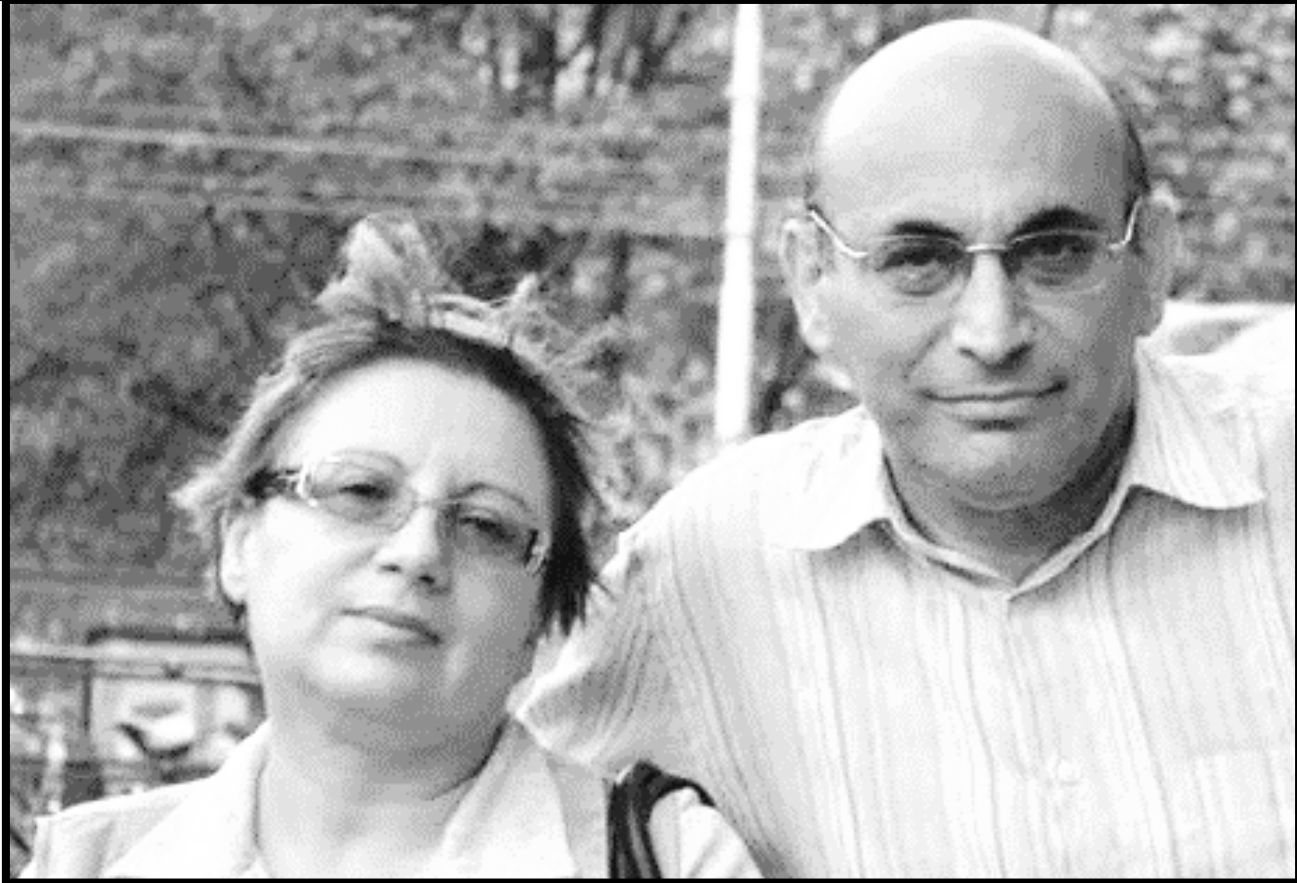


STAND **4** **HUMAN**
RIGHTS
DEFENDERS

LEYLA and ARIF YUNUS



AZERBAIJAN

DESCRIPTION OF THE CASE (2014 - present)

Leyla Yunus (59) and her husband Arif Yunus (60) were arrested on 30 July 2014.

After spending one year in a pre-trial detention, on 13 August 2015 the Baku Court for Grave Crimes sentenced Leyla and Arif Yunus to 8.5 and 7 years respectively. Charges brought against Leyla Yunus include state treason (article 274 of the criminal code of Azerbaijan), large-scale fraud (article 178.3.2), forgery (article 320), tax evasion (article 213), and illegal entrepreneurship (article 192). Arif Yunus is charged with state treason and fraud.

The persecution against Leyla and Arif Yunus started in late April 2014, when travel bans were imposed on them and their passports were confiscated. The period of pre-trial detention of Leyla and Arif Yunus was extended twice. The first hearing on the case took place on 15 July 2015, almost one year after their detention.

Both Leyla and Arif are suffering from life-threatening health conditions. Leyla Yunus has diabetes and hepatitis C. During the court hearing in early August 2015, Arif Yunus suffered a severe hypertensive crisis.

International organisations have been calling for the immediate release of the couple and for all charges against them to be dropped. They describe the case as politically motivated and regard Leyla and Arif as political prisoners.

The authorities in Azerbaijan have repeatedly ignored the life-threatening health conditions of Leyla and Arif. Requests by defense lawyers (and the international community) to replace pre-trial detention with house arrest and to release the couple on humanitarian grounds were partially met on 12 November 2015.

Following the UN Committee Against Torture review of Azerbaijan, and repeated requests from their lawyers, the Baku Court of Appeals replaced Arif Yunus' imprisonment with house arrest. Charges against him remain unchanged and he is barred from leaving the country.



Leyla Yunus is a long time human rights defender.

She is a Director of the Institute for Peace and Democracy.

A historian by training, she is known for calling for peace during the Azerbaijan-Armenia hostilities and lead people-to-people dialogue between the two states.

During the Eurovision Song Contest, she gave an interview to the Washington Post on the illegal demolition of citizens' houses in Baku. Subsequently, the building of the Institute for Peace and Democracy was itself illegally demolished.

For almost 30 years, Leyla and Arif Yunus have been working to compile a comprehensive list of political prisoners in Azerbaijan.

Leyla Yunus is a Knight of the French Legion of Honour, winner of the International Theodor Hacker award, Laureate of Polish Sergio Vieira de Mello Award, finalist of the 2014 Sakharov Prize.

THE HUMAN RIGHTS SITUATION IN AZERBAIJAN

Azerbaijan's human rights record and democratic development has been in steady decline since the early 2000s.

For almost a decade, political opposition and journalists have been subjected to harassment and intimidation, at times with fatal consequences. In 2013, a large-scale crack-down started against civil society, and in particular against those who were openly critical of the failing human rights and democratisation record of the Azerbaijani authorities.

The detention of Leyla and Arif Yunus came amidst a severe crackdown on dissent and freedoms in Azerbaijan. Both have been long-time critics of Azerbaijani government's failing human rights record.

The international organisations regard the arrest of Leyla and Arif Yunus as a politically motivated case, in order to silence the government critics and to send a sign that the space for independent and critical voices is practically non-existent in Azerbaijan.



Arif Yunus is a famous Azerbaijani historian and human rights activist. He is the chairperson of the Conflict and Migration department at the Institute of Peace and Democracy.

Throughout his career, Arif has published over 30 books and several articles on the history of Azerbaijan and Azerbaijan-Armenian relations. In his work, he has promoted dialogue between intellectuals from Azerbaijan and Armenia. He has long been advocating for a peaceful resolution to the conflict in Nagorno-Karabakh.

Arif has supported numerous victims of torture and he has spoken out repeatedly against politically motivated detentions.

European External Action Service (and member states)

The EU and its member states have yet to mount a firm, collective response to the crackdown in Azerbaijan, and articulate a clear, common stance insisting that the Azerbaijan government take steps to rectify its human rights record and immediately and unconditionally release anyone held on politically motivated charges, including Leyla and Arif Yunus.

From the moment Leyla and Arif Yunus were summoned for interrogation in relation to the detention of Rauf Mirkadirov in April 2014, the spokespersons of EU High Representative and the European Commissioner for European Neighborhood policy made several public statements (5th /6th May 2015, 2nd August) on the cases. However, during one-year pre-trial detention, the EU has refrained from a public call for the immediate and unconditional release of the couple, despite existing evidence of the politically motivated nature of the case and the deteriorating health condition of both.

A number of EU officials responded to the verdict delivered by the Baku Court for Grave Crimes on 13 August 2015, via twitter or stand-alone statements:

- The High Representative/Vice President Federica Mogherini;
- The Commissioner for European Neighbourhood Policy and Enlargement Policy, Johannes Hahn;
- The President of the European Parliament, Martin Schulz;
- The Chair of the Human Rights Sub-Committee, of the European Parliament. Elena Valenciano.

