

BY PRIORITY AIRMAIL

The Presidential Palace,
19 Istiqlaliyyat street,
Baku, AZ1066
Republic of Azerbaijan

BY EMAIL

H.E. Aliyev Kamran Bayram
Prosecutor General of the Republic of Azerbaijan
State Counselor of Justice of the 1st degree

E: k.aliyev@prosecutor.gov.az

Amsterdam, 30 November 2022

Subject: ongoing pre-trial detention of Mr. Elchin Sadigov

Your Excellency,

The undersigned organisations are concerned about the pre-trial detention and house arrest of lawyer Elchin Sadigov.

Mr. Sadigov is a prominent lawyer at the Bar Association of Azerbaijan. As part of his work, he defended the rights of political prisoners, journalists, media, political figures, activists, and LGBTQ+ persons.

According to our information, Mr. Sadigov was arrested together with a journalist Mr. Avaz Zeynalli, on 10 September, 2022. That same day, officers from the Prosecutor's General's Office searched Mr. Sadigov's home and office, where they confiscated documents and his mobile phone. Mr. Sadigov was charged on 11 September, 2022, with "complicity in bribe-taking". Mr. Sadigov is at risk of a sentence of 12 years in prison under article 311.3.3. of the Criminal code of Azerbaijan. Mr. Zeynalli was charged with "large-scale-bribe-taking".

The Binagadi district court ordered the detention for two months and both Mr. Sadigov and Mr. Zeynalli were being held in the detention center of the State Security Service in Baku, while according to Azerbaijani legislation a detainee should be awaiting trial in the pre-trial detention center. On 17 September, 2022, the pre-trial detention measure was replaced by a preventive measure of house arrest. This implies that Mr. Sadigov cannot leave the city of Baku while he defends human rights in all regions of Azerbaijan. Thus, the professional activity of Mr. Sadigov is limited.

At the time of his arrest, Mr. Sadigov represented Rasim Mammadov, the former director of a local steel factory, currently on trial on allegations of embezzlement. On 7 September 2022, the [Haqqin](#) news agency published a web story about journalist Zeynalli, alleging that he had extorted 20,000 Azerbaijani manat (approx. 11800 USD) from the family of Rasim Mammadov promising to stop negative coverage of the case in exchange for the money. In the article, Sadigov was alleged to be an intermediary in this deal.

We are concerned that the search by the Prosecutor's Office of Elchin Sadigov's home and office on 10 September, which led to the seizure of documents, was conducted in violation of legal professional privilege. The confidentiality of lawyer-client communications and lawyers' files are protected under international human rights law as part of the right to a fair trial.

We are furthermore concerned that the detention and judicial harassment of Mr. Sadigov are connected to, and serve to unlawfully curb his legitimate activities as an attorney.

We draw your attention to the United Nations Basic Principles on the Role of Lawyers¹, particularly Article 16 and 22, which state:

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.

22. Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

In view of the above, the undersigned organisations respectfully urge the Azerbaijani authorities to:

- Drop all charges against Mr. Sadigov unless credible evidence is presented in proceedings that respect fair trial guarantees, and put an end to all acts of harassment against Elchin Sadigov, 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 restriction

We thank you for your attention and consideration to this very important matter. We hope that the authorities of Azerbaijan will give this case the attention it deserves. We will continue to monitor this case closely.

Yours sincerely,
Lawyers for Lawyers
International Observatory for Lawyers

¹ The UN Basic Principles on the Role of Lawyers (Basic Principles) 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 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.