

Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the situation of human rights defenders

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 33/30, 27/1, 34/18 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arrest, enforced disappearance, arbitrary detention, torture and narcotics-related charges against Mr. **Tahir Teymurov**, step-brother of Mr. Sahib Teymurov, in apparent retaliation to an online post made by Mr. Sahib Teymurov, along with harassment of Mr. Sahib Teymurov's family members.

Mr. **Sahib Teymurov** is a human rights defender and is currently a refugee in Canada. He is known for his work for children's rights and is the head of the non-governmental organisation Care for Children's Homes.

According to the information received:

On 7 December 2017, several of Mr. Sahib Teymurov's relatives living in Azerbaijan were detained by police and released the same day. During their detention, they were forced to call Mr. Sahib Teymurov and ask him to delete a Facebook message that he had posted on 3 December 2017, or else they would "face the consequences". The Facebook message regarded alleged violent actions of the authorities in Azerbaijan towards political activists.

Despite receiving the phone call on 7 December 2017, Mr. Sahib Teymurov refused to delete the message. The next day, his step-brother, Mr. Tahir Teymurov, disappeared. His whereabouts remained unknown until 21 December 2017, when it was confirmed by the authorities that he was subject to detention on narcotics-related charges. If found guilty, he may face between 5 and 12 years in prison. It is alleged that Mr. Tahir Teymurov had been tortured during the period of his disappearance.

On 7 February 2018, Mr. Tahir Teymurov was transferred from detention to a hospital [REDACTED].

Grave concern is expressed at the alleged arrest, arbitrary detention, torture and fabricated charges against Mr. Tahir Teymurov for reasons that appear to be linked to the human rights activism of his step-brother, Mr. Sahib Teymurov. Further concern is expressed by the alleged harassment of family members in order to silence the online critical dissent of Mr. Sahib Teymurov.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to draw the attention of your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which Azerbaijan acceded to on 13 August 1992, which provides for the right to freedom of expression, as well as to the Human Rights Council resolution 12/16, calling on States to recognise the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. In addition, article 9 enshrines the right to liberty of the person and to not be subject to arbitrary arrest or detention. This norm further requires for any deprivation of liberty to be done on such grounds and in accordance with such procedure as established by law. Article 14 provides the fundamental guarantees of due process, in particular for cases of individuals charged with criminal offences.

We would further like to draw the attention of your Excellency's Government to articles 2, 7, 9 and 16 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, acceded to by Azerbaijan on 16 August 1996, which impose on States a duty to prevent acts of torture and ill-treatment and require the prosecution and investigation of any alleged acts or perpetrators.

In addition, the Declaration on the Protection of All Persons from Enforced Disappearances establishes that no State shall practice, permit or tolerate enforced disappearances (article 2) and that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7). In its article 10, the Declaration also proclaims the right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest.

We would finally like to refer to the UN Declaration on Human Rights Defenders, in particular articles 1, 2 and 6(b) which protect the rights of human rights defenders to strive for the protection and realization of human rights and fundamental freedoms and to freely publish, impart or disseminate to others views, information and knowledge on all human rights.

The full texts of the human rights instruments and standards recalled above are available on 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 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.
2. Please provide detailed information on the factual and legal bases for the arrest, detention and charges against Mr. Tahir Teymurov.
3. Please provide detailed information on the judicial proceedings against Mr. Tahir Teymurov, and how they meet the minimum guarantees of a fair trial.
4. Please provide information on the location of Mr. Tahir Teymurov between the dates of 8 December and 21 December 2017, if such is available, and explain how, if he was in detention during this time, the circumstances of his detention were compatible with international human rights law.
5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to allegations of torture suffered by Mr. Tahir Teymurov. If no inquiries have taken place, or if they have been inconclusive, please explain why.
6. Please provide what measures have been taken to ensure the safety of Mr. Sahib Teymurov's family members in Azerbaijan and to protect them from harassment.

7. Please indicate what measures have been taken by Azerbaijan to ensure that human rights defenders 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.

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

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such urgent appeals in no way prejudice any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

Elina Steinerte
Vice-Chair of the Working Group on Arbitrary Detention

Bernard Duhaime
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders