

Mr. Atambayev
President of Kyrgyz Republic
Administration of the President of Kyrgyz Republic
Prospekt Chuy 205
720003 Bishkek
Kyrgyzstan

Brussels, 8 May 2015

Re: Concerns regarding acts of harassment against Mr Khusanbay Saliev and Mr Valerian Vakhitov, human rights lawyers

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 observer representatives from a further twelve European countries' bars.

The CCBE 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 writes to you to express its serious concern over the situation of Mr Khusanbay Saliev and Mr Valerian Vakhitov, two prominent human rights lawyers in Kyrgyzstan who have repeatedly suffered harassment and intimidation as a result of their work. Mr Saliev and Mr Vakhitov are both members of the Osh branch of Bir Duino - Kyrgyzstan (One World), a human rights organisation.

The CCBE has been informed that these two lawyers, as well as their families and colleagues have been the targets of multiple acts of intimidation. On several occasions – namely, 27 March 2015, as well as 6 and 8 April 2015, the brother and father of Mr Saliev had been summoned for questioning by the Osh Department of the State Committee of National Security (SCNS). The legal basis for the summons remained unknown, as there has not been any criminal investigation formally opened against Mr Saliev.

We also received information that on 27 March 2015, investigative officers from the SCNS searched the premises of the office of Bir Duino - Kyrgyzstan in Osh. The search had been carried out on the basis of a court decision issued on 26 March 2015 by the Osh City Court under Article 13 of the Penal Code, *related to “countering extremist activity by confiscating forbidden material of religious character”*. During the search, computers and other electronic devices were seized. On the same day, the apartments of Mr Saliev and Mr Vakhitov were also searched, leading to the seizure of documents and electronic equipment. The CCBE has been informed that during both searches, documents related to over a hundred of legal cases had been seized.

According to the information we received, these searches were reportedly related to the previous arrest of journalist Mr Umar Faruk, who had been carrying Mr Saliev and Mr Vakhitov's business cards when detained. Furthermore, it is reported that the two lawyers had previously worked on other sensitive human rights cases in Kyrgyzstan, such as the violations committed during the Osh events in June 2010. Mr Saliev had also been working on a corruption case involving a security service official.

The CCBE believes that these acts constitute an attempt to silence Mr Saliev and Mr Vakhitov, and to restrict their peaceful and legitimate activities in defence of human rights.

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

Article 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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to investigate the reported acts of harassment and intimidation in order to guarantee the security and psychological integrity of Mr Khusanbay Saliev and Mr Valerian Vakhitov. The CCBE also asks you to take all necessary measures to guarantee that lawyers in Kyrgyzstan are able to perform their professional duties without fear of reprisal, hindrance, intimidation and harassment.

I look forward to hearing from you urgently.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Maria ŚLAZAK', written in a cursive style.

Maria ŚLAZAK
President