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<i>The Problem of Southern Azerbaijan</i>		
Say (Ref.): 552/ 2011 İlaygün (Date): 14 Dec 2011		
<p>The Office of High Commissioner for Human Rights, Geneva Please circulate this report for the attention of Dr. Ahmed Shaheed, the U.N. Special Rapporteur for human rights in Iran; please also circulate it to the following:</p> <ul style="list-style-type: none">• Working Group on arbitrary detention (also for Fair Trials);• Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression• Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance• The Independent Expert on Minority Issues• Special Rapporteur on the independence of judges; <p>Also to: Mr Dyke and Mrs. Harrison, Amnesty International, London Human Rights Watch and Human Rights Server, UN Habitat</p>	 <p>Mr Refiq Tagi, a North Azerbaijani target and victim of the Iranian Fatwa</p>	 <p>Mr. Hesén Erk A South Azerbaijani prisoner of conscience defending his case in an Iranian kangaroo court</p>

Dear sir/madam,

Re REPORT ON IRANIAN RACISM IN SOUTHERN AZERBAIJAN

In this report, we would like to bring to your kind attention a snapshot of the following arbitrary cases deployed by the Iranian authorities in Southern Azerbaijan, which bear the hallmark of the Iranian racism:

1. Arbitrary treatment of the protesters against the deliberate Iranian policy of the desertification of Lake Urmu
2. Iranian terrorism has now exceeded its boundaries from Southern Azerbaijan to the Republic of Azerbaijan, where Mr. Refiq Tagi (Rəfiq Tağı) was its targeted victim on 23 November 2011.
3. An overview of individuals arbitrarily imprisoned, gagged intimidated.
4. Iranian intimidation of the Southern Azerbaijani sports fans.

We are aware that the time is closing for the delivery of your report. We expressed our disappointment on the content of your preliminary report on the following accounts:

- The report fell far short of exposing the **racism** infesting Iran (or the Islamic Republic of Iran or Persia) from its grass roots cores to its higher governmental echelons. Your use of the expression of racial policies in Iran is simply an appeasement of the Iranian racist atrocities and by doing so, you are letting the racists in Iran off the hook. No justice is done without the outright exposure in terms of using the term racist and racism.
- The report did not expose the deliberate policies of the Iranian authorities on the desertification of Lake Urmu and the ongoing deliberate environmental degradation imposed on South Azerbaijan.
- The report did not reflect the massive scale of arbitrary detentions by the Iranian authorities and various forms of collusions among the Iranian officials to cover the trace of their heinous acts.
- The report had a good opportunity to declare unacceptable the scale of racism used in sports arena and yet this opportunity was overlooked.

This report just provides you supplementary explanations on top of masses of information sent to you by us, other Southern Azerbaijani organizations and no doubt by the representatives of other nations within the country. We would like to turn the table round and state clearly that the ethnic nation of the Persians need your help if you declare directly to them that their racism will no longer be accepted by the world community. If you do not expose racism in Iran (we do not mean racial policies but outright racism in Iran), you have not fulfilled your mandates. We are deliberately blunt in our choice word and we apologize for it but not prepared to change our wording. We thank you in advance for your care.

Yours faithfully,
Boyuk Resuloglu

The Committee for the Defence of the Rights of World Azerbaijanis



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1. Lake Urmu

The fate of Lake Urmu is the fate of more than 13 million Southern Azerbaijanis in its immediate vicinity (approximately 30% of the total population of Southern Azerbaijan). The Iranian authorities are maliciously undermining the lake and the nation of Azerbaijan in Southern Azerbaijan is boldly safeguarding it. Among a diversity of initiatives to save Lake Urmu, a reported 30 activists had gathered on 25 August 2011 during the fasting month of Ramadan for a discussion of more initiative to save Lake Urmu. Included in their agenda for discussion was an official report by a member of the Iranian Majles to depopulate the Lake Urmu basin from its native Azerbaijani Turks. The participants of this gathering were detained and tried in the Iranian kangaroo courts. The documents provided are:

Table 1.a provides the names of some of detainees who were arbitrarily detained by the Iranian authorities.

Table 1.b translates excerpts from the defence read by Mr. Hesén Erk on 12 November 2011.

Mr. Hesén Erk, is well-known for his moderate pro-identity activities and politics. In spite of his moderate approaches, he is outright in exposing the mindset of the Iranian authorities and the flaws in their mindset. Although he is not attaching the label of racism to the Iranian authorities (and he is wise not to do so when he is under a trial, as every bit of this trial is arbitrary), nonetheless he spells out the attributes of the Iranian brand of racism. Evidently, the ongoing Iranian suppression is causing shrinkage of the margin between moderates and very committed Southern Azerbaijani activists, as Mr. Erk's defence is very cognate to any hardliner. We should mention that the defiant activists of Southern Azerbaijan had gathered in front of the court, giving these some 30 detainees a hero's ovation.

