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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 25/18, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the death threats made against **Mr. Yafez Hasanov**.

Mr. Yafez Hasanov (aka Akromoghlu) has worked in *Radio Free Liberty's Baku* office as a correspondent since 2010, reporting extensively on human rights violations, corruption, and other legal infringements in the Autonomous Republic of Nakhchivan, Azerbaijan.

According to the information received:

In September 2011, Mr. Hasanov was reportedly abducted and expelled to the Islamic Republic of Iran from the Autonomous Republic of Nakhchivan as a result of his work investigating the death of Mr. Turac Zeynalov. Mr. Zeynalov was a 31-year-old airport technician who had been summoned to Nakhchivan's National Security Ministry on 24 August 2011 on accusations of espionage for the Government of the Islamic Republic of Iran and who was found dead the day after with signs of severe beatings.

According to the information received, once back to Azerbaijan, throughout 2012 and 2013, Mr. Hasanov received on various occasions threatening calls and messages in connection to his work.

It is reported that threats against Mr. Hasanov have increased since the publication on the *Radio Free Liberty* website of his article entitled “Reasons for the 50-fold decrease of crime in Nakhchivan” on 6 February 2014. On 13 February 2014, Mr. Hasanov published an article about a man who self-immolated in front of a government building in the Autonomous Republic of Nakhchivan. Also in February 2014, a *Facebook* group entitled “who is Yafez Akromaghlu” was reportedly set up in opposition to the journalist’s work. The members of the group reportedly accuse Mr. Hasanov of being a “foreign agent”.

On 17 February 2014, one of the group members reportedly posted a death threat on *Facebook* against Mr. Hasanov which read as follows: “Death to him! He must be eliminated in order to remove this stain from Nakhchivan... We give him ten days. He either should state publicly that he will not tarnish the reputation of Nakhchivan or we should launch a plan to eliminate him”.

On 22 February 2014, the *Facebook* group’s administrator reportedly wrote a private message warning Mr. Hasanov that if he did not stop working within five days, the group would instigate their plan to assassinate him.

On 24 February 2014, Mr. Hasanov reportedly submitted a complaint to the Minister of Internal Affairs of Azerbaijan and to the Chief Prosecutor, requesting that these most recent threats be investigated. According to Azerbaijani law, the State must either start an investigation or send a letter of refusal to investigate within one month of receiving a complaint. According to the information received, over the last three years, Mr. Hasanov has reportedly submitted eight complaints to Azerbaijani police concerning various threats against him, none of which has been investigated.

On 20 March 2014, Mr. Hasanov reportedly received a telephone call from an anonymous person who told him that, if he did not refrain from his human rights work, he would be the target of an assassination attempt.

Serious concern is expressed about the life, physical and psychological integrity of Mr. Hasanov given the alleged death threats against him. Further concern is expressed at reports received indicating that Mr. Hasanov’s complaints have not been investigated given the potential risk to his security. Grave concern is expressed at the allegations that the death threats against Mr. Hasanov may be related to his work informing about human rights violations in Azerbaijan.

Without in any way implying any determination on the facts of the case, we would like to refer to Article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Azerbaijan on 13 August 1992, which provides that every individual has the right to life, that this right shall be protected by law and that no person shall be arbitrarily deprived of his or her life. Furthermore, Principle 4 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, states that

effective protection through judicial or other means shall be provided to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

In this regard, we would like to draw the attention of your Excellency's Government to the duty to investigate, prosecute and punish violations of the right to life, in line with Principles 9 and 18 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

We would also like to refer your Excellency's Government to article 19 of the ICCPR, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Regarding the allegations received indicating that the threats against Mr. Hasanov are linked to his work, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the mentioned Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence

perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Regarding the allegations received indicating that the perpetrators of the violations reported are non-State actors, we would like to call the attention of your Excellency's Government to Human Rights Council Resolution 13/13, which urges States to promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity. States should to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms as well as to adopt the necessary measures to prevent such acts.

Non-State actors should respect the rights of human rights defenders but this does not, in any way, relieve the State of its obligations under human rights law to respect, protect and fulfil human rights, including those of human rights defenders. The State's obligation to protect first, involves ensuring that defenders do not suffer from violations of their rights by non-State actors. Failure to protect could, in particular circumstances, engage the State's responsibility. Moreover, States should provide defenders victims of human rights violations with an effective remedy. To that end, all violations of the rights of defenders should be investigated promptly and impartially and perpetrators prosecuted. Fighting impunity for violations committed against defenders is crucial in order to enable defenders to work in a safe and conducive environment.¹

We would also like to refer to Human Rights Council Resolution 22/6, which urges States to publicly acknowledge the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law as an essential component of ensuring their protection, including by respecting the independence of their organizations and by avoiding the stigmatization of their work. (A/HRC/RES/22/6, OP 5)

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Mr. Hasanov as well as of journalists and other human rights defenders in Azerbaijan in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

¹ A/65/223

3. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

4. Please indicate what protection measures have been taken to ensure the life, as well as the physical and psychological integrity of Mr. Hasanov.

5. Please provide information concerning cases of threats and attacks against journalists and other human rights defenders in Azerbaijan in recent years. In particular, please provide information on the process used to investigate such complaints, the number of complaints and investigations carried-out, as well as the number and outcome of judicial proceedings, including number of sentences..

6. Please explain what measures have been taken to ensure that all human rights defenders in Azerbaijan, in particular journalists exposing human rights violations and corruption, can carry out their peaceful and legitimate activities without fear of violence and threats of any kind.

We undertake to ensure that your Excellency's Government's response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Hasanov as well as of journalists and other human rights defenders in Azerbaijan are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions