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OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of 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

REFERENCE: AL Housing (2000-9) G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)
AZE 2/2011

24 August 2011

Excellency,

We have the honour to address you in our capacities as 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 pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/8, 16/4, 15/21 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the demolition of a property owned by human rights defender and director of the **Institute of Peace and Democracy, Ms. Leyla Yunus**, on 11 August 2011. The building also housed two other human rights organisations namely, the **Azerbaijan Campaign to Ban Landmines** and the **Women's Crisis Centre**, the only shelter available to women in crisis, including victims of violence, in Baku.

On 11 August 2011, at approximately 8:30 p.m., bulldozers and a team of workers, allegedly dispatched by the Baku Mayor's office, drove up to the building and began to demolish it.

It is reported that two employees of the Institute of Peace and Democracy asked if they could have thirty minutes to remove some of the contents of the building. However, they were allegedly given less than five minutes and subsequently, personal and professional property was destroyed during the demolition. In addition, the same employees were allegedly told by official agents that they had an order from high level authorities to proceed with the demolition as soon as possible.

It is reported that during the process of demolition, which took between 30 and 40 minutes, property belonging to Ms. Yunus and the NGOs were destroyed, including documents, computers, furniture, files, office equipment and books.

The destruction allegedly took place despite an injunction issued by the Administrative Economic Court N°1 of Nasimi District in May 2011, which prohibited the demolition of the building. It is reported that the destruction of the building was conducted while Ms. Yunus, owner of the building, was not in the country.

The demolition was allegedly conducted in the presence of a representative of Baku municipality and a representative of the State Committee dealing with property issues. The building was allegedly demolished in the context of a government development plan for the city centre.

Ms. Yunus has reportedly denounced corruption by public officials on several occasions and has been a prominent activist against the government urban development plan and eviction policy.

Concern is expressed that the destruction of the building may be directly linked to the work of the three human rights organisations, in particular due to Ms. Yunus activism against corruption and government eviction policy. Further concern is expressed about the physical and mental integrity of the members of the Institute of Peace and Democracy, the Azerbaijan Campaign to Ban Landmines and the Women's Crisis Centre.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "[e]veryone 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."

Similarly, we would like to remind Your Excellency's Government of the provision of article 22 of the International Covenant on Civil and Political Rights, which provides that "[e]veryone shall have the right to freedom of association with others..."

In addition, 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 Declaration:

- article 5, points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations.

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters 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.

The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living is particularly concerned that the alleged demolition of the building may impede the work of the Institute for Peace and Democracy in the advocacy and promotion of the right to adequate housing.

She also wishes to draw your Excellency’s Government attention to the existence of the Basic principles and guidelines on development-based evictions and displacement (contained in document A/HRC/4/18) that aim at assisting States in developing policies and legislations to prevent forced evictions at the domestic level. Your Excellency’s Government may find useful in the current circumstances the sections of the guidelines that focus on State obligations prior to, during and after evictions, in particular –

consultation with the affected persons, appropriate notice prior to the eviction, administrative, legal and judicial remedies and timely access to legal counsel for the individuals concerned, the obligation to ensure that evictions are not carried out in a manner that violates the dignity of those affected, protection of property involuntarily left behind, and the provision of just compensation.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Yunus and the members of the Institute of Peace and Democracy, the Azerbaijan Campaign to Ban Landmines and the Women's Crisis Centre are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency's Government adopts effective measures to prevent the recurrence of these acts.

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. Are the facts alleged in the above summary of the case accurate? In particular, please refer to the alleged destruction of personal and professional property of the employees of the Institute of Peace and Democracy, the Azerbaijan Campaign to Ban Landmines and the Women's Crisis Centre.
2. Has a complaint been lodged by or on behalf of the Institute of Peace and Democracy, the Azerbaijan Campaign to Ban Landmines and the Women's Crisis Centre?
3. 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.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide full details of the legal basis on which the aforementioned property was demolished.
6. Was adequate notice given to the affected persons prior to the eviction? If so, please provide details of the content and dates of notices served.
7. What are the legal, judicial or administrative means which were at the disposal of affected persons to challenge the eviction orders?

8. Please clarify whether compensation has been made available to the Institute of Peace and Democracy, the Azerbaijan Campaign to Ban Landmines and the Women's Crisis Centre, particularly in the case of Ms. Yunus?

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

Raquel Rolnik

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

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