



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

October 6, 2014

His Excellency the President of Azerbaijan  
Ilham Aliyev  
Presidential Palace  
19 Istiqlaliyyat St,  
Baku AZ1066,  
Azerbaijan Republic

Office of the Treasurer

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

tel 416-947-3415  
fax 416-947-7609

Your Excellency:

**Re: The arrest and continued detention of human rights lawyer Intigam Aliyev**

I write on behalf of The Law Society of Upper Canada\* to voice our grave concern over the case of Intigam Aliyev. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Intigam Aliyev is a prominent human rights lawyer in Azerbaijan and the head of the Legal Education Society, a human rights organization that provides legal support to low-income groups and non-governmental organizations. Mr. Aliyev was awarded the Homo Homini human rights award in the Czech Republic in 2013.

Reports indicate that Mr. Aliyev was summoned for interrogation in the Serious Crimes Investigation Prosecutor's Office in Baku on 8 August 2014, where he was subsequently charged with tax evasion, illegal enterprise, and abuse of official power.

During his interrogation, Mr. Aliyev was allegedly asked to present evidence, as a witness, pertaining to a criminal case initiated by Azerbaijani authorities against a group of non-governmental organizations. There is concern that the authorities were attempting to obtain confidential and/or privileged information relating to the case against the group of non-governmental organizations during the interrogation.

It was reported that, on 8 August 2014, the Nasimi District Court in Baku ordered Mr. Aliyev's pre-trial detention for three months. We understand that his lawyer has appealed the ruling for pre-trial detention. Reports indicate that Mr. Aliyev may face up to seven years in prison if convicted of the charges.

On 9 August 2014, Intigam Aliyev circulated a statement through his lawyer denying the charges and criticizing the motives of his arrest as political rather than legal. The Law Society of Upper Canada is concerned that his arrest could be related to a recent speech he made at the Parliamentary Assembly of the Council of Europe, in which he criticized Azerbaijani authorities for human rights abuses,

increasing numbers of political prisoners, and making less room for independent non-governmental organizations. The European Court of Human Rights has also begun addressing complaints submitted with Intigam Aliyev's assistance.

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, economics 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 of Upper Canada is concerned that Intigam Aliyev's arrest and continued detention is evidence of mounting government pressure against human rights lawyers and defenders in Azerbaijan. There are reports that human rights defenders Rasul Jafarov, and Leyla and Arif Yunus, were also arrested on similar charges.

The Law Society urges the government of the Republic of Azerbaijan to:

- a. release Intigam Aliyev immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Intigam Aliyev;
- c. provide Intigam Aliyev with regular access to his lawyer and family;
- d. guarantee all the procedural rights that should be accorded to Intigam Aliyev and other human rights lawyers and defenders in Azerbaijan;
- e. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and trial of Intigam Aliyev in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- f. guarantee that adequate reparation would be provided to Intigam Aliyev if found to be a victim of abuses;
- g. put an end to all acts of harassment against Intigam Aliyev as well as other human rights lawyers and defenders in Azerbaijan;

- h. 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 6,000 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:

Mr. Fikrat F. Mammadov  
Minister of Justice of the Republic of Azerbaijan  
AZ 1073, İnshaatchılar ave., 1  
Azerbaijan

Mr. Elmar Maharram oglu Mammadyarov  
Minister of Foreign Affairs of the Republic of Azerbaijan  
AZ 1009, Baku, Shikhali Qurbanov str. 4  
Azerbaijan

Mr. Ramil Huseynli, Chargé d'Affaires  
Embassy of the Republic of Azerbaijan to Canada  
275 Slater Street, Suite 1203  
Ottawa, ON, Canada  
K1P 5H9

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

Mr. Azer Tagiyev, President of the Azerbaijan Bar Association

Mr. Ali Mohammed Huseynli, Chairman, Azerbaijan Lawyers Confederation

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

Nicholas Fluck, President, The Law Society of England and Wales