

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**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 extrajudicial, summary or arbitrary executions and the
Special Rapporteur on the promotion and protection of the right to freedom of opinion and
expression.**

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (33-27)
AZE 4/2011

9 December 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5 and 16/4.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the death of **Mr. Rafiq Tagi**, a journalist.

According to information received:

Mr. Rafiq Tagi was attacked by unknown assailants on 19 November 2011, suffering multiple stab wounds. He died on 23 November 2011, as a result of his injuries. We are informed that prior to his death Mr. Tagi had published an article entitled *'Iran and the Inevitability of Globalization'* in which he reportedly criticized the Iranian Government. Before his death, Mr. Tagi indicated that the attack may have been linked to the article.

We are informed that previously Mr. Tagi had received death threats for his alleged criticism of Islam. In 2007, Mr. Tagi had been sentenced to three years in prison on charges of religious hatred by the Sabail district court in Baku, for allegedly publishing an article in which he argued that Islamic values were preventing Azerbaijan's integration into European structures. The article was allegedly interpreted as insulting Islam and sparked protests in Azerbaijan and the Islamic Republic of Iran. Information received indicates that a Fatwa was issued by an Iranian cleric ordering that he be executed.

We are informed that your Excellency's Government has initiated an investigation into the death of Mr. Tagi.

Without prejudging the accuracy of the information received, we would like express our concerns at the allegations that the killing of Mr. Tagi may have been linked to his work as a journalist.

We are concerned with the allegations that Mr. Tagi had received death threats linked to the publications he authored. We would like to seek information from your Excellency's Government on the measures that were taken to provide him with effective protection. We would like to refer your Excellency's Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats". We wish to stress that everyone has the fundamental right to life and security of the person as set forth in article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to on 13 August 1992.

We welcome the steps that your Excellency's Government has undertaken to initiate investigations into the death of Mr. Tagi. We urge your Excellency's Government to ensure that the investigations are in line with international standards which requires that investigation of alleged extrajudicial executions "shall be thorough, prompt and impartial ... The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death" (Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, "Prevention and Investigation Principles"). Furthermore, principle 17 ("Prevention and Investigation Principles") provides that "[a] written report shall be made within a reasonable period of time on the methods and findings of such investigations. The report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law.

We would also 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 "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."

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 summary of the case accurate?
2. Please indicate what measures were taken to provide protection to Mr. Tagi.
3. Please provide the full details of any investigation undertaken in relation to Mr. Tagi's death, including on possible links between his death and his publications.

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.

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

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