabic script is عليرضا)
3. Sex:  
Male
4. Birth date:  
17 October 1978
5. Nationality/Nationalities:  
Southern Azerbaijani national; a citizen of the Islamic Republic of Iran
6. (a) Identity document (if any):  
440  
(b) Issued by:  
City: Merend (Marand), Town: Dizej Yeken (or Dizaj Tekan)  
(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):  
University lecturer,  
IT specialist and  
researcher
8. Address of usual residence:



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Yeken, Dizej, Merend, West Azerbaijan province, Iran.

## II. Arrest

1. Date of arrest:  
22 May 2009.
2. Place of arrest:  
The victim was arrested in Elgölu resort, Tebriz
3. Forces who carried out the arrest or are believed to have carried it out:  
Unnamed security agents.
4. Did they show a warrant or other decision by a public authority?  
We deduce from the circumstances that he was rounded up along with other activists by security agents.
5. Authority who issued the warrant or decision:  
Undoubtedly, the agents were from the Ministry of Intelligence at least we assume so. The onus is on the authority to provide clear information but this is highly unlikely.
6. Relevant legislation applied (if known):  
Normally the authority does not provide this data to cover their act of arbitrary arrests.

## III. Detention

1. Date of detention:  
We assume that the arrest on 22 May 2009 led straight to detention.
2. Duration of detention (if not known, probable duration):  
Ongoing.
3. Forces holding the detainee under custody:  
During the detention, the victim would be held by the office of the Ministry of Information in Tebriz.
4. Places of detention (indicate any transfer and present place of detention):  
It is assumed that the victim is kept in a detention facility of the Ministry of Information in Tebriz.
5. Authorities that ordered the detention:  
Our assumed response would be that the authority ordered the detention was the Ministry of Information.
6. Reasons for the detention imputed by the authorities:  
There is no official information but eyewitness accounts.
7. Relevant legislation applied (if known):  
As there are no imputed charges or information on the relevant legislation



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underpinning the arrest. The onus is on the authority to issue such information and deserve the title of being called the authority.

**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**

Eyewitness accounts and a Youtube video clip described the circumstances, as follows.

We assume your background knowledge for the May 2006 Mass Protests in Southern Azerbaijan triggered by a cartoon published in an official daily newspaper (<http://www.dunazhak.net/Special.htm>). It has become customary to mark the anniversary but there was an additional reason this year with already ongoing wave of protests against yet another racial insult to the nation of Azerbaijan by Hojjet-ul-Islam Khatami, a former president of the Islamic Republic of Iran (see our General Communication Ref: 516/2009 on 3 June 2009). Normally the Iranian authorities resort to the suppression of the event but this year they went further by planning a carnival in Tebriz to commemorate the Iran-Iraq war, which provided them the opportunity to overshadow the anniversary of the May 2006 Mass Protests and diffuse the ongoing wave of protests. The victim was a participant in the carnival and also took the opportunity to campaign for the right of education in mother language, very dear to his heart. The agents of the Iranian authorities did not tolerate this simple gesture and brutally arrested a number of Azerbaijani activists including Mr. Fershi. This is evident in the video clip (<http://www.youtube.com/watch?v=VWRBS09q75q>). He was even chanting the "schooling in mother language for everyone."

However, according to the information issued by Mr. Alireza Jamshidi, the spokesperson of the Iranian judiciary system (<http://www.ima.ir/View/FullStory/?NewsId=522267>), has stated that the some 11 individuals were detained for a range of charges including "publicity against the system of the Islamic Republic of Iran, some with keeping explosive material, some with undermining the security of the country. We are confident that these accusations are the blueprint of the Iranian authorities against any detainee and a pretext to torture.

The victim is an outspoken campaigner for the right of education in mother language. He has even written open letters to Ayatollah Khamenei, the religious leader of Iran.



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**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:**

Normally the family members would resort to every possible measure to determine the whereabouts of the victims but this would normally be in vain. We assume that this is also the case.

**VI. Full name and address of the person(s) submitting the information (telephone and fax number, if possible) <sup>(d)</sup>**

Mr. Eli Tashkent

On behalf of:

The Committee for the Defence of the Rights of World Azerbaijanis

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Ayna, Sherifzade 1, Baki, Azerbaijan; Tel/Fax +47-99399225; Email: [email: info@dunazhak.net](mailto:info@dunazhak.net)

Date: 3 June 2008

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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