We have provided you evidence that the Iranian authorities are conspiring against Southern Azerbaijan by deliberately drying up Lake Urmu. On the top of the proof recited by Mr. Erk in his defence in the Iranian kangaroo court, we provide further argument that if the Iranian authorities were ever genuine, they would have not resorted to iron-fist ploys against all the democratic protests orchestrated by Southern Azerbaijanis (see our communications: Ref: 546/ 2011 on 5 Sept 2011; Ref: 545/2011 on 30 August 2011 for the event this year alone). The explanation that is emerging is that the Iranian authorities have a geopolitical strategic plan to drive an *Aryan* wedge between Azerbaijani Turks and Turkey and they are deliberately deploying the desertification of the Lake Urmu basin as an instrument to depopulate the basin from Azerbaijani Turks. The situation update is that:

- Nearly all rivers flowing into the lake have been dammed.
- Very few of these dams are used in water resources or irrigation but their water is diffused into upper catchments under various pretexts, such as fish farming and no one knows anything about their economical return.
- There has been no environmental impact assessment of removing the water by these dams on the lake water levels.
- There is no masterplan on water use of the Urmu basin.
- The Iranian authorities are not even fulfilling their obligation towards the RAMSAR treaty and have failed to submit the report when the integrity of the lake is undermined by any change.

So the first phase 1 of the Iranian malicious masterplan is already complete and comprises building of dams. However, the second phase is supposed to be now, during which the Azerbaijani Turks would depopulate the region but this has backfired, as instead of leaving the basin, Azerbaijanis are resolute that the lake has to be reinstated. The heinous next phase, that will never be realised, is that they would reinstate the water levels in the lake and repopulate the area by so called, the *Aryans*, as a wedge between the Azerbaijani Turks and Turkey.



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This deplorable masterplan is technically feasible, as we call your attention to the fact that the rainfall to the Lake Urmu basin is all from outside the basin drawing mainly from both the Mediterranean Sea and the Caspian Sea. No matter what is happening within the basin, the annual rainfall to the basin is secure within its hydrological variability. The Iranian claim of climate change has long been discredited, as the water level of Lake Van 100 km to the West of Lake Urmu is thriving as ever. Instead of producing a scientific masterplan of water use for the basin, the Iranian authorities have first undermined the integrity of Lake Urmu and then they have engaged on malicious propaganda that they have such plans as transferring water from the Caspian Sea.

The above Iranian geopolitical masterplan may sound as an insane plan that no rational government would make commitment to such an infantile plan. The problem is that the boundary between rationality and irrationality or sanity and insanity in Iran is very fuzzy indeed. For too long, the democratic countries and human right organisations, including your own organisation have tolerated odd behaviour of the Iranian authorities on the issue of race, as well as the racism that is infesting Iran in the name of the supremacy of the *Aryan* race. This is the outcome of international failure to respond to the problem.

2. Refiq Taqi (Rəfiq Tağı) – A Target and a victim of the Iranian terrorism in the Republic of Azerbaijan

The Iranian authorities are taking any proactive measure to maintain their colonial hegemony over Southern Azerbaijan and one of their strategic measures seems to undermine the Republic of Azerbaijan. We must make it clear that the Republic of Azerbaijan runs a gentlemanly international policy and does not interfere with the policies of any country. At the same time, the prosperity of the Republic of Azerbaijan is a source of inspiration for Southern Azerbaijani when they see that Azerbaijani culture and language are far more homely than that of the Iranian brand of racist-theocracy still boosting for their discredited ideology of *Aryan* supremacy. The Iranian News Agency, the Seher Program, broadcasts in Azerbaijani Turkic to the Republic of Azerbaijan, and is the mouthpiece of the Iranian authorities. The provocations incited in this program are to encourage sabotage in the Republic of Azerbaijan and to steer up the secular outlook of Azerbaijan by the Iranian kind of Shia extremism. Now this broadcasting program, as well as many other Iranian media, is waging open provocations against Azerbaijani seculars, freethinkers and writers. Azerbaijan is renowned for toleration and secularism and has a thriving community of writers committed to secularism and one of these writers was Mr. Refiq Taqi, who was under the spell of a “Fatwa” by an Iranian ayatollah called “Lankarani” in the now the Iranian religious capital, Qom; much similar to the saga of Salman Rushdie. However, the threat on Mr. Refiq Taqi was executed as he was stabbed on 19 November 2011 but died due to the received wounds on 23 November 2011. It is intriguing that the Iranian threat against Mr. Rushdie failed but that against Mr. Taqi hit the target. The difference between the two cases is clear: the Iranian threat against Mr. Rushdie was a simple religious stunt of propoganda but that against Mr. Taqi had a racist dimension to undermine Azerbaijan (South, or North) at any price.



3. Arbitrary Imprisonment, Detention, Gagging and Intimidation

The Iranian authorities operate a mischievous ploy to undermine and eradicate activism in Southern Azerbaijan but at the same time, they go a long way to cover their ill-deeds and the traces.

Table 2 provides some of the names, who are arbitrarily imprisoned by the Iranian authorities.

This list is not exhaustive and some of these individuals may have been released and many more may have been detained arbitrarily since we compiled this list, a week ago. But the point is that they are all exemplary citizens, envy of any society to have such diligent individuals, yet they are deprived arbitrarily from their liberty. We have provided you the details of Mr. Seid Metinpur, an accomplished human right defender, writer, journalist and a philosopher, who is still imprisoned in Evin prison. Also Seid Mughanli, Seid Neimi are prominent writers and human right defenders, who too are imprisoned arbitrarily. Mr. Abbas Leysanli, the founder of activism in Southern Azerbaijan is gagged by completely arbitrary threats of long-term imprisonment, following our communications to you (Ref: 549/2011 on 3 October 2011). It is intriguing that your report overlooks such fine examples. We have also provided you the names of individuals who suffer extra-judiciary death by the Iranian nebular paramilitary agents, such as the prominent activists Mr. Chingiz bekhtaver (Ref: 521/2010 on 12 January 2010). We are surprised that your report does not mention anything about these cases.

4. Iranian intimidation Against Southern Azerbaijani Sports Fan

As per our communication (Ref: 551/2011 on 7 November 2011), we reported that the most explicit racism is being staged from the Iranian national radio and television sport programs and the Iranian authorities are not only taking any corrective measures, they are even escalating their intimidations of the Southern Azerbaijani football fans. We know that detailed reports have been submitted to you and hope that you are very much minded with this very serious problem and your final report rectify this omission.



Table 1.a Overview of Some Thirty Southern Azerbaijani Prisoners of Conscience Detained by the Conspiring Iranian Authorities Planning to Depopulate Southern Azerbaijan

Some 30 individuals were rounded up in Qum-tepe, Tebriz on 25 August 2011, when they were gathered for a party, during which they were discussing the implications of the news then including the official news on depopulating Azerbaijani Turks from the area. The Iranian authorities forced their entry into the private property of Mr. Evezpur, whose mother, father, uncles and a bride of the house were beaten up and arrested but released hours later. The names of the detainees are given as per a report by ADAPP (<http://www.savalansesi.com/2011/08/blog>):

- 1 Murtuza Evezpur,
- 2 Mustafa Evezpur,
- 3 Mahmud Fezli,
- 4 Jelil Elemdar Milani
- 5 Taghi Selehshur,
- 6 Yusif Selehshur,
- 7 Abdulla Sudduqi
- 8 Mehdi Hemidi Shefeq
- 9 Jemshid Zarei
- 10 Hesən Erk
- 11 Mehdi Muhajir,
- 12 Eziz Purveli,
- 13 Ehmed Elizade
- 14 Yasir Selmani Rzayi,
- 15 İlqar Kerimi
- 16 Mendi Nur,
- 17 Ehmed Riyazi Mubareki,
- 18 Ferzad Mehdevi,
- 19 Musa Berzin Khelifelu,
- 20 Yaqub Ramazani,
- 21 Vehid Sheykhbeylu,
- 22 Mehmed, Elimuradi,
- 23 Eli Shirnak.
- 24 Mehmed Emiri,
- 25 Taghi Sofiyani

Table 1.b Excerpts from the Defence by Mr. Hesən Erk when He was Tried by the Iranian Authorities

The Text of Mr. Hesən Erk's Defence

[Translator's Note: The republic of Azerbaijan is not a party to this case, as this case is between Southern Azerbaijanis and the Islamic Republic of Iran. However, within Iran, some people tend to use Azerbaijan and some Southern Azerbaijan. Where necessary, the Translator adds Azerbaijan within [square bracket] to minimise misunderstand. Square bracket is also employed when implicit expressions are added by the author to make the English text flowing.



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The court convened against us is founded on the assumption that our gathering was to undermine the security of the country. Is there such a principle that the gathering of a number of citizens is a sufficient reason for a crime? How is it possible that the judge here justifies this court on merely the gathering of a number of citizens in their own private house or any other place?

