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The Problem of Southern Azerbaijan

Say (No.): 512/2008
Tarix (Date): 23 Dec. 2008

The Office of High Commissioner for Human Rights, Geneva
Please circulate this letter to the Working Group on Arbitrary Detention.
Also this Communication is relevant to the following:

- Special Rapporteur on the independence of judges and lawyers
- Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
- The Independent Expert on Minority Issues

CC Mr. Dyke and Mrs. Harrison, Amnesty International, London
Also: Human Rights Watch and Human Rights Server

Mr. Huseyn Huseyni



A Southern Azerbaijani
prisoner of conscience

Dear sir/madam

COMMUNICATION NO 1 ON HUMAN RIGHTS DEFENDER MR. HUSEYN HUSEYNI

Please find enclosed Communication 1 on Mr. Huseyn Huseyni for safeguarding his human rights, who is being persecuted arbitrarily by Iranian authorities. His particulars are presented in **Table 1**, using published information and those from our own sources.

Mr. Huseyni is from the Southern Azerbaijani city of Sulduz (Naqadeh), west Azerbaijan province, and has been arbitrarily deprived of his liberty by Iranian authorities. He was arrested during his participation in the Settar Khan's anniversary, where he was simply exercising his human rights while fully complying with the laws of the Iranian authorities. He is now kept in Evin prison, Tehran. He has also suffered arbitrary detentions in the past but we were unable to document his cases due to our resource limitations.

We would like to stress that in compiling this Communication, we have not consulted with Mr. Huseyni's family or anyone else for that matter. It is necessary to mention this to manage the risk of reprisal by the Iranian authorities against him and his family.

Mr. Huseyni has been deprived of access to a lawyer and his right to contact his family members has also been suppressed. All the means of defending his human rights have been exhausted and therefore we appeal to your urgent attention. Thank you in advance for your care.

Yours faithfully,

Eli Tashkent

For and on behalf of
The Committee for the Defence of the Rights of World Azerbaijanis



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Table 1 COMMUNICATION 1 FOR CASE OF MR. HUSEYNI



**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

1. Family name: Huseyni
2. First name: Hoseyn
3. Sex: Male
4. Birth date or age: 1987
5. Nationality/Nationalities: Southern Azerbaijani national; a citizen of the Islamic Republic of Iran
6. (a) Identity document (if any): national code: The information is not available.
(b) Issued by: He is from Sulduz and therefore his identity documents are assumed to be issued in, a city in Southern Azerbaijan, the province of West Azerbaijan.
(c) On (date): The data not available
(d) Address: The data is not available
7. Profession and/or activity (if believed to be relevant to the arrest/detention):
A university graduate and the president of student union in Erdebil university.



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II. Arrest

1. Date of arrest: 14 November 2008.
2. Place of arrest: The arrest took place at the Mausoleum of Settar Khan, a national hero of Azerbaijan, when the victim was attending the commemoration of Settar Khan's anniversary.
3. Forces who carried out the arrest or are believed to have carried it out:
No direct information is available but it was almost certainly by Iranian security agents.
4. Did they show a warrant or other decision by a public authority?
No direct information on this but it is safe to assume that the arrest was unprovoked and without any warrant.
5. Authority who issued the warrant or decision:

No direct information is available but it was almost certainly arranged by Iranian Ministry of Information.
6. Relevant legislation applied (if known):

This case bears the hallmark of arbitrary detention.

III. Detention

- General Note As there is no official communiqué, naturally the information provided is through the ceaseless efforts of the Southern Azerbaijani activists, and they often do this at the expense of their own freedom. We will clarify where we make assumptions.
1. Date of detention: It is difficult to know when and at what stage the victim was detained, as in Iran these are highly nebulous concepts due to arbitrary acts of the authorities. However, it is assumed that the victim was transferred to detention either at the same day (14 November 2008) or the following day (15 November 2008).
 2. Duration of detention (if not known, probable duration):

The only data available is that he was transferred to Evin prison.



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3. Forces holding the detainee under custody:

During the detention under interrogation, the victim would have been held by agents of the Ministry of Information offices of Tehran. Now that the victim has been transferred to Evin prison, the authorities responsible for the detention would be the prison authority but the Ministry of Information, the Internal Ministry or the Ministry of Justice would all collude with each other. Therefore, it is highly likely that the prison authorities are manipulated directly by the Ministry of Information.

4. Places of detention (indicate any transfer and present place of detention):

The victim was held in a detention facility in Tehran but was transferred to Evin prison.

5. Authorities that ordered the detention: To the best of our knowledge, there is no distinction between the authority and the nebulous forces arresting and detaining.

6. Reasons for the detention imputed by the authorities:

There is no official communiqué. Iranian authorities are breaking their own laws by not providing information but this is a characteristic of colonial rule and they think they can get away with whatever they wish to do.

7. Relevant legislation applied (if known):

As there are no imputed charges, relevant legislations are not known.

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

As outlined in (http://savalansesi.blogspot.com/2008/11/blog-post_14.html), at least 10 individuals were arrested on 14 November 2008 from participants gathered for commemorating the anniversary and the victim is one of them.

This anniversary is held every year to strengthen the ethnic identity of the nation of Azerbaijan in Southern Azerbaijan. The gatherings are always peaceful and the participants are always careful to fully observe the Iranian laws. So we are confident that no law, rule or bylaw was breached. However, the Iranian authorities are spearheading their racist policies and would go to any length to violate their laws and illegally arrest individuals wishing to exercise their human rights. Although it is almost certain that interrogations are normally violent, but the specific details are yet to emerge and even then the Iranian authorities make sure that these details are not surfaced out through the constant intimidation.



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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 family members of the victim are doing anything within their disposable for both the victim and also Mr. Abdullah Abbasi Javan (for more details, please refer to Ref: 511/2008, Date: 23 December 2008), who is the victim's uncle. These include:

1. Referring directly to the authorities for information,
2. Lobbying religious and politicians of the Islamic Republic of Iran for support. For instance, on 28 November 2008 his family members met Ayatollah Karrubi, who promised to take up the matter but nothing materialised from this campaign.

VI. Full name and address of the person(s) submitting the information (telephone and fax number, if possible) ^(d)

Mr. Eli Tashkent

On behalf of:

The Committee for the Defence of the Rights of World Azerbaijanis

Address:

Ayna, Sherifzade 1, Baki, Azerbaijan; Email: elitaskent@yahoo.com

Date: 23 December 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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