The above statements/tweets included a call for the **immediate release of Leyla and Arif Yunus, and for a review and an independent investigation into the case**. A few member states, including the Foreign Minister of The Netherlands and the Foreign Office of the UK, also issued separate statements on the cases.

On 13 November, 2015 in response to the transfer of Arif Yunus from prison to house arrest, the spokesperson of the EU High Representative noted that this was a 'welcome and positive humanitarian gesture'. However, the statement failed to reiterate the High Representative's previous call that Arif and Leyla Yunus should be immediately and unconditionally released.

The EU Special Representative for Human Rights, Stavros Lambrinidis visited Azerbaijan on 23-27 February 2015. No public statement was issued during or after the visit. The EUSR's twitter feed featured a few moments of his visit. In August, after the verdict was delivered to Leyla and Arif Yunus, the EUSR's twitter account called it politically motivated.

European Parliament

In the two consecutive Resolutions on September 17, 2014 and September 10, 2015, the European Parliament '*Call[s] for the immediate and unconditional release from jail of all political prisoners, human rights defenders, journalists and other civil society activists, including [...], Leyla Yunus and Arif Yunus, [...], and call[s] for all charges against them to be dropped and for the full restoration of their political and civil rights and public image.*' Leyla Yunus was a finalist for the European Parliament's Sakharov Prize for Freedom of Thought in 2014.

Member of the European Parliament, Chair of the Foreign Affairs Committee Elmar Brok has been facilitating regular visits from a German doctor in order to conduct medical examinations and to provide necessary medication to Leyla and Arif Yunus in prison.

A number of MEPs have been actively following and responding to developments related to the cases and the overall crackdown in Azerbaijan such as European Parliament Vice Presidents MEP Alexander Graf Lambsdorff and MEP Ulrike Lunacek, the Chair of the European Parliament's Subcommittee on Human Rights, MEP Elena Valenciano, MEP Marietje Schaake, MEP Kati Piti and many others.

In July 2015, Member of European Parliament Kati Piri visited Baku to attend the trial of Leyla and Arif Yunus. In her blog, published on July 16, 2015 she reported that the trial was marred by injustice and stressed that (we must) continue to call for the immediate release of Leyla and Arif Yunus as well as other political prisoners.

IMMEDIATE CALL FOR RELEASE !

The second part of the trial will continue in the coming months and, if found guilty, Leyla and Arif Yunus would face from 10 to 20 years imprisonment. The picture is somewhat mixed as to what the EU has done with public diplomacy to secure their release.

We call upon the EU to develop a common position, committing all member states and EU institutions to a single, coherent policy approach vis-à-vis the human rights situation in Azerbaijan, and collectively work to pursue the release of all those imprisoned on politically motivated charges, including Leyla and Arif Yunus.

EU High Representative Federica Mogherini, European External Action Service, European Commission, EU Member States:

- Send clear messages to Azerbaijan authorities that the crackdown is wholly unacceptable and that it cannot be business as usual for EU-Azerbaijan relations until the government immediately and unconditionally releases Leyla and Arif Yunus and all those imprisoned on politically motivated charges;
- Develop a strategy with the stated aim of securing the immediate and unconditional releases of Leyla and Arif Yunus and all others wrongfully imprisoned;
- Ensure consistent follow-up of the public statement issued on 14 August 2015 by EU HR/VP Federica Mogherini.

European Parliament:

- Members of the European Parliament should continue to call on the Azerbaijan government to cease its crackdown on civil society and immediately and unconditionally release Leyla and Arif Yunus and all those imprisoned on politically motivated charges;
- Members of the European Parliament should also follow-up on the two European Parliament resolutions and actively press EU Member States, the EEAS and the European Commission to step up EU efforts to secure the immediate and unconditional release of Leyla and Arif Yunus and all those imprisoned on politically motivated charges;
- Members of the European Parliament should also use all possible channels at their disposal such as the press, blog articles, speeches and parliamentary questions to highlight the cases of Leyla and Arif Yunus and others;
- The President of the European Parliament Martin Schulz to follow up on his statement from 15 August 2015 to secure the release of Leyla and Arif Yunus;
- The Chair of the DROI sub-committee Elena Valanciano to follow-up on her statement from 14 August 2015 to secure the release of Leyla and Arif Yunus;

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