

Le Bâtonnier

Mr Ilham Aliyev
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Geneva, 24 July 2015

Re : Grave concerns about the situation of Mr Intigam Aliyev (Lawyer)

Mr President,

I am writing you on behalf of the Geneva Bar Association. The Geneva Bar Association, through its Human Rights Commission, places a great emphasis on respect for human rights and the rule of law. We are particularly concerned by the situation of fellow colleagues in the world who are human rights defenders.

The Geneva Bar Association was informed that our colleague, Mr Intigam Aliyev, is imprisoned in Azerbaijan since August 2014 and the circumstances of his situation have raised our concerns.

We have learned that the Court that sentenced Intigam Aliyev to seven and a half year imprisonment on charges of “tax evasion”, “abuse of authority”, “illegal entrepreneurship” and “appropriation” did not grant our colleague a fair trial.

Furthermore, we were informed that the extremely poor conditions of detention, as well as the fact that he has been denied appropriate health care, have a severe impact on Intigam Aliyev already poor health.

Mr Intigam Aliyev is a prominent human rights lawyer and the regional tutor in the Human Rights Education for Legal Professionals (HELP) program of the Council of Europe.

It appears that Mr Intigam Aliyev's situation is actually a consequence of his continuous efforts to promote human rights in the Republic of Azerbaijan.

We would like to draw your attention to the 1990 UN Basic Principles on the Role of Lawyers.

- Principle 16 states that Azeri authorities have an obligation to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, or be threatened with, prosecution for any action taken while carrying out their duties.
- Principles 18, 19 and 20 provide that:

“Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles.

Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.”

- Furthermore, according to Principle 23 *“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 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.”*

We also remind you that the UN Basic Principles were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, have a normative value under customary international law, and should be respected by the Republic of Azerbaijan.

Therefore, and in light of the above, we respectfully urge the Azeri authorities to comply with the standards set forth by the Basic Principles on the Role of Lawyers as well as their obligations under International Human Rights Law and seek from competent authorities the immediate release of Mr Intigam Aliyev and all lawyers human rights defenders who might have been arrested and detained only for peacefully promoting human rights observance in the Republic of Azerbaijan. We also ask you to protect Mr Intigam Aliyev and all lawyers in the Republic of Azerbaijan against any present or future harassment, intimidation and/or reprisal in the exercise of their legitimate human rights activities.

Copy of the present is sent to the Chairman of the Supreme Court and to the Bar Association of the Republic of Azerbaijan.

We thank you for your attention to this very serious and urgent matter. The Geneva Bar Association will continue to closely monitor this case.

Respectfully yours,

For the Bar Council :

Lionel Halpérin
Member of the Bar Council



- Copy to:
- Ramiz Yaqub Rzayev
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 - President of the Bar Association
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