

Mr Ilham Aliyev
President of the Republic of Azerbaijan
Azerbaijan Avenue 7
1005 Baku
Republic of Azerbaijan
Fax: +994124923543 and +994124920625
Email: office@pa.gov.az

Re.: Call for the release of human rights lawyer Intigam Aliyev

Mr President,

We, the undersigned independent lawyers, barristers or attorneys-at-law, write to you to express our concern over the sentencing of our colleague, human rights lawyer Intigam Aliyev.¹

Intigam Aliyev is one of the most widely-respected human rights lawyers in Azerbaijan. In recognition of his legal work and human rights advocacy, Intigam Aliyev received the Homo Homini Award from the Czech NGO People in Need in 2012. He has indeed been at the forefront of rights advocacy in the country for two decades as a human rights lawyer and head of the officially registered NGO Legal Education Society, an organisation promoting awareness of the law and providing legal support to individuals and organizations.

In those years, Intigam Aliyev was one of the first Azerbaijani lawyers to utilize the European Court of Human Rights and has submitted hundreds of cases – including approximately a dozen cases, which are currently pending. His cases involve freedom of expression and association, democratic rights, the prohibition of torture, and due process rights. Intigam Aliyev is also the regional tutor in the Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe. Whilst in detention, he was elected member of the Expert Council on NGO Law of the Council of Europe.²

Intigam Aliyev is the teacher in international human rights law for a generation of young women and men in Azerbaijan. Stronger than any international recognition, his work makes him known in the country as “müəllim,” or “teacher.”

We identify with Intigam Aliyev because we believe everybody should have a right to a fair trial, just as he does. Yet, Intigam Aliyev’s trial was marred by procedural irregularities and violations of the right to a public hearing and the right to access to the files and documents of the case. Most importantly, Intigam Aliyev’s attorney managed to prove that whilst Intigam Aliyev was charged in relation to the implementation of 13 projects without registration of grant contracts, 7 of them had in fact been implemented before 2009, at a time when the law did not demand any registration. The remaining 6 grant contracts were implemented after the due registration at the Ministry of Justice.³

Furthermore, the Committee of Ministers of the Council of Europe requested “detailed information on all criminal charges pending against [Intigam Aliyev].”⁴ This highlights the Committee’s preoccupation that alleged victims whom Intigam Aliyev represents before the European Court for Human Rights remain with no representation at the European Court.

¹ Intigam Aliyev was sentenced to seven and a half years imprisonment on 22 April 2015. More information available at <http://humanrightshouse.org/Articles/20909.html>.

² The Expert Council on NGO law was established by the Conference of International Non-governmental Organisations of the Council of Europe in January 2008 with the aim of creating an enabling environment for NGOs through examining national NGO legislation and its implementation and provides advice on how to bring national law and practice into line with Council of Europe standards and European good practice. More information available at http://www.coe.int/t/ngo/expert_council_en.asp.

³ *New evidence weakens prosecution*, HRHN (18 March 2015) available at <http://www.humanrightshouse.org/Articles/20815.html>.

⁴ Interim Resolution CM/ResDH(2014)183, 25 September 2014, available at <https://wcd.coe.int/ViewDoc.jsp?id=2239635&Site=CM>.

We sympathize with Intigam Aliyev because we are worried about increasing pressure against lawyers in Azerbaijan, of which Intigam Aliyev is a symbol. Past harassment of Intigam Aliyev and his colleague Annaghi Hajibayli is also illustrative of the campaign against independent lawyers. Both lawyers were refused membership in the Bar Association in 2009. The two lawyers proceeded to sue the Bar Association for failing to comply with existing legislation. Following the lawsuit, which the lawyers lost, the Bar Association filed a civil suit against Intigam Aliyev demanding 200'000 AZN (approximately € 175'000) because of articles about the Bar Association leadership that Intigam Aliyev had published. Outcry from Azerbaijani civil society and international NGOs were successful in pressuring the authorities to drop the charges. Later, however, a Sheki Appeal Court judge filed another civil suit against Intigam Aliyev and his organization, the Legal Education Society, demanding 20'000 AZN (approximately €17'500) for defamation. The court ruled that Intigam Aliyev should pay 2'000 AZN (approximately €1'750) in damages. Both Intigam Aliyev and Annaghi Hajibayli have yet to be admitted to the Bar Association.

In addition to imprisonment, disbarment, and smear campaigns, the government uses other inventive ways to interfere with defendants' rights to counsel. In the cases of Intigam Aliyev, the prosecution has called members of his legal team as witnesses, thereby precluding them from acting as defense counsel.⁵

We further identify with Intigam Aliyev because, for all of us, being a lawyer is a unique privilege. We identify with Intigam Aliyev because in Azerbaijan, any of us could be arrested simply for doing the same work as he did.

We are also extremely worried to hear that the detention conditions of Intigam Aliyev have an impact on his already poor health. He suffers from severe chronic headaches in addition to nerve pain and has reportedly been denied of appropriate health care to date. However, lawyer Javad Javadov has recently again communicated that Intigam Aliyev is suffering from severe back pain.⁶ Furthermore, there is insufficient ventilation and heating in the cell and hot water is allowed only twice a week. Inadequate space in the prison cell makes it nearly impossible for him to walk. Access to proper nutritional food is also restricted. Moreover, he can meet his family only through a glass barrier once a week speaking over a telephone.

We call upon you, Mr President, to immediately and unconditionally release Intigam Aliyev and rehabilitate his civil and political rights. As a matter of basic humanitarian principles, we call upon you to provide medical care to Intigam Aliyev and ensure that he is receiving complete and necessary treatment for all medical concerns.

In his Third party intervention to the European Court of Human Rights on the case of Intigam Aliyev, the Council of Europe Commissioner for Human Rights underscored that the present case is an illustration of a number of the recent arrests and detentions of Azerbaijani human rights defenders related to the shortcomings in the NGO legislation.⁷ We further call upon you to release and rehabilitate all prisoners of conscience and drop all charges and investigations pending against journalists, political opposition leaders, grassroots activists, human rights defenders, lawyers, and their organisations, as documented in the recent report issued by Freedom Now and the Human Rights House Network.⁸

Yours sincerely,

- Ketevan Abashidze, lawyer, Human Rights House Foundation (Georgia)
- Sharah Nikolay Abramovich, lawyer (Republic of Belarus)
- Angela Ahyadova, lawyer, Associate Consultant, Faculty of Law of the Chechen State University (Russian Federation)

⁵ Fariz Namazli, Alayif Hasanov, Khalid Bagirov and Adil Ismayilov, four of the five lawyers who have been representing Intigam Aliyev since his detention on 8 August 2014, were removed from the case on 30 September 2014.

⁶ Intigam Aliyev needs serious examination and treatment, 23 May 2015, available at <http://www.freeintigamaliyev.com/2015/05/23/lawyer-intigam-aliyev-needs-serious-examination-and-treatment>.

⁷ Third party intervention by the Council of Europe Commissioner for Human Rights, Nils Muižnieks, under Article 36, paragraph 3, of the European Convention on Human Rights. Application No. 68762/14, Intigam Aliyev v. Azerbaijan, 16 March 2015, available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2714716&SecMode=1&DocId=2251738&Usage=2>.

⁸ Freedom Now and Human Rights House Network, *Breaking point in Azerbaijan*, Washington, DC and Geneva, May 2015, available at <http://humanrightshouse.org/Articles/20947.html>.

- Murat Julian Alder, attorney at law (Switzerland)
- Diana Andrasoni, lawyer, member of the Human Rights Commission of the European Bars Federation (Romania)
- Juliya Arbisman, solicitor, member of the Human Rights Committee of the Law Society of England and Wales (United Kingdom)
- Lefter Aurika, lawyer (Republic of Moldova)
- Alex Balan, lawyer, Centre for Social and Legal Protection of Participation (Transnistria, Republic of Moldova)
- Pierre Bayenet, attorney at law (Switzerland)
- Antoine Bernard, lawyer, International Federation for Human Rights (France)
- Daan Boot, lawyer (Belgium)
- Negad El Borai, attorney at law (Arab Republic of Egypt)
- Dominika Bychawska-Siniarska, lawyer, Helsinki Foundation for Human Rights (Republic of Poland)
- Prof. Sara Chandler, solicitor (United Kingdom)
- Dmitry Chernyh, lawyer, Belarusian Helsinki Committee (Republic of Belarus)
- Beatriz Collantes Sánchez, lawyer (Spain)
- Alex Croitor, lawyer (Republic of Moldova)
- Gail Davidson, lawyer, Lawyer's Rights Watch (Canada)
- Tatiana Demicheva, lawyer (Russian Federation)
- Brigitte Dufour, lawyer, Quebec Bar, International Partnership for Human Rights (Canada)
- Christian Ferrazino, attorney at law, former Mayor of the City of Geneva (Switzerland)
- Bernadette Ficq, lawyer at the Haarlem Bar (The Netherlands)
- Tony Fisher, solicitor, member of the Human Rights Committee of the Law Society of England and Wales (United Kingdom)
- Jared Genser, attorney, member of the State bar of Maryland, Carr Center for Human Rights Policy, Harvard University John F. Kennedy School of Government (United States of America)
- Patrick Griffith, attorney, member of the State Bar of New York, Freedom Now (United States of America)
- Stephen Grosz QC (Hon), Chair of the Human Rights Committee of the Law Society of England and Wales (United Kingdom)
- İlkay Nefin Güçlü, lawyer (The Netherlands)
- Lionel Halpérin, attorney at law (Switzerland)
- Dmytro Hudyma, lawyer, ass. professor, Law Department, Ivan Franko National University (Ukraine)
- Natalija Hurkovska, lawyer (Ukraine)
- Anna Innocenti, lawyer, Human Rights House Foundation (Italy)
- Joost Italianer, lawyer (The Netherlands)
- Alexey Ivanov, attorney (Krasnodar, Russian Federation)
- Vitaly Jeremiah, lawyer (Republic of Moldova)
- Nathalie Karam, attorney at law (Switzerland)
- Boris M. Kocken, attorney at law (The Netherlands)
- Izabela Konopacka, legal counsel (Republic of Poland)
- David Lachat, attorney at law (Switzerland)
- Karim Lahidji, lawyer, International Federation for Human Rights (Islamic Republic of Iran)
- Clemens Lahner, attorney at law (Republic of Austria)
- Oleksandr Lapin, attorney at law (Ukraine)
- Aurika Lefter, lawyer (Republic of Moldova)
- Iurie Levinte, lawyer, Human Rights Embassy (Republic of Moldova)
- Alastair Logan, OBE, solicitor, member of the Human Rights Committee of the Law Society of England and Wales (United Kingdom)
- Dmitri Makarov, lawyer (Russian Federation)
- Viorel Malanciuc, lawyer, Union of Lawyers (Republic of Moldova)
- Olexandra Matviichuk, human rights lawyer, Center for Civil Liberties (Ukraine)
- Grégoire Mangeat, attorney at law, Vice-Chairman of the Geneva Bar Association (Switzerland)
- Mikhail Matskevich, lawyer, Lawtrend (Republic of Belarus)

