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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
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 rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
AZE 3/2014

9 May 2014

Excellency,

We have the honour to address you in our capacities 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 your Excellency's Government's attention information we have received concerning the deportation from Turkey to Azerbaijan, and the detention on charges of treason and espionage, of **Mr. Rauf Mirkadyrov**, a journalist working with the Russian-speaking newspaper Zerkalo.

We have also received information concerning the questioning and restrictions of movement of Ms. **Leyla Yunus** and Mr. **Arif Yunusov** linked to their human rights activities. In connection to this, we have received information regarding the ongoing questioning of **staff at the Institute of Peace and Democracy**, the searches of the premises, and the confiscation of equipment and material.

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 she is a member of the General Assembly of the World Organisation Against Torture (OMCT). Ms. Yunus and her husband, Mr. Arif Yunusov, are known for their work promoting human rights in Azerbaijan, especially concerning reconciliation between Azerbaijan and Armenia in the Nagorno-Karabakh region. Mr. Arif Yunusov is Head of Conflict Studies in the Institute of Peace and Democracy.

Ms. Yunus was the subject of a communication sent to the Government of Azerbaijan on 24 August 2011 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 (AZE 2/2011). We thank the government of Azerbaijan for its response to said communication, which was received by Special Procedures on 8 September 2011.

Mr. Rauf Mirkadyrov is a journalist and columnist with the independent Russian-language newspaper Zerkalo. He is winner of the Gerd Bucerius Prize for Press Freedom in Eastern Europe in 2008. He co-founded the opposition newspaper Bizim Yol, and was deputy editor of the newspaper Monitor. Furthermore, Mr. Rauf Mirkadyrov is on the Political Council of the Azerbaijan National Independence Party. Mr. Rauf Mirkadyrov reporting focuses on the Nagorno-Karabakh region of Azerbaijan, which has a majority Armenian population. He has participated in various projects aimed at fostering dialogue in the region, including with the Institute for Peace and Democracy and the Region Research Centre in Armenia.

According to the information received:

On 9 April 2014, Mr. Rauf Mirkadyrov was ordered by the Turkish authorities to leave Turkey within a fortnight. He was arrested in Ankara on 18 April 2014. On 19 April 2014, Mr. Rauf Mirkadyrov was allegedly deported from Turkey and arrested at Baku airport.

On 21 April 2014, Mr. Rauf Mirkadyrov was formally charged under article 274 of the Criminal Code; namely, high treason and espionage. These charges carry a sentence of between ten years' imprisonment and life imprisonment. On the same day, Baku's Nasimi District Court reportedly remanded Mr. Rauf Mirkadyrov to three months in pre-trial custody pending investigation.

It is alleged that authorities in Baku have searched the offices of Zerkalo, the newspaper for which Mr. Mikadyrov worked, and have confiscated computers and materials. Reports also indicate that Mr. Mirkadyrov's lawyer has received threatening phone calls. It is further reported that on 5 May 2014, police searched the home of Mr. Mirkadyrov in Ankara.

On 28 April 2014, Ms. Leyla Yunus and Mr. Arif Yunusov were reportedly questioned in Baku airport while boarding a flight to Doha, Qatar. From Doha, they were due to board a flight to Brussels to attend a human rights-related event. At 11.30 p.m., Ms. Yunus and Mr. Yunusov were allegedly informed that their bags were to be searched, and their passports were temporarily confiscated. Reportedly, a laptop computer and paper documentation were confiscated during the search of their luggage. According to reports received, no legal basis was provided for these actions and the authorities did not give an explanation for their questioning and the fact that both Ms. Yunus and Mr. Yunusov were not able to travel to Brussels.

In the early morning of 29 April 2014, both individuals were released from Baku airport and their passports were returned. Mr. Yunusov was reportedly taken to hospital at 4 a.m. for high blood pressure induced by the ordeal, but he is reported to be in a stable condition.

At 7 a.m. on 29 April, Ms. Yunus was allegedly taken for questioning to the Investigation Department of Grave Crimes in the presence of her lawyer at the General Prosecutor's Office in Baku. When the interrogation ended at 4 p.m., Ms. Yunus reportedly went to the Institute of Peace and Democracy, which was searched until about 7 p.m.. This search was allegedly conducted by five law enforcement agents, who confiscated all of the Institute's computers. Bank documentation was reportedly confiscated from Ms. Yunus, which has led to problems accessing her finances.

Since these events took place, it is reported that colleagues of Ms. Yunus at the Institute of Peace and Democracy have been questioned daily, for a few hours at a time.

Concern is expressed at the deportation and detention of Mr. Mirkadyrov, and questioning of Ms. Yunus and Mr. Yunusov in Baku airport, and the consequent restrictions of their movement. In addition, concern is expressed at the confiscation of equipment and material from the Institute of Peace and Security and the ongoing questioning of other staff at the Institute of Peace and Democracy. Grave concern is expressed that this might be related to the work by Ms. Yunus, and the staff from the Institute of Peace and Security, promoting human rights in Azerbaijan – specifically their work advocating for reconciliation in the Nagorno-Karabakh region.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the detention, questioning, searches, and confiscation of equipment and materials from the mentioned individuals and organization, and how these measures are compatible with the international human rights norms and standards listed in the Annex.

3. Please explain what measures have been taken to ensure that all human rights defenders in Azerbaijan can carry out their peaceful and legitimate activities in a safe and enabling environment without fear of harassment or other restrictions.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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 the above mentioned persons 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

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would also like to refer your Excellency's Government to articles 19, 21, and 22 of the International Covenant on Civil and Political Rights, which guarantee respectively the rights to freedom of opinion and expression, peaceful assembly, and association.

We would like to further 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... including persons espousing minority or dissenting views or beliefs [and] human rights defenders... 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."

We further wish to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions on the rights to (i) discuss government policies and political debate; report on human rights, government activities and corruption in government; engage in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We would also 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 Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders: article 5 point b) which provides for the right to form, join and participate in non-governmental organizations, associations or groups; and article 6 point a) which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms.