

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: UA  
AZE 4/2014:

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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 rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **surveillance, arrest, interrogation, charging and detention of Ms. Leyla Yunus and Mr. Arif Yunusov, and the prohibition on travel, interrogation, arrest, charging and detention of Mr. Rasul Jafarov.**

**Ms. Leyla Yunus** is Director of the Azerbaijani Institute of Peace and Democracy, which is a member of the South Caucasus Network of Human Rights Defenders. Ms. Yunus is a Chevalier of the French's National Order of the Legion of Honour and a member of the General Assembly of the World Organisation Against Torture (OMCT). **Mr. Arif Yunusov**, the spouse of Ms. Leyla Yunus, is a scholar and the Head of Conflict Studies in the Institute of Peace and Democracy. The couple are known for their work promoting human rights in Azerbaijan, especially concerning reconciliation between Azerbaijan and Armenia over Nagorno-Karabakh.

Ms. Leyla Yunus was the subject of two previous communications sent to the Government of Azerbaijan by various mandates within Special Procedures, including the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and

expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, dated 24 August 2011 (Case no. AZE 2/2011) and 9 May 2014 (Case no. AZE 3/2014). Mr. Arif Yunusov was also the subject of the latter communication. We thank the Government of Azerbaijan for its response to the communication of 2011. However, we regret that no response has yet been received to the communication of 2014, particularly in light of the fresh allegations cited below.

**Mr. Rasul Jafarov** is the Coordinator of Art of Democracy, a campaign that employs all forms of artistic expression to promote democracy and human rights in Azerbaijan. He is also the head of Human Rights Club, which launched several campaigns against politically-motivated detentions, including the “Sing for Democracy” campaign (later re-named Art for Democracy) devoted to the Eurovision Song Contest in May 2012. In June 2014, Rasul Jafarov presented a report on human rights violations in Azerbaijan to the Parliamentary Assembly for the Council of Europe (PACE) in Strasbourg, France. Together with other independent human rights groups in Azerbaijan, Rasul Jafarov has reportedly been compiling a list of political prisoners in Azerbaijan and advocating for their release.

The 2013 amendments to **the Law on Grants, the Law on Non-governmental Organisations, and the Code of Administrative Offences** were the subject of a previous communication sent to your Excellency’s Government by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on freedom of religion or belief, dated 28 March 2013 (Case no. AZE 3/2013). We welcome the response received to this communication, but remain concerned given the new information below.

*The case of Ms. Leyla Yunus and Mr. Arif Yunusov*

According to the new information received:

Reportedly, on 25 July 2014, Ms. Yunus organised a press conference, calling for an international boycott of the First European Games to be held in Baku in 2015, because of the human rights record of the Government. It is reported that on 29 July 2014, Ms. Yunus published an open letter addressed to the President of Azerbaijan, Ilham Aliyev, entitled ‘What are you afraid of, Mr President?’ Later that day, an unidentified car and two men in plain clothes allegedly followed the human rights defender in Baku.

At approximately 11:45 a.m. on 30 July 2014, as she left to attend a conference in the Institute of Freedom and Security of Reporters in Baku, Ms. Yunus was reportedly arrested outside her home by three unidentified men in plain clothes. It

is reported that the men, who were allegedly members of the Serious Crimes Investigation Department of the General Prosecutor's Office, stopped her car and forced the driver to change direction.

It is reported that, the same morning, several men in civilian clothes went to the residence of Ms. Yunus and Mr. Yunusov. The men allegedly demanded to enter to the apartment, but Mr. Yunusov refused to let them in until his lawyer was present. Reportedly, the men left before the lawyer arrived.

According to sources, Mr. Yunusov received a call from the Prosecutor's Office informing him of Ms. Yunus' arrest. Reportedly, at approximately 1:00 p.m., he went to the General Prosecutor's Office with his lawyer. It is reported that Ms. Yunus and Mr. Yunusov were interrogated separately for six hours, during which their lawyers were not permitted to be present. They were allegedly accused of spying for the Armenian secret services, espionage and using foreign grant money to recruit Azerbaijani citizens to participate in diplomatic efforts connected to the Nagorno-Karabakh conflict.

Ms. Yunus was reportedly charged under the Criminal Code with treason (Art. 274), fraud (Art. 178.3.2), illegal enterprise (Art. 192.2.2), tax evasion (Art. 213), and falsifying official documents (Art. 320). Allegedly, Mr. Yunusov was charged with treason, tax evasion and fraud.

