



HUMAN RIGHTS HOUSE
FOUNDATION

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The Human Rights House Foundation and partners of the Human Rights House Network in Belarus, Azerbaijan, Georgia and Armenia are concerned about the attempts of national authorities to hinder lawyers to defend victims of human right violations in these countries.

We call upon the Parliamentary Assembly of the Council of Europe and the country rapporteurs to monitor the situation of lawyers and to react against repression of this group.

During the year of 2011, lawyers, actively engaged in protection of human rights and their defenders, have been disbarred, threatened and deprived of access to their clients in South Caucasus and Belarus. The policy of persecution and pressure against the active defense counsels has chilling effect on other lawyers.

In Belarus, repression has escalated not only against human rights defenders and their organizations but also against lawyers who defend political opposition, human rights defenders and activists since the presidential elections on 19 December 2010.

Seven Belarusian lawyers, who provided legal counsel in the politically motivated cases, have been disbarred since last December 2010¹.

- On 14 February 2011, human rights lawyer **Uladzimir Toustsik** lost his legal license for fabricated accusation of refusal to defend his client. His defendant Iryna Khalip, the wife of former presidential candidate Andrei Sannikau, received psychological pressure from KGB to refuse legal assistance of Toustsik with threats of his disbarment. Following the forced refusal, Uladzimir Toustsik was disbarred on the ground of grave violations of the licensing legislation, namely because of his refusal to provide Iryna Khalip with legal assistance.
- **Tamara Harayeva** was a second lawyer Khalip signed a contract with. However, on 4 February 2011, Harayeva notified Khalip's parents that, given certain circumstances, she had to withdraw their advocacy contract. By an enactment of the Ministry of Justice on 14 February 2011, Harayeva's advocacy license was disbarred because of grave violations of the licensing legislation and a refusal to provide Iryna Khalip with legal assistance.
- **Aleh Aheyevu**, the member of the Board of the Minsk City Bar, was a defending Aleś Michalevič, an ex-candidate for presidency, until his license was terminated by the Ministry of Justice on 14 February 2011 because of "grave violations of the procedures

¹ <http://humanrightshouse.org/Articles/16901.html>

<http://humanrightshouse.org/Articles/16794.html>

<http://humanrightshouse.org/Articles/16011.html>

of the completion of advocacy contracts” and for “preventing the licensing authority from taking steps to control the observance of legislation, resulting in providing inaccurate information”. Prior to that, KGB officers attempted to seize his working documents and in that way unlawfully interfere with Aheyev’s professional activities.

- 2 more lawyers - **Tatsiana Aheyeva**, the member of the Board of the Minsk City Bar, and **Zarina Zaleuskaya**, who also participated in the investigative activities of criminal cases that followed in the aftermath of elections of 19 December 2010 were disbarred under the same decision of the Ministry of Justice.
- On 4 March 2011, **Pavel Sapelka**, a well-known lawyer and the member of the Board of the Minsk City Bar, was excluded from the Bar due to the pressure from the Ministry of Justice of the Republic of Belarus. Until the above-mentioned decision of the Board, Sapelka was representing the interests of three well-known Belarusian politicians: Andrei Sannikau, ex-candidate for presidency, imprisoned in organization of riots on December 19, 2010; Pavel Seviarynets, the Head of Electoral Headquarters of ex-candidate for presidency Vitali Rymasheyvsky; and Dzmitry Dashkevich, the leader of "Young Front", the biggest pro-democratic youth organization in Belarus.
- **Tamara Sidarenka** was deprived of her license on 30 August 2011. During the investigation and consideration of the criminal case of events of 19 December 2010 in court, Tamara Sidarenka defended the ex-presidential candidate Uladzimir Nyaklyaeu. She also defended former presidential candidate Ales Mikhalevich after the Ministry of Justice withdrew legal license from his previous lawyer Aleh Aheyev.

Human rights organizations are concerned about two more lawyers² who might be deprived of their licenses in the coming months.