Of course, the legal response to these questions will uphold the citizen's rights and defy this court trial, even though it is possible to be suspicious of the citizen and regrettably, such a suspicion is in evidence regarding our gathering. Although it is not sufficient to detain, let alone to convince citizens merely by suspicion but now that this is the case, let me analysis this very suspicion (translator's note: hereinafter: the Suspicion).

The founding principle of the Suspicion is that the gathering of any individuals of [Southern] Azerbaijani pro-identity activists is certainly equated to conspiracy against the government or undermining the security in the country.

Having considered that social conditions are in a delicate situation now, naturally bringing the disaster of Lake Urmu to the agenda is regarded with Suspicion and any such initiative is escalated with adversely high coefficients. Let us explain that nearly all of the initiatives were regarded as legal, e.g. appeals to members of parliament and to government bodies. No statements have been issued to suggest that these initiatives were against the security of the country. We have suffered extensive interrogations and have seen the production of hefty dossiers, have endured massive physical and psychological pressures, including the search of our homes and workplaces. All these have shown no shred of evidence that we were ever undermining the security of the country. Also, let it be made clear that the accusations pressed by law officers against us, though extremely harshly worded, threatening and serious, but they are devoid any credit. Of course, there is no way to convince citizens purely based on suspicions.

Other accusations pressed against us by security agents are based on:

1. The attendants of the gathering were [Southern] Azerbaijani pro-identity activists
2. The country is under very sensitive situation due to the position taken by foreign countries
3. The problem of Lake Urmu is a ploy invented to activate opposition [to the government]

The above is the basis for [the extraordinary] interpretations that the participants of the gathering were aiming to undermine the security of the country. This is futile and unfounded and we have to say that all three of the above accusations are politically-motivated and they are the outcome of political analysis. Yet it is incredible that this court does not even accept that this court is a political one. We the accused individuals" are accused on ordinary matters and yet evidence for it is contrary to our current status; one the one hand we are kept in the bankruptcy section of the prison in Tebriz and on the other hand we were subjected to protracted political questions during interrogations by security agents; besides our trial was in closed court sessions. If we are political prisoners, our trial has to be in a political prison and our lawyers and family members have to be able to be present in the court. So, this court has no authority over us and as such, I submit to the court that [the best option available to the court is] to declare its absence of authority over our cases, and refer these dossiers to a political court. Evidently, a political court will have much to talk to us [than you have].



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Let us compare the drying up of the River “Zayandeh rood” and that of Lake Urmu. [Translator’s Note: The Iranian authorities helped to orchestrate protests for the drying of this river in Esfahan through a Persian city to justify the funds for trans-catchment diversions and to revive the river at massive costs.] Why the government do not deal with the protesters of the both events in the same way and displays a protective policies towards the protesters of the River Zayandeh rood and adverse policies to the protesters of Lake Urmu? Why the official daily newspaper *Iran* supports the protests for the River Zayandeh rood? What is the difference between the citizens of [Southern] Azerbaijan and the citizens of Esfahan?

Do you think that the disaster of Lake Urmu is smaller than that of the river Zayandeh rood? Why protest to save Lake Urmu undermines the security of the country but those to save the River Zayandeh rood are not considered in the same frame of mind? I was an activist during the revolution and during the “imposed” war [of Iran and Iraq] and have been always a defender of my soil and my home territory. Thus, how can I stay silent against this catastrophe that is rolling out? We did not sacrifice our livelihood for the sake of diminishing to a spectator of part of this land to be stricken by a disaster. The Constitution of the country is also conferring this right to us to speak out. You ought not expect that the nation of Azerbaijan will stay silent and ignore the ongoing injustice and discriminations. Note that the popular protests took place subsequent to the drying up of the Lake Urmu, which you resorted to rounding them up for detention and not surprisingly, the government’s malevolent suppressions often fuelled these protests.

I want to bring up a number of cases regarding the legal proceeding of the court. The court detained the accused ones in a temporary detention facility, whereas they could have been released under bail. The option resorted to is based on the assumptions that the dossiers were considered to have a security dimension right from the beginning and in the second place, there was fear that the accused ones would have escaped and disappeared from your control.

As regards the first assumption, I regret to say that you have brought the country to a situation that even diligent care of the individuals for the protection of the environment has become a matter of security to you. Under the circumstance, the relevant authorities ought to be brought before justice but we, the ordinary citizens, are being wrongly punished.

As regards the second assumption of the fear for escape, I must rule out this. Altogether, considering my reputation and those of the other accused ones on the grounds of our long periods of our political and social activism, we are going to escape nowhere.

