

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

Brussels, 9 September 2014

Re: Concerns regarding an attack against Makhamajan Abdujaparov, 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 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 writes to express its serious concern over the situation of Mr Makhamajan Abdujaparov, a human rights lawyer at the Spravedlivost, an NGO based in Kyrgyzstan. Mr Abdujaparov is a senior lawyer at the organisation and works to uphold the rule of law and ethnic equality, providing legal assistance to the local population and investigating allegations of torture. The CCBE has been informed that Mr Abdujaparov was attacked in his office on 4 September 2014 by an unidentified assailant. The attacker held the human rights lawyer by his neck, pushed him to the wall and was stopped from striking him only by the intervention of the office building's security guard. It appears that a witness however, saw the attack and documented the attacker's license plates. Later that day, the same vehicle was reportedly seen in the car park of the regional department of Kyrgyzstan National Security Committee (KNSC). Mr. Abdujaparov subsequently filed a complaint requesting a police investigation of the attack, after which another employee of Spravedlivost received a call from a KNSC officer telling them to refrain from filing any further complaints about the incident.

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.

Principle 17 says that:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Furthermore, principle 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 these reported acts of harassment and intimidation in order to guarantee the security and physical and psychological integrity of Mr. Abdujaparov and his colleagues at Spravedlivost. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Kyrgyzstan 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,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
President