

President of Azerbaijan
His Excellency Ilham Aliyev
Presidential Palace
19 Istiqlaliyyat St,
Baku AZ1066,
Republic of Azerbaijan

Brussels, 22 January 2015

Re: Concerns regarding Mr Intigam Aliyev, a human rights lawyer

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has associate and observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE would like to express once more its concerns regarding the situation of Mr Intigam Aliyev, a human rights lawyer and the head of the Legal Education Society. Mr Aliyev has submitted more than 200 applications to the European Court of Human Rights. He was also awarded the *Homo Homini Award* by the international organisation, People in Need, in recognition of his commitment to defending human rights.

On 8 August 2014, Mr Aliyev was summoned for an interrogation by the Serious Crimes Investigation Department of the General Prosecutor's Office in Baku to investigate claims of tax evasion (under article 213.1 of the Criminal Code), illegal enterprise (article 192.2.2) and abuse of official power (article 308.2). On the same day, the Nasimi District Court in Baku ruled in favour of a three-month detention for Mr Aliyev on these charges. The authorities transferred him to Baku for pre-trial where he was officially charged. His pre-trial detention was extended until 8 February 2015.

The CCBE would like to alert you of the specific situation of Mr Aliyev. According to the information we have recently received, his health is worsening due to the conditions of his detention. Moreover, we have been informed that written communications between Mr Aliyev and his lawyers have been continuously monitored by the facility's employees. Mr Aliyev prepared a written complaint to the administration of the detention facility about conditions of his detention and the violation of his rights. The employees of the detention facility read the complaint and despite objections from Mr Aliyev and his lawyer, discussed it with their superiors. Mr Aliyev was later told that a complaint can only be filed by the detention facility.

Furthermore, on 30 September, Fariz Namazli, Alayif Hasanov, Khalid Bagirov and Adil Ismayilov – four out of the five lawyers who have been representing Mr Aliyev since his detention on 8 August – were removed from the case. The lawyers were summoned as witnesses by the prosecutor, following which, they were verbally informed that they were being removed from the case because of a 'conflict of interest'. The lawyers have not yet received any official notification of the decision regarding their removal, which prevents them from appealing it to the court.

In addition, Mr Aliyev's trial was scheduled to begin on 16 January 2015; however, a number of organisations that tried to participate in the hearings were not accepted to be present at the Court. The trial and the hearings have been rescheduled for 23 January 2015.

In this context, the CCBE wishes to draw to your attention the following Principles of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Also, Principle 18 says that:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Moreover, Principle 19 states that:

No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles.

Furthermore, Principle 22 says that:

Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

In view of the above, the CCBE respectfully urges you to take immediate and effective steps to release Mr Aliyev and to guarantee his physical and psychological integrity. The CCBE further requests that you protect the principle of confidentiality between lawyers and clients. Moreover, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Azerbaijan are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Excellency urgently.

Yours sincerely,



Maria ŚLAZAK
President