The basis of the court is founded on these two “certain assumptions” [Translator’s Note: the quotation mark is by the translator, as the assumption cannot be certain but brace yourself to any surprises when you are considering the mindset of the Iranian authorities. Mr. Erk knows what he is saying.]: 1. We gathered to undermine; 2. We are disingenuous and liars.

These certain assumptions make up the substance for the procedure adopted by the court, which is also founded on two certain assumptions: 1. The dossiers are within the remit of the security of the country; 2. The fear that accused may escape.

The principle for our gathering and having a meeting there are the issues but are these counted as a crime? In the office of the Ministry of Information we were told that this gathering alone and holding similar views are crimes as you are separatists and these meeting are not allowed.



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According to law, gathering and sharing similar opinions are not a crime and if there is a law that regards it a crime for the citizen to gather together and hold similar ideas, please expressly identify it. Now that gathering and holding similar ideas are not a crime, therefore I have no fear to state here our subject of discussion. Those of us who were present in the meeting bear witness that we did not conspire to or aim at to undermining the security of the country and there was nothing discussed to this end. All the discussed issues were within the framework of law. In the majority of the cases, we were planning to implement our initiatives in the presence of the journalist, reporters and members of parliament. We have detailed all these during the interrogations.

There is no evidence to indicate any intention on undermining anything. As there was no such intention, naturally there is no evidence. Moreover, my statements here conform to the same statements by the other accused ones. There is no trace of any evidence attributable to the meeting, to workplace of the participants, to their house or to anything whatsoever. There is no smoking gun, no material trace and no objective trace.

Considering the unwise behaviour of the security agents and their malevolent accusations, I have to add that there must be new generations of agents in the Ministry of Information regarding such diligent initiatives as conspiracy theories. Also, considering that these new kinds of agents in the Ministry of Information differ from those 6 years ago, as the new ones deploy preconceived plans towards their end, the judges must not press charges against [Southern] Azerbaijani activists.

Skipping a paragraph or two.

What is certain is that the hope of our nation of Azerbaijan is to have free leaders, to keep campaigning and to strengthen the message in the public opinion. This court is regarded as a channel of outlet for these messages. [I turn my face to this court and say clearly that] if you want to solve the problems of Lake Urmu by imprisoning us, then let it be. However, we know that no matter how you attach a security dimension to the problem of [Southern] Azerbaijan, this nation shall not remain silent and shall carry on these protests.

متن دفاعیات آقای حسن ارک به شرح زیر ارائه می گردد:

اساساً دادگاهی که بر علیه ما تشکیل یافته بر این فرض استوار است که ما تجمع کردیم که بر علیه امنیت کشور تباری نماییم. اصل تجمع عده ای از شهروندان آیا میتواند دلیلی بر مجرمیت آنان به حساب آید؟ آیا از نظر قضایی محترم می توان عده ای از شهروندان را صرفاً به دلیل تجمع کردن در یک محل و یا منزل شخصی متهم نمود؟

البته که جواب این سؤال از نظر حقوقی منفی میباشد هر چند که میتوان به چنین جمعی سوء ظن داشت، که متأسفانه در مورد جلسه ما در منزل شخصی، چنین سوء ظنی به وضوح نمایان است. هر چند که نمیتوان شهروندان را صرفاً با سوء ظن داشتن محکوم کرد، ولی لازم است همین سوء ظن نیز شکافته شود.

این سوء ظن بر این زمینه استوار است که افراد شناخته شده ی هویت گرای آزربایجانی اگر دور هم جمع شده اند حتماً جهت توطئه بر علیه حکومت و تباری بر علیه امنیت کشور میباشد.

با توجه به شرایط حساس جامعه و مطرح بودن فاجعه خشک شدن دریاچه ارومیه، چنین سوء ظنی طبیعی است که با ضریب بیشتری تقویت نیز شود. در این رابطه باید توضیح داده شود که اولاً مطالب و مسائل مطرحه در جلسه نشان میدهد که اکثریت قریب به اتفاق، اقدامات قانونی از جمله مراجعه به نمایندگان مجلس شورای اسلامی و مسئولین دولتی را تایید و پیشنهاد میکردند. و هیچ صحبتی که نشان از تصمیم به اقدام علیه امنیت کشور باشد انجام نشده است، و همچنین هیچ تصمیمی در جلسه گرفته نشده و ضابطین قضایی این پرونده نیز با تمام فشارهای روحی و جسمی که به متهمین وارد کردند و با



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تفتیشها و بازرسی های گسترده و شدیدی که از محل زندگی و محل کار افراد حاضر در جلسه انجام دادند، هیچ سند و مدرکی که نشانگر نیتی برای انجام تبنانی بر علیه امنیت کشور باشد موجود نبوده است، و اتهام زنی ضابطین قضایی بر علیه ما هر چه قدر هم که با لحن آمرانه و شدید و جدی هم بوده باشد فاقد اعتبار است و نمیتوان شهروندان را صرفاً به خاطر داشتن سوءظن و اتهام زنی های شدید و آمرانه محکوم کرد.

