



NGO in Special Consultative Status with the Economic and Social Council of the United Nations since 2013

BY AIRMAIL

President of the Bar Association of the Republic of Azerbaijan

Baku, AZ 1000, 32 street, S.Vurgun

REPUBLIC OF AZERBAIJAN

E-mail: office@barassociation.az

Amsterdam, 24 December 2014

Re: disbarment of attorney Khalid Bagirov

Dear Mr. President,
Dear Colleague,

Lawyers for Lawyers is an independent and non-political Dutch foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers for Lawyers is concerned for Khalid Bagirov, attorney-at-law and member of the Collegium of Advocates since 2005, who faces disbarment. We have reason to believe that his disbarment is connected to his legitimate activities as attorney.

According to our information, Khalid Bagirov's license to practise was suspended on 10 December 2014. The Presidium of your Bar also filed an application to court to exclude him from the Collegium of Advocates. The submission was reportedly based on a complaint issued by the Sheki Court to your Bar. Khalid Bagirov should have breached professional ethics when he questioned the fairness of a court decision in the case against one of his clients, opposition-leader Ilgar Mammadov who was jailed in 2013 for supposedly inciting a riot.

Lawyers for Lawyers – as well as various other organizations - fear that the disciplinary proceedings against Khalid Bagirov serve to curb his legitimate activities as attorney. Aside from Ilgar Mammadov, Khalid Bagirov was also defending other well known critics of the government in criminal cases, including Khadija Ismayilova, the investigative reporter recently imprisoned in Azerbaijan, Rasul Jafarov, Arif Yunus and Yadigar Sadigov. The suspension of his license means that he is no longer entitled to represent his clients in criminal cases and that they are deprived from his legal defense.

As a member of the United Nations Assembly, Azerbaijan is bound by the UN Basic Principles of the Role of Lawyers adopted by the Assembly in 1990. We would draw your attention to paragraph 10 of the Preamble and Articles 16, 18 and 25 of the Principles in particular which state that:

Preamble. Whereas professional associations of lawyers have a vital role to play in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements, providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and public interest, The Basic Principles on the Role of Lawyers, (...) which have been formulated to assist Member States in their task of promoting and ensuring the proper role of lawyers (...)

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

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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.

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

25. Professional associations of lawyers shall cooperate with Governments to ensure that everyone has effective and equal access to legal services and that lawyers are able, without proper interference, to counsel and assist their clients in accordance with the law and recognized professional standards and ethics.

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

- Lift the suspension of Khalid Bagirov's license to practice, drop the disciplinary proceedings before court to exclude Khalid Bagirov from the Collegium of Advocates, and assure that any disciplinary action against him is taken in conformity with the Principles cited above and other international legal obligations binding upon Azerbaijan.
- Guarantee in all circumstances that all lawyers in Azerbaijan are able to practice law without threat, intimidation, hindrance, harassment, improper interference or reprisals, including disciplinary measures on improper grounds.

We thank you for your attention to this very important matter and look forward to hearing from you at your earliest convenience. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Yours sincerely

Lawyers for Lawyers

Adrie van de Streek
Executive director

Copies sent to:

- President of the European Court of Human Rights, via Registrar Erik Fribergh: erik.fribergh@echr.coe.int
- President of PACE, Anne Brasseur, via Mark Neville: mark.neville@coe.int
- Chair of PACE Committee on Legal Affairs and Human Rights, James Clappison, via Andrew Drzemczewski : andrew.drzemczewski@coe.int
- Commissioner for Human Rights, via Bojana Urumova: bojana.urumova@coe.int
- Special Rapporteur of the Human Council on the independence of judges and lawyers, Mrs. Gabriela Knaul, E-mail: SRindependenceJL@ohchr.org
- Ambassador Extraordinary and Plenipotentiary of the Republic of Azerbaijan to the Kingdom of the Netherlands, Mir-Hamza Efendiyev
- Ambassador of the Kingdom of the Netherlands to the Republic of Azerbaijan, Mr. Robbert J. Gabriëlse