

Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/6, 25/18, 26/7, 25/2, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the alleged ill-treatment and inadequate detention conditions of Mr. Intigam Aliyev** whilst in Baku prison No.6.

Mr. Intigam Aliyev is a human rights lawyer and the head of the Legal Education Society, a human rights organisation that provides legal support to non-governmental organisations and persons with low-incomes. Mr. Aliyev submitted a large number of applications to the European Court of Human Rights concerning election rigging, and violations of the rights to freedom of expression and fair trial. Together with other independent human rights groups in Azerbaijan, he had been compiling a list of political prisoners in Azerbaijan and advocating for their release. In October 2014, Mr. Aliyev was awarded, together with other prominent Azerbaijani human rights activists, the Andrei Sakharov Freedom Award by the Norwegian Helsinki Committee Andrei Sakharov Freedom Award. On 22 April 2015, Mr. Aliyev was convicted on charges of illegal business activity, tax evasion and abuse of office, and sentenced to 7-years and 6-months imprisonment.

Since his arrest and initial detention in August 2014, Mr. Aliyev's health has significantly deteriorated allegedly as a result of the conditions of detention and ill-treatment by the authorities. As documented by doctors prior to his detention, he suffers from [REDACTED]

Mr. Aliyev was the subject of two previous communications sent by various Special Rapporteurs, dated 1 February 2013, see A/HRC/23/51, case no. AZE 2/2013; 15 August 2014, see A/HRC/28/85, case no. AZE 5/2014; and 29 May 2015, see A/HRC/30/27, case no. AZE 2/2015. While we note the response received from your Excellency's Government to the communications dated 1 February 2013 and 29 May 2015, we regret that, to date, no response has been received to the communication dated 15 August 2014.

According to the information received:

On 28 July 2015, Mr. Intigam Aliyev was transferred from Baku pre-trial detention centre in the Sabuncu district of Baku, to prison No. 6, in Baku's Nizami district.

On the first day of admission to Baku prison No.6, on 28 July, Mr. Aliyev was allegedly held in a quarantine cell, under harsh and degrading conditions for 20 days. The cell was shared with 15 other prisoners, lacked fresh air or ventilation, and Mr. Aliyev was allegedly subjected to abusive and degrading treatment by prison guards during this time period. Mr. Aliyev was subsequently moved from the quarantine cell to a room shared with 25 people, in which he was not provided with a bed of his own, forcing him to sleep on the floor or on different beds of other detainees. Mr. Aliyev was allegedly asked for money by prison officials upon requesting a bed of his own. At the time of sending this communication, Mr. Aliyev remains without a bed.

The family of Mr. Aliyev was not granted permission to meet with him until 20 August 2015, 24 days after his transfer to prison No.6. When his family was allowed to visit Mr. Aliyev, the meeting's length was restricted to two hours, despite the normal practice of allowing prisoners between four to six hours for family visits.

Mr. Aliyev was not permitted access to a lawyer of his choice until 28 August 2015, when permission was granted by the Penitentiary Service following an alleged intentional delay in the processing of his lawyer's visit requests.

During his detention, Mr. Aliyev has not been provided with adequate medical treatment, despite informing prison authorities of his serious health conditions on numerous occasions. Prior to his detention, Mr. Aliyev had undergone a series of medical examinations, and had been advised to start the medical treatment and undergo further medical examinations within two months. Mr. Aliyev has



He has also not received independent medical examination since the time of his detention, despite making repeated requests to prison authorities.

While detained in prison No. 6, Mr. Aliyev has been subjected to continuous pressure when requesting the authorities to ensure his safety and respect his right to physical and mental integrity.

Grave concern is expressed at the detention of Mr. Intigam Aliyev, as it appears to be as a result of his peaceful and legitimate human rights work. Serious concern is also expressed at the alleged risks to Mr. Aliyev's physical and psychological integrity as a result of his ill-treatment at the hands of the prison authorities. We also express grave concern about the inadequate detention conditions of Mr. Aliyev, including denials of regular and uninterrupted access to his family and significant delay in obtaining access to a lawyer of his choosing. We also express concern at the worsening of his health condition while in detention and the lack of appropriate medical attention and treatment.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Regarding the denial of access to medical care for Mr. Aliyev while in detention, we would like to refer your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights (ICCPR), ratified by Azerbaijan on 14 August 1992 and to paragraph 34 of the General Comment 14 of the relevant Committee, which indicates that States are under the obligation to respect the right to

health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services. Moreover, the Basic Principles for the Treatment of Prisoners, adopted by General Assembly resolution 45/111, underline that prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9).

In regards to Mr. Aliyev's lack of access to his defense lawyer, we would also like to refer your Excellency's Government to the UN Basic Principles on the Role of lawyers, in particular principle 1 which provides for the right of access to a lawyer for everyone and principle 8 which provides for free communication with a lawyer in full confidentiality.

We would like to refer your Excellency's Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 9, paragraph 1, and 12, paragraphs 2 and 3.

We also take this opportunity to reiterate that the legitimate exercise of the right to freedom of expression is of central importance in the effective functioning of a democracy and, in particular, recall article 19 of the ICCPR, which guarantees the right to freedom of expression.

We further refer to paragraphs 3 and 5 of resolution 12/16, where the Human Rights Council has expressed its concern at the violation of human rights, including arbitrary detention, torture, intimidation, persecution and harassment, threats and acts of violence and censorship against those who seek to promote their rights, including human rights defenders, and has called upon States to take all necessary measures to put an end to violations of these rights and bring those responsible to justice.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the detention of Mr. Aliyev, and how they are related to his legitimate and peaceful human rights activities and how they are in line with international norms and standards.
3. Please provide information on what steps have been or are being taken to protect Mr. Aliyev's physical and mental integrity, and to ensure detention conditions in line with international norms and standards.
4. Please provide information concerning any instances in which Mr. Intigam Aliyev has received access to the necessary medical care to adequately treat the above-mentioned medical conditions while in detention, , at Baku prison No.6, in conformity with international norms and standards.
5. Please provide information as to what measures have been taken to ensure that Mr. Aliyev is granted regular and uninterrupted access to the lawyer of his choice, and any other lawyers of his choosing, including the opportunity to meet with any such lawyers in confidence, and with full respect of lawyer-client privilege with regard to their communications, in line with international norms and standards.
6. Please provide information as to what measures have been taken to ensure that the family of Mr. Aliyev are permitted to visit him during the service of his prison sentence, and that they are allowed the full time to which they are entitled for their meetings, as provided by international human rights standards.
7. Please provide information as to the measures that are in place to ensure that Mr. Aliyev may report any instances of physical or psychological pressure exerted against him without fear of facing reprisals of any sort from the prison authorities, as provided by international human rights standards.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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highest attainable standard of physical and mental health

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