In July 2011, three lawyers - **Daria Lipkina, Hanna Bakhtsina and Irina Burak** – who were involved in 19 December case, experienced interferences into their professional activities. Their legal licenses were subject to examination of a newly established Certification Commission, which suggested the Qualification Commission (higher instance of evaluation of lawyers) to deprive lawyers of their licenses. All these lawyers requested complete acquittal of their clients. However, the decision of the Qualification Commission on the withdrawal of their license was not adopted and now lawyers are able to continue their work.

In Azerbaijan, we have seen the similar tendency to hinder lawyers to carry out their work the last months.

Two lawyers have been disbarred and one lawyer was suspended of his license:

- **Elchin Namazov**, a prominent lawyer who was actively engaged in defending opposition and participants of 2 April 2011 protests in Azerbaijan, was disbarred from the Bar Association in September 2011 by the court. The court decision also refers to the Prosecutor Office to initiate a criminal case against Namazov for disrespect of the court. Prior to that, he received threats and warnings for defending youth activists and opposition members.
- **Khalid Bagirov** was a lawyer in a number of cases of public interest with criminal charges. His membership in Bar Association was suspended for one year as a disciplinary measure in August 2011. Prior to that, the national court initiated a criminal case of defamation against him as the lawyer disseminated information about alleged police involvement in ill-treatment and death of his defendant in the prison in

² The names of the lawyers are not published for security reasons since the disbarment is not confirmed yet.

the media. The case was, however, terminated in April 2011 due to procedural grounds.

- **Osman Kazimov** is a prominent lawyer who defended many well-known opposition activists and public figures in numerous criminal cases. On 4 February 2011, the Bar Association suspended his license as defense counsel and referred to the court for Kazimov to be disbarred. The Bar Association based its claim for dismissal of Kazimov on the request of the Prosecutor's Office, which claimed that Kazimov violated professional ethics, evading the protection of his client Tural Kerimov. Upon the court request to present documentation for alleged violations of Kazimov but the Bar Association, however, was unable to provide any arguments. Following favourable court decision to him, the Bar Association abolished its decision on Kazimov and refused from lawsuit. However, Kazimov claims that pressure on him still continue and considers such attitude as based on his political orientation and his membership in Musavat Party, one of the main opposition parties in Azerbaijan.

Other lawyers experience repression or interference with their activities:

- **Elchin Sadigov** is a lawyer, actively engaged in protection of media rights in Azerbaijan, in cooperation with Media Rights Institute. He was the defense lawyer of the prominent journalist and prisoner of conscience Eynulla Fatullayev who was released in April 2011. Recently, Sadigov was requested by the Board of the Bar Association to provide all documentation relating to his legal activities over the last year. The Bar Association based its request on the application of Azerbaijani citizen B. Aliyev to the Bar Association and the Ministry of National Security. In his allegation, B.Aliyev states that Sadigov cooperated with the group of ambassadors of various countries and opposition-minded deputies, received a large amount of money from them and engaged in propaganda against the government. The lawyer refused to perform illegal demand of the Bar Association and it is expected that the issue of punishing him will be brought before the Disciplinary Commission of the Bar Association. Elchin Sadigov states that this information is not truthful and actions brought against him form a part of repression campaign against lawyers in the country.
- Human rights lawyers in Azerbaijan are subject to threats and blackmailing by authorities; they are often prevented of or interfered with their professional rights, such as meetings with clients or independent conduct of their duties. The prominent human rights defender and lawyer **Intiqam Aliyev** was deprived of his membership in the Bar Association, despite being eligible to it under the national law, in November 2005. In addition, after the dispersal of assemblies held in Baku on 2 April and 17 April 2011 Intiqam Aliyev and **Yalchin Imanov**, member of the Bar Association, were refused of a list of detained people to whom they intended to provide legal defence and were subject to illegal treatment like psychical force and insults by several police officers.
- **Alaif Hasanov**, current defense counsel of imprisoned youth activist Bakhtiyar Hajiyev and Shahin Hasanli, a member of Azerbaijan National Front Party, was subjected to smear campaign by local authorities in the Zardab region of his residence after March 2011.
- Another member of the Bar Association **Aslan Ismayilov** received warning about violation of the rules of code of ethics advocates. As a result, administrative charges have been brought against him and the final decision of the Chairman of Bar Association is due to be adopted. A. Ismayilov considers these measures against him to be brought due to his professional activity.

