

**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 5/2014:

15 August 2014

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, 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrest of Mr. **Intigam Aliyev** and the freezing of the accounts of at least nine NGOs.

Mr. Intigam Aliyev is a human rights lawyer and the head of the Legal Education Society, a human rights organisation that provides legal support to non-governmental organisations and persons with low-incomes. Mr. Aliyev has submitted a large number of applications to the European Court of Human Rights (ECtHR) concerning election rigging, and violations of freedom of expression and fair procedures. In addition, together with other independent human rights groups in Azerbaijan, he has reportedly been compiling a list of political prisoners in Azerbaijan and advocating for their release.

Mr. Aliyev was the subject of a previous communication sent by the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, dated 1 February 2013, see A/HRC/23/51, case no. AZE 2/2013. We welcome the response sent by your Excellency's Government on 23 April 2013. However, concern is expressed given the legal action taken against the persons mentioned in that communication, as well as the new allegations referred to below.

### *The case of Mr. Aliyev*

According to the information received:

It is reported that the ECtHR has recently began to address the complaints submitted by Mr. Aliyev. Reportedly, Mr. Aliyev made a speech at the Parliamentary Assembly of Council of Europe in July 2014. In this speech, Mr. Aliyev reportedly criticised the Azerbaijani Government's human rights record, the detention of political prisoners, and the shrinking space for civil society.

On 8 August 2014, Mr. Aliyev was reportedly summoned to appear at the Serious Crimes Investigation Department of the Prosecutor General's Office as a witness in a criminal case against a number of NGOs. According to sources, he was allegedly charged with tax avoidance (article 213.1), illegal entrepreneurship (article 192.2.2) and "abuse of power entailing grave consequences" (article 308.2) under the Criminal Code of Azerbaijan.

Once charged, Mr. Aliyev was allegedly escorted to his home and his office by the police, who confiscated a number of items, including laptops and reports containing information on his human rights activities. At the same time, the Nasimi District Court in Baku reportedly ordered his pre-trial detention for three months.

It is reported that on 13 August 2014, Mr. Aliyev's appeal against his detention was upheld by the Court of Appeal of Baku.

### *The case of at several NGOs*

According to the information received:

On 5 August 2014, a district court in Baku upheld a petition of the General Prosecutor's office and ruled to freeze the bank accounts of at least eight national NGOs and one international NGO. Reportedly, the personal bank accounts of at least three directors of NGOs were also frozen.

On 11 August 2014, the offices of one the NGOs were allegedly raided and sealed by authorities, without a warrant or court order.

Serious concern is expressed at the arrest of Mr. Intigam Aliyev and the freezing of the accounts of at least nine NGOs. Further concern is reiterated regarding the increased targeting of human rights defenders in Azerbaijan.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government 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.

We would also like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) /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 person(s) 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 of arrests of Mr. Aliyev, the freezing of the accounts of NGOs and the raid and sealing of one NGO's offices.
2. Has a complaint been lodged by or on behalf of the alleged victim?
3. Please provide the details, and where available the results, of any investigation, medical examinations, 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.

4. Please indicate what measures have been taken to ensure that the legitimate right to freedom of association and to participate in NGOs is respected and that the physical and psychological integrity of those exercising this right is guaranteed.
5. Please 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 issue/s 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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Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly  
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Michel Forst  
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