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The Problem of Southern Azerbaijan

Say (No.) : 537/ 2011
Tarix (Date): 26 April 2010

The Office of High Commissioner for Human Rights, Geneva

Please circulate this letter to both Working Group on arbitrary detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Also this Communication is relevant to the following Special Raporteurs:

- Special Rapporteur on the independence of judges;
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance.
- Special Rapporteur on violence against women, its causes and consequences

CC Mrs. Harrison, Amnesty International, London

Mrs Didar, prisoner of
conscience



Dear sir/madam,

Re COMMUNICATION No. 1 ON MRS. SIMA DIDAR

Please find enclosed Communication No. 1 on the grounds that Mrs. Sima **Didar** (her marriage name is Mrs. Fershi) Who has been arbitrarily deprived of her right to liberty and of her right to freedom of opinion and expression by being barred from journalism by the Iranian authorities. She is a tireless campaigner for mother language and a banned journalist.

Mrs. Didar is a prisoner of conscience and has been imprisoned by the Iranian authorities since 16 April 2011 for 6 months. Recent information published about her after her imprisonment, brought many facts to our attention. For instance, in the early 2009, she was the editor of four journals, the editor-in-chief of a monthly publication and the manager of another but since then she has been barred from exercising her right to journalism (http://www.araznews.net/2011/04/blog-post_5572.html) and hence this Communication. She is also sentenced arbitrarily in a closed court and without being indicted or having done anything wrong. The following evidence is provided:

- Table 1 concerns her deprivation from her right to freedom of opinion and expression by Iranian authorities.
- Table 2 presents the events in chronological order based on the information published in the interview between her husband and ArazNews, showing the arbitrary nature of her imprisonment.

Tables 1 and 2 provide further evidence for collusions between the various organizations in Iran. In particular, there is no independence in the department of Justice and by colluding with one another we argue that judges are often the “stooge” of security officers as they do not exercise their independence and do not use evidence. However, some of them are also deeply ideological and may not be driven by security agents but they are not also driven by evidence. We hold that in Iran “anything goes.” Also, the authorities allured Mrs. Didar for a premeditated arrest, unworthy of an authority as this seems as an infantile game. Our opinion is that this reveals a great deal about the Iranian authorities and what they are capable of.

We would like to stress that the compilation and submission of this Communication is our initiative and we have not consulted with Mrs. Fershi, her family members or anyone representing her interests. We state this to manage the risk of reprisal against her by the Iranian authorities.

Once again, we appeal to your kind attention to take action and safeguard the human rights and safety of Mrs. Didar.

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 1: Communication to Safeguard the Rights of Mrs. Sima Didar (Mrs. Fershi)

1. Allegation regarding the person:

Description of the violation of the right to freedom of opinion and expression, including date, location and circumstances of the event;

Outline: This Communication presents the case of Mrs. Sima Didar, a prisoner of conscience, a Southern Azerbaijani and a citizen of the Islamic Republic of Iran. She is constantly intimidated by Iranian authorities in a variety of ways. The Iranian authorities employ a variety of techniques to harass activists and some of these techniques will be seen in the Communication.

Name: Mrs. Sima Didar (her website transcribes her first name as Simay and her marriage name is Fershi Yekenli, which in Iran maiden names are often in formal use).

Age, 26 March 1985

Gender, Female

Place of Birth, Azersheher (Tufarqan), Near Tebriz

Ethnic background Her ethnic affiliation is Southern Azerbaijani, and as such she is a citizen of the Islamic Republic of Iran – her ethnic/national affiliation is one of the central issues, as she is an arduous campaigner for the official recognition of her mother language, Azerbaijani Turkic.

Profession; She is a graduate of literature and is a journalist. She contributed to many magazines before being barred.

Views Mrs. Didar is a journalist, weblogger (<http://simay.blogfa.com/>), and she campaigns for her mother language.

Affiliations In Iran, non-conformist organizations are persecuted by the Ministry of Intelligence and therefore, as far as we know, Mrs. Didar does not belong to any organization but she campaigns for her mother language. She is fully committed to peaceful and democratic means.

Past or present participation in political, social, ethnic or labour group/activity:

To our knowledge, Mrs. Didar is an activist on Azerbaijani cultural rights. Her activities before she was arbitrarily detained in 18 June 2009 include:

1. Editor-in-chief of the Monthly Publication, *Yashmaq*
2. Reporter to four magazines (2007): *Umid-e-Azerbaaijan*, *Azer-endish*, *Avay-e-Mishov*, *Mehr-e-Binab*
3. A member of the writers board and executive manager of the monthly publication: *Arasbaran* (2007)



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Information on other specific activities relating to the alleged violation.