In **Georgia**, human rights lawyers recently also faced difficulties in defending their clients. In some administrative and criminal cases with high state interest, smear campaigns have been used to undermine the work and credibility of some lawyers. Human rights organizations have reported about difficulties to get access to clients after the dispersal of demonstrations on 29 May 2011. At least 5 lawyers were prevented of access to detainees and in some cases they were not allowed to visit their clients in hospitals.

- On July 28, 2011, **Ramin Papidze**, a lawyer at the Georgian Bar Association, was sentenced to 10 days of administrative imprisonment for alleged misbehavior in the courtroom while he was defending the interest of his clients, accused of inflicting damage on the Adjara TV station building during the protests that occurred in Batumi on 21 May 2011. Reportedly, the decision taken by the judge was solely based on statements made by the court bailiffs, ignoring other witnesses present in the courtroom. Papidze might not have been given enough time to prepare his defense adequately. Additionally, it should be noted that prior to his detention, Papidze had been fined on several occasions during the judicial proceedings initiated against his clients following the protest of 21 May 2011.
- The **Georgian Young Lawyers Association (GYLA)** became subject to smear campaign of public authorities, after it published important findings on death of one of the protesters of 26 May 2011 rally dispersal³. On 6 September 2011, GYLA stated that based on evidences, death of the protester Nika Kvintradze may have resulted from the excessive use of force of the police and highlighted the importance to review the investigation. In response, the Georgian Ministry of Internal Affairs publicly accused GYLA of disseminating lies and fabricated information.

In Armenia, attempts to pressure lawyers defending fundamental freedoms are also visible in the recent years.

- In April 2009, **Argishti Kviryan**, lawyer and coordinator of the Agency Armenia Today was beaten and wounded after being shot. The investigative body filed a criminal case pursuant to Article 117 of the Criminal Code of the republic of Armenia (concerning damage to health), whereas human rights groups claimed that the criminal case should have been filed under the Article 104.3 of the Criminal Code (attempts to murder).
- The office of human rights lawyer **Artak Zeynalyan** has been raided twice since December 2010. The lawyer defends nine of the previous political prisoners at the national courts and in the European Court of Human Rights.
- On 9 August 2011 at 22.00 seven activists of the opposition Armenian National Congress have been arrested in the centre of Yerevan and were not allowed to meet with their lawyers **Vahe Hovsepian** and **Stepan Voskanyan**. According to the Armenian Helsinki Association, the lawyers were isolated from their defendants and were kept in a separate room until 5:00 by the police officers.
- In September 2011, **Gayane Khachatryan**, the lawyer of Armenian Helsinki Association has been subjected to threats by unknown persons. They stopped her car and cursed her. Khachatryan's defendant is accused in murder in a high profile case. Human rights organizations claim that high officials are involved in this crime.

³ <http://humanrightshouse.org/Articles/16913.html>

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About the Human Rights House Network (www.humanrightshouse.org)

The Human Rights House Network is a forum of cooperation between established and emerging Human Rights Houses, uniting 70 NGOs in 15 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN’s aim is to protect, strengthen and support human rights defenders and their organizations. The Human Rights House Foundation, based in Oslo (Norway) and Geneva (Switzerland), is the secretariat of the Human Rights House Network.

**About the South Caucasus Network of Human Rights Defenders
(www.caucasusnetwork.org)**

The South Caucasus Network of Human Rights Defenders unites 30 human rights NGOs in Armenia, Azerbaijan and Georgia. The Network seeks to facilitate creation of a safer and enabling environment for human rights defenders in the South Caucasus and to strengthen their voices in the region and internationally.