

BY PRIORITY AIRMAIL

His Excellency Mr Fikrat Mammadov
Ministry of Justice
AZ 1073 İnşaatçılar prospekti 1 Bakı şəhər
BAKI
Azerbaijan

Email: contact@justice.gov.az

Amsterdam, 6 October 2020

Subject: Mr. Elchin Mammad

Your Excellency,

Lawyers for Lawyers is an independent lawyers' organization which seeks to promote and protect the independence of the legal profession through the support of lawyers around the world, who face reprisals, improper interferences or restrictions in carrying out their professional functions. Lawyers for Lawyers has Special Consultative status with the UN Economic and Social Council since 2013.

Lawyers for Lawyers is concerned about the ongoing detention and health of Mr. Elchin Mammad. Lawyers for Lawyers fears that Mr. Mammad's arrest and ongoing detention are connected to, and serve to curb his legitimate activities as an attorney.

Elchin Mammad is a human rights lawyer, President of the Social Union of Legal Education of Sumgait Youth (SULESY), an NGO providing free legal assistance to low income families and non-profits, as well as the Editor-in-chief of the newspaper Yukselish Namine, which publishes articles on human rights concerns in the country.

Mr. Mammad was arrested by the Sumgait city police on 30 March 2020, a few days after he had published a critical report on the human rights situation in Azerbaijan. His office was searched in his absence and the police claimed to have found stolen jewelry. On 31 March 2020, the Sumgait City Court remanded Mr. Mammad as a criminal suspect under Article 177.2.4 of the Criminal Code of Azerbaijan ("theft causing significant damage") in custody for three months. While in detention, Mr. Mammad was also charged under Article 288.1 of the Criminal Code ("illegal purchase and possession of firearm accessories"), as the police allegedly found ammunitions during a second search of the SULESY offices. Mr. Mammad was to be released on 30 June 2020, however, he still remains in detention. It has been reported that the Sumgait City Court rejected various requests of Mr. Mammad's lawyer to place Mr. Mammad under house arrest.

According to our information, the court is expected to render its decision in the coming weeks. We have serious concerns about the health of Mr. Mammad. He suffers from Hepatitis C and we understand that his health has seriously deteriorated while in detention, including kidney issues and swollen legs. In addition, the overcrowding and poor prison conditions in Azerbaijan create an increased risk of contracting COVID-19.

We would like to respectfully draw your attention to the United Nations Basic Principles on the Role of Lawyers¹, and more in particular Article 16, and 23, which read:

16. *Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*
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. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.*

In view of the above, Lawyers for Lawyers respectfully urge you to immediately:

- Release and drop all charges against Mr. Mammad unless credible evidence is presented in proceedings that respect fair trial guarantees and put an end to all acts of harassment against Mr. Mammad, including at the judicial level;
- Guarantee in all circumstances that all lawyers in Azerbaijan are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment.

Thank you for your attention to this very important matter. We are confident that the government of Azerbaijan will give this case the attention it deserves and we will continue to monitor this case closely.

Yours sincerely,



LAWYERS FOR LAWYERS

Sophie de Graaf, Executive Director

¹ The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on September 7 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, in a resolution that was adopted without a vote on December 18 1990 in both the session of the Third Committee and the plenary session of the General Assembly.