She was also outspoken when her husband Mr. Elirza Fershi Yekenli (see our Ref.: 517/ 2009, Date: 3 June 2009) was arrested 22 May 2009 by campaigning for the reinstatement of the right to education in Azerbaijani Turkic. The Iranian authorities felt that Mrs. Didar would be a soft spot to confess to the charges as dictated by the authority and therefore they arrested her by a “trick,” as to be detailed in Table 2.

Mrs. Didar is now imprisoned for a six month term. Table 2 captures the chronology leading to this prison sentence and the subsequent arrest.

2. Allegation regarding a medium of communication:

A description of the alleged infringement on the right:

Mrs. Didar has been barred from her journalistic activities.

Also she has been barred from the right to education as the Iranian authorities do not allow her to do the secondary degree MA.

The nature of the medium affected (e.g. newspapers, independent radio); including circulation and frequency of publication or broadcasting, public performances, etc

She has been barred from journalism and therefore her prolific activities have dwindled.

Political orientation of the medium (if relevant).

Mrs. Didar’s activities involved using her mother language, Azerbaijani Turkic, and publicising ethnic issues. These are her basic human rights and in conformity with the Iranian laws. However, in Iran any slight activity on ethnic rights and the right to use a language other than Farsi, is politicised and the authorities do not tolerate. So, the exercise of human rights from the point of view of Mrs. Didar is not any political activity but the Iranian authorities politicise it and violate their own laws and the International Declaration of Human Rights.

3. Information regarding the alleged perpetrators:

Name, State affiliation (e.g. military, police) and reasons why they are considered responsible:

Table 2 gives the names of two individuals responsible for arbitrary detention of Mrs. Didar. These individuals are Judge Mr. Hashemi Zadeh and Colonel Islamian.



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For non-State actors, description of how they relate to the State (e.g. cooperation with or support by State security forces);

N/A

If applicable, State encouragement or tolerance of activities of non-State actors, whether groups or individuals, including threats or use of violence and harassment against individuals exercising their right to freedom of opinion and expression, including the right to seek, receive and impart information.

Table 2 gives collusions between the Ministry of Justice Officials, those of the Ministry of Justice and prison authorities in both occasions when Mrs. Didar was arrested.

We have consistently maintained that there is no independent Justice department in Iran and the various departments would be happily engaged on colluding acts, often doing favors for one another. The independent lawyer engaged by Mr. Fershi is explicit on this collusion.

4. Information related to State actions:

If the incident involves restrictions on a medium (e.g. censorship, closure of a news organ, banning of a book, etc.); the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, and steps taken to seek domestic remedy;

Normally these information details will not be disclosed in Iran.

If the incident involves arrest of an individual or individuals, the identity of the authority involved (individual and/or ministry and/or department), the legal statute invoked, location of detention if known, information on provision of access to legal counsel and family members, steps taken to seek domestic remedy or clarification of person's situation and status;

In this case, the names of the individuals perpetuating the act of arrest by alluring are known and they are: Judge Mr. Hashemi Zadeh and Colonel Islamian.



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If applicable, information on whether or not an investigation has taken place and, if so, by what ministry or department of the Government and the status of the investigation at the time of submission of the allegation, including whether or not the investigation has resulted in indictments.

The victims, Mr. and Mrs. Fershi (Mrs. Didar) have gone to all length to ensure justice, (by appealing to the provincial court and to the central appeal court, as well as appointing a lawyer to check their files through special privileges). However, all these were in vain and decisions were taken arbitrarily through closed court and collusions.

5. Information on the source of the communications:

Name and full address:

Mr. Boyuk Resuloglu,
Ayna, Sherifzade 1,
Baki,
The Republic of Azerbaijan

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

Tel/Fax: +47-99399225
Email: bo-diza@online.no or boyuk_resuloglu@hotmail.com

Name, address, phone/fax numbers and e-mail address (if applicable) of person or organization submitting the allegation.

As above
Note that DunAzHAK is an NGO devoted to the defence of human rights.



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Table 2: Chronological Details of Mrs Didar's Case –

Note 1: This case has many interfaces with the case of Mrs. Didar's husband and therefore in table we are explicitly referring to Mrs. Didar in her marriage name, Mrs. Fershi to simplify the case.

Note 2: The main body of evidence is taken from the interview between Mr. Fershi and Mr. Babek Hebibi of ArazNews (<http://www.oyrenci.com/news.php?id=4431>).

Date	Details
22 May 2009	The 4 th Anniversary of the May 2006 Mass Protests and therefore Iranian authorities have imposed a very tense atmosphere in all Southern Azerbaijani cities.
24 May 2009	<p>Mr. Fershi was arrested in front of camera in daylight among his supportive folk, while security agents were decisively snatching him. The following link (http://www.youtube.com/watch?v=VWRBSo9g75g) provides a glimpse for the violation of his human rights by Iranian authorities and this is a rare scene.</p> <p>As per our Communication (Ref.: 517/ 2009, Date: 3 June 2009), Mr. Fershi was arbitrarily in detention and under torture to confess to a set of charges dictated by security officers but Mr. Fershi acted rock solid and did not give in to torture.</p> <p>The Iranian authorities therefore turned their attention to arrest Mrs Fershi (Mrs Didar), thinking that she is a soft spot and therefore using her they wanted to exert pressure to both victims and then obtain their required confession.</p>
18 June 2009	<p>Mrs. Fershi was arrested when she was allured by the Iranian authorities to visit her husband in prison but instead she was arrested when inside the prison compound, as follows.</p> <p>According to the interview between Mr. Fershi and ArazNews (http://www.oyrenci.com/news.php?id=4431), the events unfolded as follows:</p> <ul style="list-style-type: none">• Mr. Hashem Zadeh, the prosecutor, convinces Mr. Abbas Jamali, (Mr. Fershi's lawyer) that Mrs. Fershi can meet her husband in Room 37 of Tebriz prison.• The lawyer Mr. Jamali did not have Mrs. Fershi's mobile number and therefore contacts another Southern Azerbaijani human rights lawyer, Mr. Naghi Mahmudi,• Mrs. Fershi was persuaded on three grounds: by these two well-wishing lawyers; her desire to meet her husband; and the fact that there was an assurance from the Iranian Justice department on her security.



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	<ul style="list-style-type: none">• Upon entering to the prison, instead of meeting her husband she was faced with the injunction for arrest and was immediately arrested.• Mr. Fershi says that at the time he was still detained in the detention facilities and was not transferred to prison yet. So, arranging the meeting in prison was just a trap.
	<p>There are no imputed charges but according to the interview, Mr. Fershi was being interrogated under the pretext of “seeking publicity against the Islamic Republic of Iran” and also “sending photos and films to a foreign news agency by receiving money.”</p> <p>Apparently, the Iranian authorities were equating the above charges with Mr. Fershi’s publicity for “Education in Mother Language,” which is one of the Mottoes of the national movement of Southern Azerbaijan. There were other charges being pressed and these included heading a terrorist group specialising in bombing, connections with the <i>Mojahedin Organisation</i>.</p>
14 Nov 2009	In the first trial, the Judge Mr. Ali Nejad passed the punitive sentence of one year to the couple, even though there was no document to support the charges
Appeal	The appeal court confirmed Mr. Fershi’s sentence of one year but reduced that of Mrs. Fershi to 6 month in their absence and without the presence of a judge.
Date not available	As Mr. Fershi has suffered the loss of his father during Iran-Iraq war, so he has certain privileges by the “Foundation for Martyrs Families.” So Mr. Fershi used their machinery to carry out an investigation. The appointed lawyer through this foundation concluded that there was no evidence in the file suggesting any wrongdoing or breach of any law warranting the passing of the sentence. According to the lawyer, without exerting pressure from the security officers the passed sentence could not be justified.
Appeal through the High Court	The couple appealed to the highest court in the country but was also in vain.
Date not available	She did not submit herself to the prison until she was trapped again, as follows.
Date not available	These young couples have been under ceaseless menace of the security agents to give themselves up to prison
3 March 2011	Confiscation of National identity Card of Mrs. Fershi As per our Communication Ref: 535/2011, Date: 22 March 2011, a group of Southern Azerbaijani activist travelled to the house of Seid Metinpur in Zengan on the 3 rd of March 2011 to keep Mrs. Metinpur’s company, as Mr. Metinpur is a prisoner of conscience. This was the occasion of celebrating the International Woman’s Day and aim was to meet Mrs. Etiyye Metinpur, the Southern Azerbaijani heroine and wife



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	<p>of Mr Seid Metinpur. The Iranian authority had set up blockade checkpoints along the routes from the various cities to Zengan under the pretext of checking for a runaway prisoner.</p> <p>Mrs. Fershi was one of the activists heading to keep company of Mrs. Metinpur but she was trapped in this checkpoints and her documents and personal belongings were confiscated.</p>
16 April 2011	<p>Mrs. Fershi refers to Mr. Khelil-ullahi and Mr. Alilou in the department of Justice in Tebriz to obtain her documents and belongings. Mr. Alilou instead had informed Colonel Islamian of security organisation and then he says to Mrs. Fershi that “this has nothing to do with us, you need to meet Colonel Islamian in the Detention Centre in Saib Street.”</p> <p>In this way, Mrs. Fershi was therefore allured to the detention centre and there she was arrested by Colonel Islamian.</p>
<p>Note: Mrs. Didar is being kept in Tebriz prison sharing her cell with prisoners with criminal records and murderers.</p>	