البته اتهام دیگری نیز از جانب بازجو های اداره اطلاعات انجام گرفت مبنی بر این که :

1-حاضرین در جلسه، افراد هویت گرای آزربایجانی هستند.

2-شرایط و فضای کشور با توجه به مواضع قدرتهای خارجی شدیداً حساس است .

3-مسئله دریاچه ارومیه محملی برای فعال شدن مخالفین بر انداز ایجاد کرده است.

سپس از مجموع این گزاره ها میتوان استنتاج کرد که حاضرین در جلسه به قصد تبنانی برای اقدام بر علیه امنیت کشور جمع شده بودند . در این مورد ضمن رد ارتباط منطقی که بتوان چنین نتیجه ای را حاصل کرد ، باید چنین گفت که هر سه گزاره فوق از جنبه های مختلف ماهیت سیاسی دارند و ایجاد ارتباط با گزاره های فوق با تجزیه و تحلیلهای سیاسی صورت میگیرد ولی دادگاهی که بر علیه ما تشکیل یافته قبول ندارد که دادگاهی سیاسی است.اگر این جانبان متهمین عادی هستیم ، که رفتار با ما و نیز نگهداری در بند مالی زندان تیریز نیز این مسئله را نشان می دهد ، چرا از ما سئوال سیاسی پرسیده میشود و دادگاهمان غیر علنی است؟ اگر ما متهمین سیاسی هستیم باید در یک دادگاه سیاسی علنی محاکمه شویم و خانوادهایمان نیز کنارمان حضور داشته باشند. پس دادگاه صلاحیت نیز ندارد که با استنطاق سیاسی متهمین را محکوم نماید. در این رابطه پیشنهاد میکنم دادگاه رای به عدم صلاحیت خود بدهد و پرونده را جهت رسیدگی به یک دادگاه سیاسی ارجاع دهد . مسلم است که متهمین در یک دادگاه سیاسی حرفهای زیادی برای گفتن خواهند داشت.

آقای ارک با استناد به قسمتی از مقاله چاپ شده در روزنامه ایران دفاعیات خود را این چنین ادامه دادند:

با توجه به خشک شدن رودخانه زاینده رود و خشک شدن دریاچه ارومیه ، چرا حاکمیت سیاستی دو گانه در پیش گرفته و رفتاری برابر با معترضین رودخانه زاینده رود و معترضین خشک شدن دریاچه ارومیه نداشته است و با معترضین جریان زاینده رود برخورد مشابهی (بازداشت ، تفتیش منزل ، محاکمه،...) صورت نگرفته است ؟ و چرا روزنامه ایران اعتراض به خشک شدن زاینده رود را مورد حمایت قرار میدهد؟ تفاوت یک شهروند آزربایجانی با یک شهروند مقیم اصفهان در چیست؟

آیا فاجعه خشک شدن دریاچه ارومیه کوچکتر از خشک شدن رودخانه زاینده رود است؟ چرا مسئله خشک شدن دریاچه ارومیه مسئله ای امنیتی تعبیر میشود ولی از خشک شدن رودخانه زاینده رود چنین برداشتی نمیشود؟ اینجانب فعال دوره انقلاب و جنگ تحمیلی نیز میباشم که همیشه مدافع و حافظ خاک وطن بوده ام حال چگونه ممکن است در مقابل خشک شدن دریاچه ارومیه ونابودی آن بی توجه باقی بمانم ؟ ما برای حفظ آب و خاکمان جان ندادیم که اکنون نظاره گر خشک شدن قطعه ای از آن باشیم. قانون اساسی نیز این وظیفه را بر شهروندان محول نموده است واز ملت آزربایجان نیز انتظار نداشته باشید که در مقابل این وظیفه و نیز حق کثی ها ساکت بمانند. جریانات و اعتراضات مردمی نیز بعد از خشک شدن این دریاچه و بازداشت فعالین بوده ، و چه بسا دستگیری و عمل مغرضانه ی دولت خود هیزمی بر آتش این اعتراضات افزوده است.

