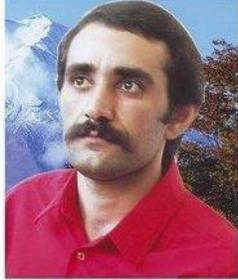




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<i>The Problem of Southern Azerbaijan</i>	
Say (No.): 513/ 2009 İlaygün (Date): 13 March 2009	
<p>The Office of High Commissioner for Human Rights, Geneva Please circulate this to the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions; it is also of relevance to:</p> <ul style="list-style-type: none">• Working Group on arbitrary detention• Special Rapporteur on the independence of judges• Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance• The Independent Expert on Minority Issues <p>CC Mr Dyke and Mrs. Harrison, Amnesty International, London Also: Human Rights Watch; Human Rights Server; and Helsinki Human Rights</p>	

Dear sir/madam,

UPDATE 1 MR YUNIS AGHAYAN IN IMMINENT DANGER OF EXECUTION

Further to our earlier Communication (Ref: 349/2006 on 16 July 2006; Ref:365/2006 on 19 August 2006 and also Ref: 485/2008 on 28 January 2008), now Mr. Yunis Aghayan, a national of Southern Azerbaijan and therefore a citizen of the Islamic Republic of Iran, is on death row and in imminent danger of execution by the Iranian authorities. It is within your mandates to intervene when capital punishment is imposed after an unfair trial and this is the case for the reasons presented in this Update. Your action is needed urgently as another Southern Azerbaijani national, Mr. Mehdi Qasimzade (please refer to 349/2006 on 16 July 2006 for our collective information on both victims), was executed on 3 March 2009 by the Iranian authorities, who was exactly in a similar situation.

The details for the arbitrary treatment of Mr Aghayan by the Iranian authorities are presented in **Table 1** and summarized below:

1. **In winter 2003**, a number of youth in the village of Uch-Tepe, the birthplace of Mr. Aghayan, published a pamphlet explaining the desolate conditions of the village in terms of their religion (the Elevi sect of Islam) and their Azerbaijani nationality. This led to the detention of five youth from the village.
2. **In spring 2004**, the detainees were released on bail but later armed officers raided the village to re-arrest them, as the authorities held that their animal farming centre was also a centre of blasphemy. This led to a confrontation, during which the armed officers shot dead 6 Azerbaijani-Elevi villagers including three of those released on bail but also the armed officers killed two of their own in their friendly cross-fire.
3. **In 2005**, Mr Qasimzade was then rounded up in this process and this may include Mr. Aghayan, who were innocent but they were condemned to death penalty by the Soyuqbulaq (Mahabad) court.
4. **In 2006**, the appeal court in Tehran confirmed this arbitrary sentence but Mr. Aghayan was promised with a commutation of his death sentence if he repented from his Elevi faith. Mr. Qasimzade suffered the death penalty 3 March 2009 but Mr. Aghayan is now confirmed to be in death row.

The deplorable death sentence by the Iranian authorities is a violation of the right to life of Mr. Yunis Aghayan. This right is enshrined in article 3 of the United Nations' Universal Declaration of Human Rights (<http://www.un.org/Overview/rights.html>) and in article 6 of the International Covenant on Civil and Political Rights stating that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. (<http://www2.ohchr.org/English/law/ccpr.htm>)" We believe this right is a legally enforceable right in every United Nations member state and therefore we appeal to you to campaign on behalf of Mr. Aghayan to save his life and safeguard his human rights. Thank you in advance for your care.

Yours faithfully,

Mr. Eli Tashkent

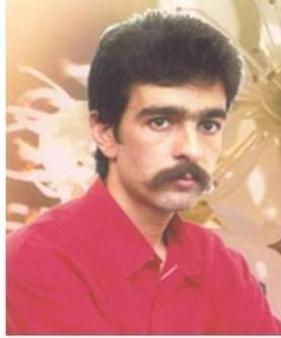
Chairperson of the Committee for the Defence of the Rights of World Azerbaijanis



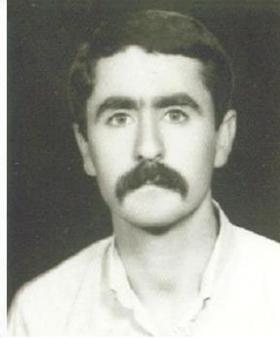
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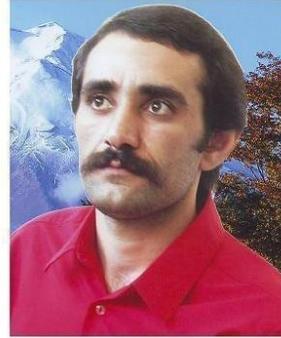
Table 1 Detailed Account of the Case of Mr. Yunis Aghayan



