



## HUMAN RIGHTS HOUSE NETWORK

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### **Call for the immediate and unconditional release of Leyla Yunus, Arif Yunus and Rasul Jafarov**

Mr President,

**We, the undersigned members and partners of the Human Rights House Network (HRHN) and the South Caucasus Network of Human Rights Defenders, call upon the Azerbaijani authorities, through you, Mr President, to immediately and unconditionally release Leyla Yunus, Arif Yunus and Rasul Jafarov, and lift all charges held against them.**

**We further call upon you to put an end to the harassment, attacks and detention of human rights defenders, journalists and activists. We urge you to take steps to ensure their safety and security, and to foster a safe environment for them, in line with Azerbaijan's international obligations and commitments, especially as chair of the Committee of Ministers of the Council of Europe.**

On 28 April 2014 **Leyla Yunus**, Director of the Institute for Peace and Democracy, and her husband historian Arif Yunus, were prevented from leaving the country at Baku's airport. Leyla Yunus was then detained and interrogated by police regarding the case of the arrested journalist Rauf Mirkadirov, the investigative journalist of the leading Russian-language newspaper *Zerkalo*, who was also charged with treason, and questioned about the links between the journalist and the Institute for Peace and Democracy. Searches were first conducted in the office of the organisation that she heads, and later continued in the private home of Leyla Yunus until the evening of 29 April 2014. Leyla Yunus and her husband Arif Yunus were arrested on 30 July 2014. On that day, Leyla Yunus was sentenced to 3-months pre-trial detention, whilst her husband was placed under police guard and not allowed to leave Baku. The charges brought against Leyla Yunus are those of state treason (article 274 of the Criminal Code of the Republic of Azerbaijan), large-scale fraud (article 178.3.2), forgery (article 320), tax evasion (article 213), and illegal business (article 192).

We are in particular concerned about Leyla Yunus' health whilst in detention. She suffers from diabetes and needs appropriate medication, as well as arrangements to eat at certain times, necessary to control the illness. We worry that the conditions in detention will have a detrimental effect on her health condition, as it appears that she is to date not provided with adequate health care.

Leyla Yunus has been banned from travelling abroad and her passport has been confiscated. Hence her pre-trial detention is unnecessary and endangers her health.

**Arif Yunus** was arrested on 5 August 2014 and also sentenced to 3-months pre-trial detention. Arif Yunus is a widely respected outspoken intellectual in Azerbaijan, researcher and writer, including on issues related to the conflict between Armenia and Azerbaijan.

Leader of the Institute for Peace and Democracy, Leyla Yunus is an internationally well-known Azerbaijani human rights defender. Her NGO is a member of the South Caucasus Network of Human

Rights Defenders and has from the very start in 1995 worked on the release of political prisoners and to establish rule of law in Azerbaijan. She has focused on the establishment of a dialogue between civil society actors throughout the South Caucasus. She is a Chevalier of the National Order of the French Legion of Honour, as a tribute for her longstanding work promoting human rights.

As the Commissioner for Human Rights of the Council of Europe Nils Muižnieks stated “this is an additional example showing the extent of intimidation and repression of critical voices in Azerbaijan, a problem which I have repeatedly highlighted [...] and asked the Azerbaijani authorities to address.”<sup>1</sup> Following her arrest, many international voices have expressed their concern, including the Secretary General of the Council of Europe Thorbjørn Jagland.<sup>2</sup> Furthermore, the rapporteur of the Parliamentary Assembly of the Council of Europe on the role and protection of human rights defenders Mailis Reps denounced the arrest and detention of Leyla Yunus and expressed “concern for the true motivation underlying the charges levied against her.”<sup>3</sup>

We share the widely expressed concern that the arrest of Leyla Yunus is politically motivated. We indeed believe that her arrest is related to her outspoken criticism against the detention of Rauf Mirkadirov. Rauf Mirkadirov participated in numerous joint projects with the Institute for Peace and Democracy and Armenian NGOs. Allegations of treason against Leyla Yunus are not only unjustified but also strange taken into account the Council of Europe Action Plan for Azerbaijan 2014-2016 in which it is planned to host the next Baku World Forum on Intercultural Dialogue, a platform where “today’s challenges can be discussed in the spirit of intercultural dialogue and universal values.”

In July 2014, the bank accounts of, amongst others, human rights defender **Rasul Jafarov** were frozen as part of a broader investigation into numerous NGO’s. On 25 July he was refused to leave the country. Following his interrogation at the Office of the Prosecutor General of the Republic of Azerbaijan, Rasul Jafarov was arrested on 2 August 2014, and sentenced to 3 months pre-trial detention on charges of tax evasion (article 213 of the Criminal Code of the Republic of Azerbaijan), illegal business (article 192) and abuse of authority (article 308.2). These charges are brought against Rasul Jafarov although he has been paying great attention in registering all the grants received for the Human Rights Club and has later joined the NGO Legal Protection and Awareness Society, of which he is the chairman.

Rasul Jafarov has been banned from travelling abroad and his passport has been confiscated. Hence his pre-trial detention is unnecessary.

Rasul Jafarov is a widely respected human rights defender. After working with various human rights NGOs in Azerbaijan, Rasul Jafarov launched the Human Rights Club. The aim of the group is to raise awareness and reach out to young people in Azerbaijan. To this end, Rasul Jafarov along with other activists and human rights defenders in Azerbaijan, coordinated the campaign “Sing for Democracy” in relation to the Eurovision Song Contest, which was held in Baku in May 2012. Rasul Jafarov is also the coordinator for the “Art for Democracy” campaign. The last years, he has been active campaigning for the release of political prisoners in Azerbaijan and has together with other human rights defenders called upon the Parliamentary Assembly of the Council of Europe to keep the issue of political prisoners high on the agenda.

The charges against Rasul Jafarov, as well as those against Leyla Yunus, form part of pattern used to target them for their work as human rights defenders. Similar charges were brought against the Chairperson of the Election Monitoring and Democracy Studies Centre (EMDS) Anar Mammadli and the Executive Director of EMDS Bashir Suleymanli,<sup>4</sup> who were respectively sentenced to 5 years and 6 months imprisonment and 3 years and 6 months. Furthermore, on 14 July 2014, the head of the Ganja-

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<sup>1</sup> Statement available at <https://www.facebook.com/HumanRightsHouseNetwork/posts/10152035306640965>.

<sup>2</sup> Statement available at [http://hub.coe.int/en/web/coe-portal/press/newsroom?p\\_p\\_id=newsroom&\\_newsroom\\_articleId=1980236&\\_newsroom\\_groupId=10226&\\_newsroom\\_tabs=newsroom-topnews&\\_pager.offset=0](http://hub.coe.int/en/web/coe-portal/press/newsroom?p_p_id=newsroom&_newsroom_articleId=1980236&_newsroom_groupId=10226&_newsroom_tabs=newsroom-topnews&_pager.offset=0).

<sup>3</sup> Statement available at <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=5153&lang=2&cat=5>.

<sup>4</sup> On 26 May 2014 the Court on Grave Crimes sentenced the two Azerbaijan human rights defenders Anar Mammadli and Bashir Suleymanli to respectively 5 years and 6 months imprisonment and 3 years and 6 months, information available at <http://humanrightshouse.org/Articles/20194.html>.

based Intelligent Citizen Enlightenment Centre Hasan Huseynli, was sentenced to 6 years in prison. He was convicted on charges of armed hooliganism and unlawfully carrying a cold weapon.

The right to freedom of association is at the heart of the charges held against these human rights defenders. In essence they are deprived of their right to work in the defence of human rights. While registration of NGOs and grants to NGOs has become mandatory in Azerbaijan, authorities continue deny registration. The right to freedom of association is at the heart of the charges held against those human rights defenders. While registration of NGOs and grants to NGOs has become mandatory in Azerbaijan, authorities continue deny registration. Independent NGOs face continuous investigations and human rights defenders are being banned from travelling abroad, depending on their willingness to find agreements with the government, including agreements on their professional activities and their public statements.

