



The Law Society of
Upper Canada

Barreau
du Haut-Canada

July 15, 2015

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

Office of the Treasurer

Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

tel 416-947-3937
fax 416-947-7609

Your Excellency:

Re: The ongoing harassment of human rights lawyers Valerian Vakhitov and Khusanbay Saliev

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the ongoing harassment of human rights lawyers Valerian Vakhitov and Khusanbay Saliev. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Valerian Vakhitov and Khusanbay Saliev are prominent human rights lawyers and members of the Osh branch of Bir Duino - Kyrgyzstan (One World), a human rights organization.

According to reports, in March 2015, officers of the State Committee of National Security (SCNS) searched the homes of Valerian Vakhitov and Khusanbay Saliev and the Osh office of Bir Duino. The officers seized case materials, acting in violation of Article 29 of Kyrgyzstan's Law on Advokatura, which provides that "any interference with a lawyer's work is prohibited, unless a lawsuit is filed against him". On April 30, 2015, the Osh Regional Court nullified the search warrants that had previously been issued by the Osh City Court to allow the SCNS to conduct the March 2015 searches.

On the same date, the Osh City Court refused to consider a complaint against the SCNS filed by Valerian Vakhitov and Khusanbay Saliev, stating that the Osh Regional Court had already ruled against the search warrants and, consequently, the complaints were automatically dismissed.

Reports indicate that Valerian Vakhitov, Khusanbay Saliev and their colleagues have been the subjects of ongoing acts of intimidation.

In concern over these reports, the Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

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.

Moreover, Article 23 states:

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 organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Kyrgyzstan to:

- a. guarantee in all circumstances the physical and psychological integrity of Valerian Vakhitov and Khusanbay Saliev;
- b. guarantee all the procedural rights that should be accorded to Valerian Vakhitov, Khusanbay Saliev and other human rights lawyers and defenders in Kyrgyzstan;
- c. put an end to all acts of harassment against Valerian Vakhitov and Khusanbay Saliev as well as other human rights lawyers and defenders in Kyrgyzstan;

- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Ms. Jyldyz Mambetalieva Jeenbaevna
Minister of Justice
32 M. Gandhi Str.
720010 Bishkek
Kyrgyzstan

Permanent Mission of Kyrgyzstan to the United Nations in Geneva
Rue Maunoir 26/ Rue du Lac 4-6
1207 Geneva
Switzerland

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales