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28 August 2011

Re: Demolishing of the building of human rights defender Leyla Yunus in Baku

Members of the Human Rights House Network and the South Caucasus Network of Human Rights Defenders, and their partner organisations condemn the demolishing of the property of the human rights defender Leyla Yunus, a home for three human rights organizations in the centre of Baku.

On 11 August 2011, the building at 38, Shamsi Badalbeyli Street in Baku was demolished without any prior warning. Around 8.30 p.m. a team of workers used a bulldozer to start the demolition of the building where three NGOs - the Institute for Peace and Democracy (IPD), Women's Crisis Center and Azerbaijan's Campaign to Ban Landmines - were located. Two employees of IPD, which were present at the office, were told to leave. Their request to Zulfaly Ismaylov from the Baku City Executive Authority and Yusif Gambarov from the State Property Committee in charge of the operation to give them 30 minutes to bring equipment and documents out from the building was denied.

The private property, owned by Leyla and Arif Yunusovs, as well as all documents and equipment that were inside the building, were completely destroyed within 30-40 minutes. All the computers, office appliances, documents of the three organizations, as well as the library and personal archives of IPD chairwoman Leyla Yunus were destroyed. Demolition of the building was executed despite the Baku Administrative Economic Court's ruling in 24 May 2011, which stated the inadmissibility of destruction of the building without the final court decision.

Leyla Yunus has the last two decades been persistently exposing corruption, economic offences of the authorities and arbitrary actions of police and security agents. Yunus has lately written eight public letters addressed to the authorities where she criticized them for illegal house demolitions on behalf of the affected Baku residents. In the letters she stated that the Cabinet of Ministers has never approved a development plan for the city, as should have been the legal procedure for any reconstruction building park, garden etc."

She called on the local authorities to stop any further demolitions of the buildings in the city until the Cabinet of Ministers will approved a development plan for the city.

The demolition has been carried out by the Baku City Executive Authority since 2009. More than 20 000 people have lost their property in the city centre of Baku since then. Forced evictions and lack of fair compensation for the destroyed property have been a matter of serious concern in Azerbaijan over the last three years, as the authorities continue to demolish private property and entail forced evictions without any consultation. In most cases the residents are not offered or paid adequate compensation. The demolitions the latest months have affected hundreds of Baku homeowners and violated their property rights.

Immedeately after it became known that Eurovision song contest will be held in Baku in May 2012, a massive deconstruction of homes started in Baku. People received letters from the Mayor of Baku

or from the State Committee for Property demanding that people gave up their apartment on a weeks notice. None of the citizens of the Capital can be sure that their home will not be torn down.

We, the undersigned organizations, condemn unlawful demolitions and any damage to the properties. We ask the Azerbaijani authorities to immediately stop the illegal demolitions and ensure Azerbaijan's commitments to the international conventions. The right to property is guaranteed under the first protocol of the European Convention of Human Rights and the right housing in Article 11 of the International Covenant on Economic, Social and Cultural rights, which Azerbaijan is a party to. The actions also violate the provision of Article 13 and Article 28 of the Azerbaijani Constitution and corresponding provisions of the Civil and Housing Codes. The government of Azerbaijan should design a trustful and transparent system, which would guarantee fair compensation to the property owners according to the existing market value.

We urge the Baku Authorities to immediately investigate all illegal destructions, including the Yunusovs' house, and ensure a fair compensation to the human rights organizations that were operating on the premises.

Legal Education Society (Azerbaijan)

Media Rights Institute (Azerbaijan)

Public Association for Assistance to Free Economy (Azerbaijan)

Women Association for Rational Development (Azerbaijan)

Belarusian Human Rights House in exile in Vilnius, (Lithuania)

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

- FIAN Norge
- Health and Human Rights Info
- Human Rights House Foundation
- Norwegian Helsinki Committee

Human Rights House Zagreb (Croatia) (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

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

- Association of Female Citizens "Renaissance"
- Foundation CURE
- Helsinki Committee for Human Rights in Bosnia and Herzegovina
- Regional Co-ordinator for Youth Groups
- Serb Civic Council - Movement for Equality - The Council of the Sarajevo Canton
- Woman and Society Centre

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

- Human Rights Centre
- Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victim
- Caucasian Centre for Human Rights and Conflict Studies
- Union "Sapari"

Russian Research Center for Human Rights, Moscow (on behalf of the following NGOs):

- Human Rights Network Group
- Independent Psychiatric Association of Russia
- Moscow Centre for Prison Reform
- Moscow Helsinki Group
- Mother's Right Foundation
- Non-violence International
- Right of the Child
- Right to Live and have Civil Dignity
- Social Partnership Foundation
- Union of the Committees of Soldiers' Mothers of Russia

Helsinki Foundation for Human Rights (Poland)

Index on Censorship, London (UK)

Rafto Foundation, Bergen (Norway)

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

- Armenian Helsinki Association, Yerevan
- Democracy Today, Yerevan
- Helsinki Citizens' Assembly, Vanadzor
- Journalists' Club "Asparez", Gyumri
- Public Information and Need of Knowledge, Yerevan
- Socioscope, Yerevan
- Shahkhatun, Yerevan
- Women's Resource Center, Yerevan

Emerging Human Rights House Kiev (Ukraine)

- Ukrainian Helsinki Union

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

- Youth Human Rights Movement

Dutch Helsinki Committee

Global Initiative on Psychiatry (The Netherlands)

Norwegian PEN

The Global Initiative for Economic, Social and Cultural Rights, Geneva, (Switzerland)

Copies have been sent to:

- Azerbaijan Ministry of Foreign Affairs
- General Prosecutor Office of the Republic of Azerbaijan
- Directorate General of Human Rights and Legal Affairs of the Council of Europe, Strasbourg
- The Office of the Commissioner for Human Rights of the Council of Europe, Strasbourg
- The Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, Warsaw
- Members of the Parliamentary Assembly of the Council of Europe, Strasbourg
- Delegation of the European Union in Azerbaijan
- The Subcommittee on Human Rights of the European Parliament
- UN Special Rapporteur on the Right to Adequate Housing
- UN Special Rapporteur on Human Rights Defenders