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	Say (No.): 555/2013 Tarix (Date): 11may 2013
The Office of High Commissioner for Human Rights, Geneva,  Please circulate this Communication to Dr Ahmed Shaheed and also to: <ul style="list-style-type: none"><li>• Special Rapporteur on the independence of judges and lawyers</li><li>• The Working Group on Arbitrary Detention</li><li>• Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance</li><li>• The Independent Expert on Minority Issues</li></ul> CC Mr. Dyke and Mrs. Harrison, Amnesty International, London UNESCO and various news media and Ahmed Shahid	Mr Hesen Erk  A Southern Azerbaijani prisoner of conscience

Dear sir/madam

**COMMUNICATION: MR. HESEN ERK, A SOUTHERN AZERBAIJANI PRISONER OF CONSCIENCE**

Please find enclosed communication for the defence of human rights of Mr. Hesen Erk (this is his penname and his passport name is Ali Hajilulu), a Southern Azerbaijani prisoner of conscience deprived arbitrarily of his liberty by the Iranian Authorities. We deliberately focus on this one representative case for the reasons that will be clear below; where in reality, we hope it will be recognised that this is just one case out of hundreds of Southern Azerbaijani prisoners of conscience.

There is nothing unique about the Iranian authorities violating the human and national rights of the individuals of the nation of Azerbaijan in Southern Azerbaijan. Your organisation knows about these violations but acts minimally in its campaigns against them. Amnesty International knows of these violations but does not campaign anymore against them. Since the presidency of President Obama, the Foreign Office of the USA has ceased issuing communiqués in support of the rights of nationalities in Iran though now Mr. Obama has realised his error in neglecting nationality issues in the Islamic Republic of Iran and trying to rectify it now.

Democratic countries and institutions, including your own organisation, have collectively given the green light to the Islamic Republic of Iran to be arbitrary, apparently in the hope of persuading the Iranian Authorities to give up their ambitions regarding nuclear capability. Your policies have all failed and even despite sanctions, the regime continues to pursue its nuclear ambitions with urgency. The price that the nation of Azerbaijan in Southern Azerbaijan is paying for your appeasement is that even Mr. Hesen Erk, a moderate liberal political activist of Southern Azerbaijan is suffering the threat of the heinous act of being lashed by the Iranian Authorities for participating in the popular ecological campaign to save Lake Urmu under the deliberate Iranian



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policy to dry up the lake in order to uproot the Azerbaijani Turkic population of the Lake Urmu basin and to Aryanise the region by smuggler and terrorist migrants from Iraq.

The sentence passed by the Iranian authorities have been translated for your attention and given in Table 1. There are many irregularities in this official document, e.g. Mr. Mahmudi, the lawyer of Mr. Erk is now a political refugee; also the sentence is related to the events in April 2011, as per our communication Ref: 538/2011 on 30 April 2011 but it reflects the arbitrary and heated atmosphere in the last 3-4 months. In recent months, the declaration of "South Azerbaijan is not Iran" by the fans of the national football team of Southern Azerbaijan (called Tiraxtur), as well as conferences held by Southern Azerbaijanis in Baku, Ankara and Stockholm have brought into open the fears of the Iranian authorities. Many similar developments have prompted the Iranian authorities to demonstrate their sinister intentions through acts of revenge deeply seated in racism. One example of such acts is the sentence passed against Mr. Hesén Erk. We hold that this act is an outright expression of racism spearheaded by the Iranian Authorities against the nation of Azerbaijan in Southern Azerbaijan.

We hope that you understand the significance of this sentence of lashing against a formidable political activist such as Mr. Hesén Erk. To this end, we wish to remind you of its context by abstracting our past reports and attaching them to Table 2. We also remind you of the heroism of Mr. Abbas Leysanli, one of the national leaders of Southern Azerbaijan, who continues to challenge the Iranian Authorities. As you saw from our report (Ref: 478/ 2008, Date: 13 January 2008), Mr Leysanli heroically stood up against the Iranian Authorities while in captivity and overwhelmed even their most determined agents in physical terms. Since their defeat then, the Iranian authorities have shied away from this heinous against the Azerbaijan prisoners of conscience. Of late however, having understood that there is an increasing atmosphere of international appeasement of racism in Iran, they feel they can get away with much. Your criticism of *racial policies* in Iran escalates the self-perceived impunity of the Iranian authorities; whereas in fact in Iran there is no racial policy but outright *racist policies*. We hold that until you state explicitly that the Iranian Authorities are pursuing racist policies in Iran, they will continue to commit such acts.

The onslaught of the Iranian authorities is escalating. Whilst you have not yet issued any open communiqué on Mr. Seid Metinpur, an arduous human right defender, he has already undergone 6 years of his 10 years of arbitrary imprisonment in Evin prison. From hundreds of examples, let us show a few more from the moderate wing of politics in Southern Azerbaijan, the "New GAMOH." The founding activists of this Southern Azerbaijani political party fully comply with the Iranian constitution and laws. Yet the five individuals named below and identified with their photos, each was arbitrarily imprisoned on 5 May 2013 for a 9 year prison term and now they are serving their prison terms in Tebriz prison.



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1. Dr. Letif Heseni
2. Dr. Ayet Mehrelibeyli
3. Behbud Qulizade
4. Mahmud Fəzli
5. Shehram Radmehr

Please let us to remind you that the nation of Azerbaijan in Southern Azerbaijan has displayed an astute competence in their uncompromising stance against racism. Southern Azerbaijanis have now consolidated their unbroken struggle against Iranian racism, dating back 80 years, into a new form of unprecedented struggle. This struggle integrates human rights, national rights, gender equality, ecological awareness, cultural rights, the right of expression in one's mother language and institutional secularism. Certainly, Iranian politics has miserably failed in each and every one of these contexts.

Once again, we appeal to you to make good use of the mandates entrusted on you by providing an express statement against racism (but not *racialist* policies) and its unacceptability in Iran, as much as is the case anywhere else in a civilised world. You owe this debt to the nation of Azerbaijan in Southern Azerbaijan and to all other nations in Iran. If you do not campaign for Mr. Heseni on the ground that the verdict against him is a racist one, we assure you that you are being insensitive to that which may and will likely follow in Iran.

Yours faithfully,

Boyuk Resuloglu

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

**Table 1 Translation of the Sentence Passed against Mr Hesen Erk by the Iranian Authorities**

Printed Verdict Page 1 of 1

Case Number: 9009174112900881 An Arabic (possibly a Quranic) verse

File Number: 8809914116000713

Archive Branch Number: 8807127; Branch 106, Commons Court, Punal Court of Tebriz

Compilation Date: 21/12/1390

Sentence:



File Number: 8809914116000713; Archive Branch Number: 8807127; Branch 106, Commons Court, Punal Court of Tabriz, Case Number: 9009174112900881

Persecutor: reported by the head office of Ettelaat (information) in the province of East Azerbaijan

Accused: Mr. Ali Haji Abullu, defended by his lawyer Mr. Naghi Mahmudi with the address of 17 Shehriver (new), next to Milli Bank, the Iran Building, Unit 56

Accusations: 1. Insult to the great supreme leader; 2. Insult to the officials and agents

Procedure: After receiving the above case by the on-duty official, and determining the interrogation time and the conclusion for this case, the following procedure led to the issue of the sentence:

The court sentences Mr. Ali Haji Abullu, son of Rehim, known as Hesen Erk, defended by his lawyer Mr. Naghi Mahmudi, regarding the accusations brought against him. These accusations concern libel against the great supreme leader and security forces. With respect to the indictment issued, appropriate interrogations by the Etelaat in the province of East Azerbaijan, as well statements by the accused and his lawyer during the interrogations and his direct court sessions, the accusations were confirmed. The sentence passed is announced as 50 punitive floggings to be borne by the accused according to Article 697 of G.M.A (these are abbreviation to Persian terms and not known to the translator). This sentence was issued in his absence and can be reviewed within 20 days after the issue in the appeal courts of the province of east Azerbaijan.

Head of Branch 106 of Punitive Court in Tebriz: Majid purAhmed Reyhan

The signature of the compiler:

Address: Tebriz, the beginning of the hill towards VeliEsr, Head Office Court for the province of East Azerbaijan:

There is only one stamp and signature style scribble with the date of 23/1/91

Below is the original sentence passed in Farsi against the victim.



شماره دادنامه: ۹۰۰۹۹۷۴۱۱۲۹-۰۰۸۸۱ شماره پرونده: ۸۸۰۰۹۹۸۴۱۱۶-۰۰۷۱۳ شماره بایگانی شعبه: ۸۸۰۰۷۱۷ تاریخ تنظیم: ۱۳۹۰/۱۲/۲۱ پیوست:	«تلا تیبوا الهوی ان تُدبَلوا»	 دادگستری جمهوری اسلامی ایران
<b>دادنامه</b>		
<p>پرونده کلاسه ۸۸۰۰۹۹۸۴۱۱۶-۰۰۷۱۳ شعبه ۱۰۶ دادگاه عمومی (جزائی) دادگستری شهرستان تبریز دادنامه شماره ۹۰۰۹۹۷۴۱۱۲۹-۰۰۸۸۱</p> <p>شاکی: گزارش اداره کل اطلاعات استان آذربایجان شرقی</p> <p>متهم: آقای علی حاجی ایول لو با وکالت آقای نقی محمودی به نشانی تبریز خیابان هفده شهریور جدید جنب بانک ملی ساختمان ایران واحد ۴۶</p> <p>اتهام ها: ۱. اهانت به مقام معظم رهبری ۲. توهین به مقامات و مأمورین</p> <p>گردشکار: پس از وصول پرونده و ثبت آن به کلاسه فوق و تعیین وقت رسیدگی دادگاه ضمن ختم رسیدگی بشرح زیر مبادرت به اصدار رای می نماید.</p>		
<p>(رای دادگاه): در خصوص اتهام آقای علی حاجی ایول لوفرزند رحیم معروف به حسن ارک با وکالت آقای نقی محمودی دایر بر افترا پر مقام معظم رهبری و نیروی انتظامی دادگاه با توجه به مفاد پرونده "کیفرخواست صادره" تحقیقات انجام یافته توسط اطلاعات استان آذربایجان شرقی و اظهارات متهم و وکیل ایشان در مرا حل تحقیق و جلسات دادگاه که بادفاعیات بلاوجه ایشان همراه بوده اتهام وارده را محرز و به استناد ماده ۶۹۷ از ق.م.ا متهم را به تحمل پنجاه ضربه شلاق تمزیر محکوم و اعلام می نما ید این رای غیابی ظرف بیست روز از ابلاغ قابل تجدیدنظر در دادگاههای تجدیدنظر استان آذربایجان شرقی می باشد. د</p>		
مجید پوراحمد ریحان	رئیس شعبه ۱۰۶ دادگاه جزایی تبریز	امضای تنظیم کننده
نشانی: تبریز- ابتدای سرالائی ولیعصر- دادگستری کل استان آذربایجان شرقی		

