



The Law Society
of England and Wales



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Dear President Aliyev

Re: Intigam Aliyev

The Law Society is the professional body representing more than 145,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

Lawyers for Lawyer is an independent and non-political Dutch foundation that is committed to ensure the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

The Law Society and Lawyers for Lawyers are concerned for Intigam Aliyev, a prominent human rights lawyer in Azerbaijan who was arrested and placed in pre-trial detention for three months. His detention was connected with his activity as human rights defender and lawyer, and the purpose of this is to silence him, based upon a political instruction from above.

On the morning of 8 August 2014, Intigam Aliyev was summoned as a witness to the Serious Crimes Investigation Department of the General Prosecutor's Office in Baku, where he was charged with tax evasion (under article 213.1 of the Criminal Code), illegal enterprise (article 192.2.2) and abuse of official power (article 308.2), and was detained that day, with a later ruling confirming his pre-trial detention.¹

¹ <http://www.amnesty.org/en/library/asset/EUR55/011/2014/en/80131a97-aca4-4c3e-89ac-0325016813c0/eur550112014en.html>

Nasimi District Court in Baku ruled to detain him for three months, and the authorities consequently transferred him to Baku Pre-Trial Detention Facility. In the event of the court finding Intigam Aliyev guilty of the charges, he may face up to seven years' imprisonment.

We note that Intigam Aliyev, in 2012 won the People in Need's Homo Homini Award in recognition of his commitment to defending human rights. He is moreover the Head of the **Legal Education Society**, a human rights organisation providing legal support to mass and non-governmental organisations and low income groups of the population. It similarly publishes legal literature, monitors legislative reform, and organises seminars and trainings.

More notably, Intigam Aliyev has submitted more than 200 applications to the European Court of Human Rights in cases of election rigging, abuses of free speech and right to fair trial.² In 2003, Intigam Aliyev helped to establish the Azerbaijani Lawyers Forum, a non-profit organisation, which the Azerbaijani authorities refused to register. In November 2005 Intigam Aliyev was refused admission to the Bar Association of Azerbaijan, despite possessing the qualifications for membership. In December 2008 the European Court of Human Rights upheld Intigam Aliyev's complaint that the refusal of the Azerbaijani authorities to register the organisation breached the members' rights under Article 11 ECHR³

Following Intigam Aliyev being charged, investigators then escorted him to his house and the office of his NGO in order to undertake searches of the premises. During the interrogation, Intigam Aliyev was requested to present his testimonies as a witness in a criminal case taken by the Azeri authorities against a group of NGOs.

It has been submitted that his arrest may be linked to the fact that the European Court of Human Rights has begun addressing complaints submitted with the assistance of Intigam Aliyev.⁴ Or, further, it could be linked to a recent speech he made at the Parliamentary Assembly of the Council of Europe. In this speech, Intigam Aliyev openly criticised the authorities of Azerbaijan for its poor human rights record, growing number of political prisoners, and shrinking space for independent NGOs.⁵

Subsequently, on 9th August 2014, Intigam Aliyev in communication with his lawyer circulated a statement denying all charges. He stated that the motives behind his arrest are not legal, but "political".⁶ Intigam Aliyev's lawyer has appealed the ruling to transfer the human rights defender to pre-trial detention.⁷

²http://www.echr.coe.int/Documents/CP_Azerbaijan_ENG.pdf

³ Aliyev and others v. Azerbaijan, No 28736/05, 18 December 2008, at paras 32-45.

⁴ http://www.echr.coe.int/Documents/HRTF_Cases_list_Azerbaijan_ENG.pdf

⁵ <http://www.theglobaldispatches.com/articles/caviar-diplomacy-hides-human-rights-abuses-in-azerbaijan>

⁶ <http://newskitchen.eu/2014/08/12/statement-of-human-rights-activist-intiqam-aliyev-arrested-in-baku/>

⁷ <http://www.frontlinedefenders.org/node/26850>

We would like to highlight that the arrest of Intigam Aliyev is not isolated. He is the fourth human rights defender recently arrested in a pattern of harassment. On 30 July 2014, **Ms Leyla Yunus** and **Mr Arif Yunus** were both charged with economic crimes and treason, and sent to pre-trial detention. Secondly, on 2 August 2014, investigative authorities [charged and arrested Mr Rasul Jafarov](#). Three days later, on 5 August 2014, a court in Baku upheld the petition of the General Prosecutor's office and ruled to freeze the bank accounts of nine national NGOs and one international NGO, including bank accounts of the Legal Education Society, the **Media Rights Institute**, the **Democratic Institutions and Human Rights Public Union**, the **Public Association for Assistance to Free Economy, Democracy and Human Rights Resource Centre**, the **Association of Lawyers in Azerbaijan**, the **Centre for National and International Studies**, the **Institute for Reporters' Freedom and Safety**, and the office of **International Research and Exchanges Board (IREX)** in Azerbaijan. Reportedly, the personal bank accounts of at least three directors of NGOs were also frozen.⁸

The Law Society and Lawyers for Lawyers strongly condemn these acts aimed at or against Intigam Aliyev and condemns the inaction of Azerbaijan to protect and promote human rights and human rights defenders, which in turn could threaten to ultimately undermine the fundamental freedoms of those in society.

In this context, we would like to draw your attention to a number of significant international treaties that Azerbaijan are party to, signifying the obligation to both uphold and comply with the provisions of such treaties.

The **Universal Declaration of Human Rights** (1948) enshrines in particular fundamental human rights to protect all. In the immediate case, the **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, which was adopted by the General Assembly of the United Nations on 9th December 1998**, is distinctively relevant.

Article 1 states:

"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels",

And moreover, **Article 12.2** which requires that the state shall:

"take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats,

⁸<http://www.frontlinedefenders.org/node/26850>

retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights".

Further, this treatment of Intigam Aliyev does not comply with the **UN Basic Principles on the Role of Lawyers (1990), Article 23**, which states:

"Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly.

In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights."

Additionally, there have been violations of **Article 9.1, Article 9.3, and Article 19** of the **International Covenant on Civil and Political Rights (ICCPR) 1966**, which state:

Article 9.1 ICCPR

"Everyone has the right to liberty and security of person," and "no one shall be subject to arbitrary arrest or detention."

Article 9.3 ICCPR

"Mandatory and indefinite detention violate international laws that state it shall not be the general rule, release should be preferred with guarantees to appear for trial."

Article 19 ICCPR

*"(1) Everyone shall have the right to hold opinions without interference
(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."*

Finally, the the Law Society underlines substantial violations in the immediate instance of **Articles 1, 5, 10, 11, and 14** of the **European Convention on Human Rights**:

Article 1 ECHR

Obligation to respect Human Rights

'The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention. '

Article 5 ECHR

Right to liberty and security

'1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

(a) the lawful detention of a person after conviction by a competent court;

(b) the lawful arrest or detention of a person for noncompliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.'

Article 10 ECHR

Freedom of expression

'1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.'*

Article 11 ECHR

Freedom of assembly and association

'1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.'

Article 14 ECHR

Prohibition of discrimination

'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'

In view of the above-mentioned binding international treaties⁹, the Law Society and Lawyers for Lawyers urge adherence not only to the primacy of international law but also to due process.

The Law Society and Lawyers for Lawyers further call for the immediate and unconditional release of Intigam Aliyev from pre-trial detention, and the dropping of the charges against him.

In this manner, we would urge that Intigam Aliyev, and each and every human rights defender in Azerbaijan, are afforded the basic protection they are entitled to in order to carry

⁹ ICCPR, ratified on 13th August 1992 by Azerbaijan.

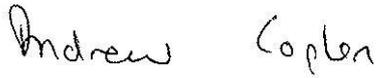
Universal Declaration of Human Rights, 1948

Azerbaijan became the 43th member state of the Council of Europe on 25 January 2001.

out their legitimate work protecting human rights, without fear of reprisals and free of all restrictions, including government harassment.

On behalf of the Law Society and Lawyers for Lawyers, we respectfully urge that Azerbaijan both uphold international obligations and promote the rule of law, whilst concurrently protecting the rights of human rights defenders, with specific reference in this communication to Intigam Aliyev.

Yours sincerely,



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