Restrictions to laws affecting the right to freedom of association have been widely criticised since October 2011.<sup>5</sup> Such legislation *de facto* criminalises human rights defenders in Azerbaijan, not for their wrong doing, but rather for the fact that working for an NGO, which does not have the blessing of the government, has become difficult in Azerbaijan. United Nations experts stated ahead of the Presidential elections that they “observed since 2011 a worrying trend of legislation which has narrowed considerably the space in which civil society and defenders operate in Azerbaijan.”<sup>6</sup> The order given to the Human Rights House Azerbaijan in March 2011 to cease all its activities is a consequence of such policies.<sup>7</sup>

A related concern is the lack of an independent judiciary in Azerbaijan, where the outcome of trials more often than not seems pre-determined. We have observed many trials in Azerbaijan over the last few years and share the finding of the International Bar Association that “the judiciary in Azerbaijan remains dominated by the executive branch. Constitutional guarantees of judicial independence have not been matched by sufficient guarantees of independence in terms of judicial self-governance.”<sup>8</sup>

**We call upon the Azerbaijani authorities, through you, Mr President, to immediately and unconditionally release Leyla Yunus, Arif Yunus, Rasul Jafarov, and lift all charges held against them. We see this pre-trial detention of Leyla Yunus, Arif Yunus and Rasul Jafarov as a way to silence them. We also repeat our previous call to release Anar Mammadli and Bashir Suleymanli<sup>9</sup>, and join calls for the release of Hasan Huseynli.**

**We further call upon you to take appropriate measures to put an end to the attacks, detention and harassment of human rights defenders, journalists and activists, and to take steps in order to foster a safe environment for them, in line with Azerbaijan’s international obligations and commitments, especially as the chair of the Committee of Ministers of the Council of Europe.**

Sincerely,

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<sup>5</sup> On 19 October 2011, the European Commission for Democracy through Law (Venice Commission) issued its Opinion 636/2011 on the compatibility with human rights standards of the legislation on non-governmental organisations of the Republic of Azerbaijan, available at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2011\)035-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)035-e). The letter of members and partners of the Human Rights House Network (HRHN) and the South Caucasus Network of Human Rights Defenders of 5 March 2013 calling upon Azerbaijani authorities to stop further restrictions to the right to freedom of association is available at <http://humanrightshouse.org/Articles/19106.html>.

<sup>6</sup> Joint press release by United Nations special rapporteurs on the rights to freedom of association and peaceful assembly, Maina Kiai, on the situation of human rights defenders, Margaret Sekaggya, and on freedom of opinion and expression, Frank La Rue, 4 October 2013, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13829&LangID=E>.

<sup>7</sup> More information on the order given to the Human Rights House Azerbaijan available at <http://humanrightshouse.org/Articles/20037.html>.

<sup>8</sup> International Bar Association’s Human Rights Institute, *Azerbaijan: Freedom of Expression on Trial*, April 2014, page 48, available at <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=e1192b49-6a7c-410d-a833-a17f5fd4bcb>.

<sup>9</sup> We previously asked for the release of Anar Mammadli from pre-trial detention and also requested that they be immediately and unconditionally released after the court sentenced them on 26 May 2014: <http://humanrightshouse.org/Articles/20194.html>.

Human Rights House Azerbaijan (on behalf of the following NGOs):

- Association for the Protection of Women's Rights
- Azerbaijan Lawyers Association
- Institute for Reporters' Safety and Freedom
- Legal Education Society
- Media Rights Institute
- Society for Humanitarian Research
- Women Association for Rational Development

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius (on behalf of the following NGOs):

- Belarusian Association of Journalists
- Belarusian Helsinki Committee
- City Public Association "Centar Supolnaść"
- Human Rights Centre "Viasna"

Human Rights House Belgrade (on behalf of the following NGOs):

- Belgrade Centre for Human Rights
- Lawyers Committee for Human Rights YUCOM
- Civic Initiatives
- Helsinki Committee for Human Rights in Serbia
- Policy Centre

Human Rights House Kiev (on behalf of the following NGOs):

