

Public Statement

The Law Society of Upper Canada expresses grave concerns about the ongoing harassment of human rights lawyers Valerian Vakhitov and Khusanbay Saliev

Toronto — The Law Society of Upper Canada is gravely concerned about the ongoing harassment of human rights lawyers Valerian Vakhitov and Khusanbay Saliev.

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 the government of Kyrgyzstan 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 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.

**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.

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For more information, please contact Susan Tonkin, Communications Advisor – Media Relations, 416-947-7605 or stonkin@lsuc.on.ca.

The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, ON
M5H 2N6
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