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Say (No.): 415/2006
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The Office of High Commissioner for Human Rights, Geneva,

Please circulate this letter to Special Rapporteur on (i) Arbitrary Detentions and on (ii) Working Group on Enforced or Involuntary Disappearances

CC Mrs. Harrison, Amnesty International, London



Dear sir/madam,

Re COMPLAINT: THE CASE OF MR. ESGER EKBERZADE IS HELD INCOMMUNICADO

Please find enclosed a new Complaint for safeguarding human rights of Mr. Esger Ekberzade, a 21 years old Southern Azerbaijani students, writer and activist from Erdebil, who has been deprived of his liberty by security agents since 31 October 2006. His particulars are provided to you in the attached form, which provides detail evidence that the relevant Iranian authorities are treating arbitrarily human rights of this young Southern Azerbaijani.

We draw your attention to the Urgent Action issued by Amnesty International (AI Index: MDE 13/124/2006 on 17 November 2006) campaigning for human rights of this young man. It is important that this case is seen within the context of the Southern Azerbaijani national movement and arbitrary treatments of the Iranian authorities. Indeed Amnesty International elaborates on both.

We are confident that is no other route to refer to for ensuring the prevalence of human rights of Mr. Ekberzade. We believe you are the only authority with the right mandate empowered to defend Mr. Ekberzade's human rights. We therefore lodge this new Complaint case. The justice for Mr. Ekberzade now rests before you. 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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The Complaint Form Proving the Particulars of Mr. Esger EKBERZADE

Working Group on Arbitrary Detention
c/o. Office of the UN High Commissioner for Human Rights
United Nations Office at Geneva
CH-1211, Geneva 10
Switzerland

I. IDENTITY

1. Family name:	Esger (Asghar)
2. First name:	Ekberzade (Akbarzadeh)
3. Sex: (M/F)	M
Marital status	Single
4. Date of Birth (age):	21
5. Nationality	Southern Azerbaijani, Iranian citizen
6. (a) Identity document:	<ul style="list-style-type: none">• Not available yet
(b) Issued by:	<ul style="list-style-type: none">• Possibly issued by the Erdebil General Registry
(c) On (date):	<ul style="list-style-type: none">• Not available yet
7. Profession / activity	<ul style="list-style-type: none">• A chemistry student at the Payman-e-Noor University of Ardebil
8. Place of usual residence	Erdebil,

II. Arrest

(This was the case of Abduction)

1. Date of arrest:	Amnesty International (AI): He “was reportedly detained on 31 October”
2. Place of arrest:	AI: Outside the University premises
3. Forces who carried out the arrest or are believed to have carried it out:	AI: He “was arrested by plain-clothes individuals believed to be officials from the Ministry of Intelligence (Ettela’at). Since this time, his family have received no news about him.”
4. Did they show a warrant or other decision by a public authority?	There is no direct information on this but as you will see below, this is highly unlikely
5. Authority who issued the warrant or decision:	As above, this is not known and highly likely that overt security agents are often decision-makers
6. Relevant legislation applied (if known):	As above, highly unlikely that there was ever the compliance with any legislation



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III. DETENTION

1. Date of detention	The process of arrest, remanding in custody and detaining is hardly applicable here. Basically overt agents have decided to arrest this individual and seemingly they have gone ahead with it. The support for this is evident from the statement by AI: "His mother has reportedly repeatedly gone to Ardebil Court, and the office of the Ministry of Intelligence in Ardebil, seeking news of her son, but the authorities have reportedly refused to confirm his whereabouts, or even that he has been arrested."
2. Duration of detention	We assume that he has been detained since his arrest and now this is more than three weeks.
3. Forces holding the detainee under custody	As in II.5, above, this is not known directly but overt security agents often arrest and interrogate detainees at will where torture is at their disposal and there is no record that they have ever been reprimanded for their illegal activities.
4. Places of detention	AI: he "is believed to be held incommunicado at an undisclosed location, where he is at risk of torture."
5. Authorities that ordered the detention	As in II.5, and III. 3, above, this is not known directly but overt security agents are well capable of detaining any individual including Esger Ekberzade.
6. Reasons for the detention imputed by the authorities	Typically, the authorities carefully cover their track let alone issue any statement to describe the reason for the detention
7. Relevant legislation applied	Arbitrariness
8. Sentence	The case has not developed to that stage yet



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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

Esger Ekberzade has been arbitrarily detained in the past. Amnesty International (AI) provides the following information: “Asghar Akbarzadeh was previously arrested on 25 May 2006, two days before a demonstration in Ardebil. He was released after around 12 days in detention. On the day of the demonstration in Ardebil, while Asghar was detained, officials from the Ministry of Intelligence searched his family home after cutting the telephone line. They left without taking anything. Prior to Asghar Akbarzadeh’s arrest, officials from the Ministry of Intelligence came to the family home on two occasions looking for Asghar, but he was not at home.”

The above information by AI indicates the depth of arbitrary acts that are taken for granted by security agents. These culprits have no understanding of human rights. We submit our Complaint based on the fundamental premise that Esger Ekberzade is deprived of his liberty and his human rights are violated. In principle we base our Complaint on Principles: 6, 10 and 11 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) which state that:

Principle 6

- 1. No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.***
- 2. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.***

Principle 10

Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.

Principle 11

- 1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.***
- 2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefore.***
- 3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention.***

As the Islamic Republic of Iran has been party to the UN International Covenant on Civil and Political Rights since 1975, due obligations have to be challenged else human rights by and large can be undermined.

The data presented above is solid evidence that at least Principle 6, 10 and 11 has been violated in the case of Esger Ekberzade.

Iranian authorities seem to have not fulfilled any of their obligations to ensure human rights of Esger Ekberzade. To date his family members are still in the dark on whereabouts of their loved one.

We submit to you that his justice rests in your hand.



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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

The case speaks for itself, as there is no internal mechanism. However, there are plenty of internal mechanisms to amplify arbitrary acts.

VI.

Full name

Mr. Boyuk Resuloglu

On behalf of:

The Committee for the Defence of the Rights of World Azerbaijanis

Address:

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bo-diza@online.no

Date: 22 November 2006

Signature:

P.S.

Please note that we transcribe the names directly from Azerbaijani Turkic into English and therefore the Persian way of transcribing the names are given below:

Azerbaijani Transcription

Erdebil

Esger

Ekberzade

Persian style transcription

Ardebil

Asghar

Akbarzadeh