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7 March 2018

Ms. Beatriz Balbin
Chief of Special Procedures Branch
Office of the UN High Commissioner for Human Rights
Geneva

Dear Ms. Balbin,

In response to your communication of 5 March 2018 addressed to H.E. Ambassador Vaqif Sadiqov, the Permanent Representative of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva, I would like to draw your attention to the following.

In recent months, the Permanent Mission of the Republic of Azerbaijan has repeatedly brought to the attention of the esteemed Office of the UN High Commissioner for Human Rights (OHCHR), in its capacity of the Secretariat of the Human Rights Council (HRC) special procedures mandate holders, that the category of individual and/or joint communications addressed by mandate holders should be proportionate to the gravity and urgency of the allegations raised in the respective communications.

Paragraph 43 of the “Manual of operations of the special procedures of the Human Rights Council”, which is the document guiding the activities of mandate holders, clearly outlines the conditions that necessitate the communications to be categorized as “urgent”:

“Urgent appeals are used to communicate information in cases where the alleged violations are time-sensitive in terms of involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature to victims that cannot be addressed in a timely manner by the procedure under letters of allegation.”

The essence of the above-mentioned “urgent” communication based on the unsubstantiated third-party allegations referring to the last year, can in no way be interpreted as “time-sensitive”, nor does it contain any of the conditions indicated in the Manual as “involving loss of life, life-threatening situations or either imminent or ongoing damage of a very grave nature”.

The Permanent Mission is deeply concerned with the continuous practice by certain mandate holders of generating so-called “urgent appeals” which has been contravening the provisions guiding the performance of mandate holders who by definition are bound to follow their mandates established by the relevant UN documents and HRC decisions. In these circumstances the OHCHR, in its capacity of the HRC Secretariat is expected to ensure the conformity of mandate holders’ actions to the established procedures.

Therefore, the Permanent Mission kindly requests the OHCHR and respective mandate holders to provide official information on what the procedural foundations for urgent appeals by mandate holders are and which UN documents constitute the basis for unilateral actions of mandate holders in labelling their communications as “urgent”.

In the meantime, the Permanent Mission requests the OHCHR to inform the respective mandate holders that the Azerbaijani side will not be able to consider the above-mentioned communication as “*urgent*”, unless the urgency of the appeal is procedurally justified by the mandate holders.

Sincerely yours,



Emil Hasanov
Chargé d’Affaires a.i.