۱۳۹۰/۱۲/۲۱

تبریز - ابتدای سرالائی ولیعصر - دادگستری کل استان آذربایجان شرقی  
 دفتر شعبه یکم و نشانی دادگاه عمومی (جزائی) تبریز  
 ۱۳۹۰/۱۲/۲۱  
 تاریخ ثبت: ۱۳۹۰/۱۲/۲۱  
 شماره ثبت: ۱۳۹۰/۱۲/۲۱  
 شماره ثبت: ۱۳۹۰/۱۲/۲۱

## **TABLE 2 Excerpts from our Earlier Report on sentences passed by the Iranian Authorities involving the Heinous Act of Lashing Attributable to Racism Infesting the Iranian Authorities**

Our report (<http://www.dunazhak.net/dunazhak/Special.htm>) on 16 December 2006 reviewed the sentences passed by the Iranian authorities and concluded that the sentences with lashing were largely issued to non-Persians or a certain cults such as Sufis. We abstract an extract from the report for your attention.

### ***Lashing***

The culture of human rights does not condone any culprit inflicting lashing. However, we shall restrain ourselves to defend the Southern Azerbaijani victims of lashing by using the respectful language as per the norm of human rights and give undue and undeserved respectability to the authorities perpetrating lashing. In order to be objective in understanding the context of the 60 lashing instances out of 120 Southern Azerbaijani cases, the following investigation was carried out.

### **Investigation**

The Amir Kabir Website (<http://www.autnews.com/> Not active anymore) is an active Iranian website striving to inform on matters of persecutions on the social, political, human rights, university and women's rights contexts. This is one place where one can search for mention of lashing sentences in Iran. The archive of the site goes back one year and there were only 23 items with the word *lashing*. The occurrences of lashing in this website may be categorised as follows:

- Many of these were used metaphorically,
- Some occurrences were used as an instrument of torture
- A number of the instances mentioned the names of victims suffering from a diversity of torture including lashing (e.g. Yashar Qajar, a Southern Azerbaijani, and Akbar Mohammadi)
- As a measure of legitimate Iranian punishment, this is used in the cases of two individuals (possibly Persians), a Kurd, 52 Sofis of Gonabad and one of their defending lawyer and many instances related to Southern Azerbaijan.
- Not all of the Southern Azerbaijani instances of victims were accounted for here but at least some 20 of them have been accounted for from this site.

### **The Procedure for Lashing:**

The case of Mr. Mahmud Hesenpur was very revealing as we came to learn that there is a procedure for lashing the victims (the most indignant to modern culture of human rights), as follows:

- I. Medical Procedure: obtain medical certificate;
- II. The Weather Conditions: select a fine pleasant day;
- III. Place of Punishment: Take the convict to a place out of public view;
- IV. The Clothing Condition: normal clothing without stripping;
- V. Application of the Punishment: apply lashing to all over the body with exception of his head, face and private parts.

### **Assessment**

Southern Azerbaijani websites, as analysed in this report, show that approximately half of the sentences in the population of 120 cases are associated with lashing. This is only matched by the case of the Gonabad Sofis. This uncovers a significant fact. Iranian authorities pass this infamous penal measure against entities not conforming to their outlook. As this penal measure is deemed a form of torture and therefore is condemned by the universal human rights declaration. In a general context, the application of this infamous penal measure is fascism as in the case of its application against the (largely Persian) Sofis from Gonabad. In the context of victimising Southern Azerbaijanis, this act is deemed to be an act of racism.

It is appropriate to mention here that the activists of Erdebil, Mr Leysanli was going to suffer the infamous act of lashing in 2004. When the news was spread in Erdebil, the population was outraged and a large crowd joined the rank-and-file of activists in front of the prison offering themselves in lieu of those to be flogged. The Iranian authorities revoked immediately their verdict, fearing a breakout of widespread protests, and had to release the activists.