آقای ارک در ادامه افزود : چند مورد نیز در مورد رویه قضایی که دادگاه در مورد متهمین در پیش گرفته است قابل طرح است: دادگاه متهمین را در بازداشت موقت نگاه داشته است در صورتی که می توانست متهمین را به فرار کفالت یا وثیقه آزاد نماید. این رویه بر این دو فرض استوار است که ، اولاً پرونده امنیتی است ، دوماً بیم فرار متهمین وجود دارد .

در مورد فرض اول اینجانب بسیار متاسفم که کشور در شرایط و موقعیتی از سیاست قرار گرفته است که حتی دلسوزی و فعالیت برای حفظ محیط زیست نیز در آن تبدیل به مسئله ای امنیتی شده است. متاسفانه در این مورد به جای آن که مسئولین مربوطه مورد بازخواست قرار گیرند ما را که شهروندان عادی هستیم مجازات میکنند.

در مورد فرض دوم و بیم فرار ، باید بگویم با توجه به سوابقی که اینجانب و اکثر متهمین در طول فعالیت های سیاسی-اجتماعی خود داشته ایم آشکار و واضح است که احتمال آن اصلاً وجود ندارد.

اساس دادگاه بر دو فرض که مسلم گرفته شده است متکی میباشد: 1- جمع شدیم که تبنانی بکنیم. 2- ناصداق هستیم و دروغ می گوئیم.

همچنین رویه ای که دادگاه در برابر پرونده اتخاذ کرده است نیز بر دو فرض استوار است: 1- امنیتی بودن پرونده. 2- بیم فرار متهمان.

اصل جمع شدن ما و تشکیل جلسه آیا از نظر دادگاه جرم است ؟ در اداره اطلاعات بما میگفتند خود این جمع شدن و همفکری کردن شماها که تجزیه طلب هستید نباید صورت بگیرد و این خود جرم محسوب میشود.



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بر طبق قوانین اصل جمع شدن و همفکری کردن جرم محسوب نمیشود و اگر قانونی هست که صرف تجمع شهروندان در یک منزل شخصی را جرم به حساب می آورد، لطفا مشخص نمایید. پس اگر صرف تجمع کردن و جلسه تشکیل دادن جرم نیست پس باید به سراغ محتویات مسائل مطروحه در جلسه برویم تا ثابت کند که در جلسه اراده ای جهت تبانی برای بر هم زدن امنیت وجود داشته است. ما که حاضرین در جلسه بودیم شهادت می دهیم که چنین اراده ای نبوده و مسائلی که به نیت بر هم زدن امنیت کشور باشد طرح نشد. تمام مسائل مطروحه در جلسه در چارچوب قانون بوده است و غالب گفتارها و ارائه راهکارها نیز مبتنی بر مراجعه حضوری و نامه نگاری به مسئولان دولتی و نمایندگان مجلس بوده است. در تمام اوراق بازجویی این مسائل قید شده است.

هیچ سند و مدرکی که نشان از نیتی برای تبانی باشد در میان نیست، چرا که اصلا چنین نیتی نبوده است که مدرکی هم داشته باشد. همچنین گفتار این جانب در آن جلسه که از طرف تمامی شرکت کنندگان تایید شد داور بر اقدامات قانونی بود که در اوراق بازجویی مودکا ذکر شده است. حتی هیچ گونه سند و مدرکی در محل جلسه نبود و نیست. حتی در بازرسی های خانه به خانه حاضرین در جلسه نیز مدرکی که نشان از تبانی کردن بر علیه امنیت ملی کشور باشد یافت نشده است. بنا به همین دلایل عنصر مادی و عینی وقوع جرم منتفی است.

و با توجه به برخورد نیروهای امنیتی که بسیار نامعقول بود. و اتهام وارده از طرف سازمان اطلاعات مبنی بر تجمع بر علیه امنیت نظام، که بسیار مغرضانه میباشد، باید اضافه نمود که باید دنبال عوامل جدیدی در سازمان اطلاعات باشیم که این گونه مسائل را مغرضانه جلوه میدهند. و با توجه به این که نیروهای تازه وارد به سازمان اطلاعات متفاوت با سال 85 هستند و در صدد مغرضانه نشان دادن وقایع می باشند، نباید قاضی نسبت به این پیش فرضهای مغرضانه برای فعالین مدنی آذربایجان حکمی صادر نماید.