- Association of Ukrainian Human Rights Monitors on Law-Enforcement
- Human Rights Information Centre
- Center for Civil Liberties
- Ukrainian Helsinki Human Rights Union
- Ukrainian Legal Aid Foundation

Human Rights House London (on behalf of the following NGOs):

- Article 19
- Index on Censorship

Human Rights House Sarajevo (on behalf of the following NGOs):

- Helsinki Committee for Human Rights in Bosnia and Herzegovina

Human Rights House Tbilisi (on behalf of the following NGOs):

- Article 42 of the Constitution
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims
- Human Rights Centre

Human Rights House Oslo (on behalf of the following NGOs):

- Human Rights House Foundation
- Norwegian Burma Committee
- Norwegian Helsinki Committee

Human Rights House Voronezh (on behalf of the following NGOs):

- Charitable Foundation
- Civic Initiatives Development Centre
- Confederation of Free Labor
- For Ecological and Social Justice
- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova

- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh-Chernozemie
- Youth Human Rights Movement

Human Rights House Yerevan (on behalf of the following NGOs):

- Helsinki Citizens' Assembly-Vanadzor
- Helsinki Association for Human Rights
- Journalists' Club "Asparez"
- Public Information and Need of Knowledge NGO
- Shahkhatun
- Women's Resource Center

Human Rights House Zagreb (on behalf of the following NGOs):

- APEO/UPIM Association for Promotion of Equal Opportunities for People with Disabilities
- B.a.B.e.
- CMS - Centre for Peace Studies
- Documenta - Centre for Dealing with the Past
- GOLJP - Civic Committee for Human Rights
- Svitanje - Association for Protection and Promotion of Mental Health

The Rafto House in Bergen, Norway (on behalf of the following NGOs):

- Rafto Foundation, Norway

The House of the Helsinki Foundation For Human Rights, Poland (on behalf of the following NGOs):

- Helsinki Foundation for Human Rights

Election Monitoring and Democracy Studies Center, Azerbaijan

Foundation "Multiethnic Resource Center for Civic Education Development", Georgia

People in Need, Czech Republic

Public Movement Multinational, Georgia

Public Association for Assistance to Free Economy, Azerbaijan

Public Union of Democracy and Human Rights Resource Centre, Azerbaijan

Copies have been sent to:

- Mr Zakir Bakir oglu Garalov, Prosecutor General of the Republic of Azerbaijan
- Office of the Commissioner for Human Rights of the Council of Europe
- Private Office of the Secretary General of the Council of Europe
- Delegation of the Council of Europe in Azerbaijan
- UN Special Rapporteur on human rights defenders, Special Rapporteur on the rights to freedom of association and peaceful assembly, and Working Group on Arbitrary Detention
- Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE ODIHR)
- Delegation of the European Union in Azerbaijan
- Subcommittee on Human Rights of the European Parliament
- Diplomatic community in Baku, Brussels, Geneva, New York and Strasbourg
- Various ministries of foreign affairs and parliamentary committees on foreign affairs

***About the Human Rights House Network ([www.humanrightshouse.org](http://www.humanrightshouse.org))***

*The Human Rights House Network (HRHN) unites 90 human rights NGOs joining forces in 18 independent Human Rights Houses in 13 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's aim is to protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.*

*The Human Rights House Azerbaijan is one of the members of HRHN and served as an independent meeting place, a resource centre, and a coordinator for human rights organisations in Azerbaijan. In 2010, 6'000 human rights defenders, youth activists, independent journalists, and lawyers, used the facilities of the Human Rights House Azerbaijan, which has become a focal point for promotion and protection of human rights in Azerbaijan. The Human Rights House Azerbaijan ceased all its activities following an order of the Ministry of Justice of the Republic of Azerbaijan on 10 March 2011.*

*The Human Rights House Foundation (HRHF), based in Oslo (Norway) with an office in Geneva (Switzerland), is HRHN's secretariat. HRHF is international partner of the South Caucasus Network of Human Rights Defenders and the Balkan Network of Human Rights Defenders.*

*HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.*