It is reported that on 30 July 2014, Nasimi District Court ordered that Ms. Yunus be placed in pre-trial detention for three months. She was transferred to a pre-trial detention facility in Kurkhandy, and she has allegedly received inadequate medical treatment for her condition of pancreatic diabetes. The Nasimi District Court ruled to release Mr. Yunusov with travel restrictions in light of his health condition.

On 5 August 2014, Mr. Yunusov was reportedly arrested as he went to visit Ms. Yunus to give her medicine and food. He was allegedly transferred to the district police station and then to the Serious Crimes Investigation Department. According to information received, the Nasimi District Court ordered that he be held for three months in pre-trial detention.

It is reported that the Prosecutor's Office declared that the arrest of Mr. Yunusov resulted from a violation of the travel restrictions imposed on him. The Prosecutor's Office reportedly issued a statement, claiming that Mr. Yunusov cooperated with Armenian security services, and that after being charged he met suspicious people and spread biased and false information, as well as leaving the administrative district where he resides without permission. Allegedly, Mr. Yunusov had been reporting to the district police station every day at 6 p.m.

*The case of Mr. Rasul Jafarov*

According to the information received:

On 6 July 2014, the Public Prosecutor froze Mr. Rasul Jafarov's bank accounts. He reportedly appealed this decision on 16 July 2014 to the Sabail Court, also requesting that he be presented with the original court decision ordering the restriction of the bank accounts. Allegedly, no charges had been brought against Mr. Jafarov.

On 29 July 2014, Mr. Jafarov was allegedly prevented by border guards at Beyuk Kiasik from leaving Azerbaijan to enter Georgia. He was reportedly informed that a travel ban had been imposed on him on 25 July 2014 by the Prosecutor's Office

It is reported that between 29 July and 2 August 2014, Mr. Jafarov was summoned to appear before the Serious Crimes Investigation Department daily for interrogations. After the interrogation on 2 August 2014, he was allegedly charged with illegal enterprise (Art. 192), tax evasion (Art. 213), and abuse of official power (Art. 308) under the Criminal Code. The same day, Nasimi District Court reportedly ordered that Mr. Jafarov, who allegedly suffers from pancreatitis, be held for three months in pre-trial detention.

According to reports, on 4 August 2014, the Prosecutor's Office issued a statement announcing that they had been informed of certain financial operations performed by Human Rights Club. It is claimed that Mr. Jafarov received foreign funding from the National Endowment for Democracy in the United States of America and did not register those grants with the Ministry of Justice.

It is alleged that the arrest and charges are connected to the amendments to the Law on Grants, the Law on Non-governmental Organisations, and the Code of Administrative Offences. In December 2010, Mr. Jafarov allegedly attempted to register Human Rights Club, having submitted all the required documents to the Ministry of Justice. However, its registration was reportedly refused at least three times, the appeals against the refusals were dismissed in court, and the organisation remains unregistered. According to sources, the decision to refuse to register the Human Rights Club is before the European Court of Human Rights.

Serious concern is expressed that the surveillance, arrest, interrogation, charging and detention of Ms. Leyla Yunus and Mr. Arif Yunusov, and the prohibition of travel, interrogation, arrest, charging and detention of Mr. Rasul Jafarov, may be linked to their legitimate human rights activities. Further concern is expressed about the increased targeting of human rights defenders in Azerbaijan.

While we do not wish to prejudge the accuracy of these allegations, we would also like to refer to your Excellency's Government to articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which guarantee the rights to freedom of expression, peaceful assembly and association respectively.

We would like to further refer to Human Rights Council resolution 24/5, which highlights the obligation of States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely.

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5, 6 and 13.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 the above-mentioned persons in compliance with international instruments.

As 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, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations concerning Ms. Leyla Yunus, Mr. Arif Yunusov and Mr. Rasul Jafarov.
2. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please indicate what measures have been taken to ensure that the legitimate rights to freedom of expression and opinion, peaceful assembly and association are respected and that the physical and psychological integrity of those exercising these rights is guaranteed.
4. Please kindly indicate what measures have been taken to ensure that human rights defenders in Azerbaijan are able to carry out their legitimate work in a safe

and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We are intending to publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

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freedom of opinion and expression

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Special Rapporteur on the rights to freedom of peaceful assembly and  
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