و اگر اینگونه نباشد دادگاه برای محکوم کردن ما چاره ای ندارد با دید سیاسی تجمع حاضران را بنگرد. در چنین حالتی این جانب مجبورم توضیح بدهم که اگر قصد شرکت کنندگان جلسه بر هم زدن امنیت کشور بوده باشد حتما باید نفعی برای حاضران در جلسه عاید باشد. از آنجایی که تمامی حاضرین در جلسه از هویت گرایان آذربایجانی هستند و علقه های هویتی دارند چنین نفعی نیز باید از همین جنس باشد. میتوان به دلایل سیاسی فرهنگی بسیار زیادی اثبات کرد که بر هم خوردن امنیت کشور در شرایط فعلی به ضرر ماست. ولی چون دادگاه حاضر ما را نه به عنوان متهمین سیاسی بلکه به عنوان بزه کار محاکمه می کند مطرح کردن استدلالهای سیاسی مثر نمیست. اگر دادگاه قبول کند که دادگاهی سیاسی است و شرایط یک دادگاه سیاسی را آماده نماید بنده حاضرم استدلالهای خود را در این زمینه ارائه نمایم.

بیانات آقای ارک حال و هوای خشک دادگاه را به نفع متهمین تغییر داد و بیانات دیگر متهمین نیز در راستای همین گفته ها بود.

آنچه مسلم است امید ما ملت آذربایجان به آزادی لیدر های ملت مان، به ادامه پیگیری هایمان، و بسط این موضوع در اذهان عمومی بستگی دارد که فعالین و پیش آهنگان ملت آذربایجان همیشه و در همه جا مدافع حقوق واقعی ملت هستند، طوری که دادگاه نیز به عنوان یک رسانه برای این افراد تلقی میشود که ناگفته های ملت را به گوش مسئولان برسانند. آقای ارک در پایان گفته های خود چنین افزود: اگر قرار است ما در زندان بمانیم و مسئله دریاچه ارومیه حل شود، چرا که نه... بگذار بمانیم.

ولی میدانیم که با امنیتی کردن این مسائل ملت آذربایجان دست روی دست نخواهد گذاشت و به اعتراض خود ادامه خواهد داد.

<http://www.tebrizsesi.com/site/meqale/14-meqaleler/5309-1390-08-23-18-10-56>



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Table 2 Some of the Southern Azerbaijani Activists arbitrarily detentions by the Iranian Authorities

1	Zəncan:
2	Jelil Qenilu
3	Eyvaz Bayat
3	Davud Khudakeremi
1	Urmu:
2	Yurush Mehrelibeyli
3	Esgər Ekber zadə
4	Hesen Kerimzadə
5	Vehid Faihpur
5	Shehram yuzbashi
1	Tebriz:
2	Mehdi Nuri
3	Vehid Şeykhbeyoglu
4	Hesen Erk
5	Mustafa Əvəz pur
6	Rehim Elirzai
7	Şehram Dadashi
8	Mesud Bayrami
9	Eli Muterjimi
10	Elirza Huseyn zadə
11	Rza Khacei
12	Ekber Muhajiri
13	Resul Rezevi
14	Ipek (Feranek) Ferid
15	Ferzad Kazimi
16	Eli Mehdizadə
16	Sadiq Evezpur
1	Tehran:
2	Seid Metinpur
3	Letif Heseni
4	Behnam Sheykhi
5	Seid Neimi
6	Eli Rizai
6	Hemid Menafi
1	qoshachay (Miyandoab)
2	Veli Tohrabi
2	Atila seyfi
1	Khiyov (Meshginshehr):
1	Javad Perxanlı
1	Xoy:
2	Mehemmed Biqem
3	Ebdullah Sheqaqi
3	Behzad Hajilu



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4	Musa Seyfi
5	Abbas Vetenkah
6	Shirzad Hajilu
7	Ibrahim Irani
8	Salar Eraqi
9	Hemid Purjefer
10	Javad Servnaz
11	Nemet Hajilu
12	Siyavush Hebibzade
13	Mehemmed Vehdet ferd
14	Fershad Huseyinlu
15	Mrs. Fatime Cengi
16	Behnam Muhebbe Elilu
17	Mrs. Zuleykha Qenizade
18	Nejat Riza Lek
19	Zeynal Qasimi
20	Elimehemmed Elilu
21	Siyavush Hebibzadeqan
22	Meherrem Khurushan
23	Suleyman Eraqi
24	Eli Neqinejad
25	Islam Varli
26	Kerim Yekani
27	Sabir Seferi
	Maki:
1	Behmen Nesirzade
	Mughan:
1	Efshin Shehbazi
2	Kiyan Peyqami
	Miyana:
1	Mehemmed Esedi
2	Mehdi Qiyasi
	Ərdəbil:
1	Abbas Leysanlı
2	Nesrullah Velizade
3	Mesud Jelilzade
4	Chengiz Khorsendi