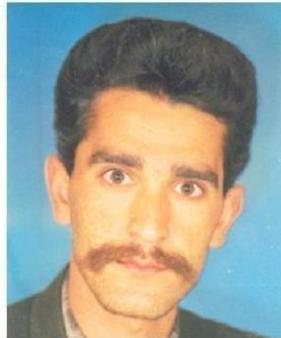
Mehdi Qasimzade



Sahand Ali Muhammadi



Yunis Aghayan



Ibadullah Qasimzade



Bakhsh Ali Muhammadi



Note: The term Elevi is transcribed according to Azerbaijani but its transcription from Turkish is Alevi and that from Farsi is Alavi.

Name: Mr. Yunis Aghayan

Village: Uch-Tepe

City: Qoshachay (translated to Farsi as Miyandoab)

Province: West Azerbaijan, as one of one seven Southern Azerbaijani provinces ruled by Iran

Religion: This is unfortunately an issue as the victim is affiliated to the *Elevi* sect of Islam but the Iranian authorities do not tolerate any religion in Iran other than Shia and Armenians and they also do not tolerate any nationalities other than Farsi-speakers and Armenians. This means that, Mr. Aghayan has been a victim of his religion and nationality. But more details are given below.

Population: There is no exact information but the numbers of Elevi-s in Azerbaijan may be about 200,000.

Spread: They are spread all over Azerbaijan and have no distinguished feature other than their moustache.

The Roots of the Case:

As Elevi-s are disadvantaged in Iran for both being non-Shia and for being Azerbaijanis, the Iranian authorities have repressed them for a variety of reasons. A number of youth in the village of Uch-Tepe published a pamphlet in 2003 expressing their concern on the ongoing critical situation and distributed the pamphlet among the villagers and also in Qoshachay.



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It is understood that in the winter 2003, the authorities arrested and detained five individuals from the village of Uch-Tepe as responsible for the pamphlet. Their names are Seyfeli Shiri (50 years old), Sultaneli Mehemedi (50 years old) and Huseyin Mehemedi (18-19 years old), Sehendeli Mehemedi and another individual and were detained in Urmu at the detention unit of the Ministry of Information. These were released on bail after a few months.

After the release of the above individuals, armed officers raid the village, seemingly according to a prepared plan, and aim to arrest more individuals, as the authorities held that their animal farming centre was also a centre of blasphemy. This led to a confrontation when the villagers aimed to diffuse the situation and prevent innocent people being arbitrarily arrested. The provocation of the armed officers got out of hand and they shot dead 6 innocent villagers but two officers also lost their lives. Experts have confirmed that the loss of the armed officers was solely by the friendly fire of their fellow officers and the villagers did not play any role in it. The villagers have confirmed that the above named three individuals (Seyfeli Shiri, Sultaneli Mehemedi and Huseyin Mehemedi) were among the victims shot dead and another name is known to be Firidun Mehemedi.

The armed officers incited with their act of terror, rounded up more individuals and these included Mehdi Qasimzade (the victim who was executed on 3 March 2009) and Yunis Aghayan. The Iranian authorities are reportedly tricked the families to hand over their sons for interrogations and these included Sehendeli Mehemedi, Bakhshali Mehemedi and Ibadulla Qasimzade. An Iranian court condemned these five individuals and passed a death penalty against all five of them in 2005 in the Soyubulaq (Mahabad) court.

After the appeal of these victims, the cases of appeal were dealt with in Tehran in a higher court in 2006, which confirmed the death penalty against Mehdi Qasimzade and Yunis Aghayan and commuted the sentence on Sehendeli Mehemedi, Bakhshali Mehemedi and Ibadulla Qasimzade to 13 years of imprisonment and banishment into exile. These three individuals are now in a prison in Yazd, some 2000Km from Azerbaijan and they are on a hunger strike protesting against their inhumane treatments.

Unfortunately Mr. Mehdi Qasimzade was executed on 3 March 2009 in Urmu prison and this happened rather unexpectedly and therefore there was little opportunity to campaign for him. His body has not yet been handed to his family. After his execution, Iranian and Kurdish media tried to misinform the public and falsely claimed a Kurdish identity to Mr. Mehdi Qasimzade. This is utterly deplorable and tantamount to rubbing the grave. We hope that you regard such dishonesty as an incitement of tension in the region.

Mr. Yunis Aghayan is now on death row in Urmu prison. Voice of America broadcasted the situation and Amnesty International has also campaigned for both of these victims.