- Gregory K. McGillivray, attorney, member of the State bars of Washington State, Virginia, and Washington, D.C. (United States of America)
- Michael McNamara, lawyer, member of Parliament (Ireland)
- Libby McVeigh, lawyer, Fair Trials (United Kingdom)
- Lela Metreveli, lawyer, Human Rights Embassy (Republic of Moldova)
- Liubov Moseeva-Helier, lawyer, Human Rights Center “Memorial” (Russian Federation)
- Patrick Mutzenberg, PhD in law, Centre for Civil and Political Rights (Switzerland)
- Egor Mylnikov, lawyer (Russian Federation)
- Fariz Namazli, lawyer (Republic of Azerbaijan)
- Radu Nicoara, lawyer, Institute for Human Rights (Republic of Moldova)
- Doronceanu Olese, lawyer, Institute for Human Rights (Republic of Moldova)
- Simon Papuashvili, human rights lawyer, International Partnership for Human Rights (Georgia)
- Igor Petrovich Pagasij, lawyer (Ukraine)
- Sergey Popov, lawyer (Russian Federation)
- Denis Rabomizo, lawyer, President of the College of Lawyers (Ukraine)
- Nicolae Radita, lawyer, Roma National Centre (Republic of Moldova)
- Nadezda Radnaeva, lawyer, Foundation For Protection of Prisoners’ Rights (Russian Federation)
- Gustaaf Olivier Reerink, lawyer to the Amsterdam Bar, foreign counsel in Jakarta (The Netherlands)
- Ramute Remezaite, human rights lawyer, legal representative of Intigam Aliyev before the European Court of Human Rights (United Kingdom)
- Jago Russell, lawyer, Fair Trials (United Kingdom)
- Wafa Rustam, lawyer (Republic of Azerbaijan)
- Peter Sahlas, attorney & counselor at law (United States of America)
- Cecilie Schjotvet, lawyer, Human Rights House Foundation (Norway)
- Richard Sedillot, attorney at law (France)
- Serguey Semenov, lawyer, Centre for Legal Protection (Ukraine)
- Dina Shavtsova, lawyer, Barys Zvozhkau Belarusian Human Rights House (Republic of Belarus)
- Natalia Shcherbatov, lawyer, Ukrainian Association of Women Lawyers (Ukraine)
- Volha Siakhovich, lawyer (Republic of Belarus)
- Ilia Maria Siatitsa, lawyer, member of Athens Bar Association (Greece)
- Tamara Sidarenka, lawyer (Republic Of Belarus)
- Carlo Sommaruga, attorney at law, member of Parliament, Chair of the Committee on Foreign Affairs (Switzerland)
- Adrie van de Streek, lawyer (The Netherlands)
- Hania Stypulkowska Goutierre, attorney at law (France)
- Sergey Tamara, lawyer (Republic of Belarus)
- Loredana Tassone, lawyer, bars of Rome and Strasbourg, former référendaire to the European Court of Human Rights (France)
- Vyacheslav Turcan, lawyer, Human Rights Embassy (Republic of Moldova)
- Maran Turner, attorney, member of the State Bar of California, Freedom Now (United States of America)
- Alexander Tvichenko, lawyer (Republic of Moldova)
- Liudmila Ulyashyna, PhD in law, Human Rights House Foundation (Republic of Belarus)
- Aleksandra Vasilevich, lawyer (Republic of Belarus)
- Otto Volgenant, attorney at law (The Netherlands)
- Pavel Vladislavovich Maramygin, lawyer (Ukraine)
- Pascari Vyacheslav, lawyer (Republic of Moldova)
- Artur Wierzbicki, attorney at law, President of the Human Rights Commission of the European Bars Federation (Republic of Poland)
- Eldar Zeynalov, lawyer, Human Rights Centre (Republic of Azerbaijan)
- Lyudmila Zheliznyak, lawyer, member of the Bar Council of Ivano-Frankivsk region, All-Ukrainian Public Association Union of Lawyers Who Provide Free Legal Aid (Ukraine)
- Yevgeniy Zhovtis, human rights lawyer, International Bureau for Human Rights and Rule of Law (Republic of Kazakhstan)

Copy to: Mr Iman Nagiyev, Chairman of the Baku Court of Appeal of the Republic of Azerbaijan

For correspondence:

Florian Irminger

Head of Advocacy and HRHF Geneva Office, Human Rights House Foundation (HRHF)

Rue de Varembe 1

PO Box 35

1211 Geneva 20

Switzerland

Tel: +41 22 332 25 52

Email: florian.irminger@humanrightshouse.org