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Speaker: Mr. Paul Scambler

Oral Statement to the 39th Session of the UN Human Rights Council Regular Session - Oral Statement Item 6: UPR Outcomes: Azerbaijan

Mr President,

Lawyers for Lawyers¹ welcomes the decision of Azerbaijan to accept² some of the recommendations relating to the rights of lawyers, made at its 3rd UPR. We call on Azerbaijan to effectively implement these recommendations³ without delay.

¹ Lawyers for Lawyers is an independent and non-political Dutch foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. We do this by supporting lawyers worldwide who are threatened or suppressed in the execution of their profession. Lawyers for Lawyers was granted Special Consultative status with the UN Economic and Social Council in July 2013. www.lawyersforlawyers.org

² Report of the Working Group on the Universal Periodic Review of Azerbaijan, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 10 September 2018, A/HRC/39/14/Add.1

³ Report of the Working Group on the Universal Periodic Review of Azerbaijan, 11 July 2018, A/HRC/39/14.

Supported recommendations:

140.70 Respect the rights of lawyers (France);

141.12 Extend a standing invitation to the Special Rapporteur on the independence of judges and lawyers to undertake fact-finding country visits with respect to the situation of the judiciary and legal professions in the country (Greece);

141.13 Establish independent and transparent mechanisms for disciplinary proceedings against lawyers in conformity with the Basic Principles on the Role of Lawyers and Recommendation No. R(2000)21 of the Council of Europe on the freedom of exercise of the profession of lawyer (Austria);

141.68 Ensure that all defendants have access to appropriate legal representation, including by increasing the number of qualified lawyers (Estonia);

141.71 Ensure that all governmental authorities, in cooperation and consultation with the Bar Association and with lawyers themselves, take steps to ensure that lawyers are protected from intimidation and harassment or other improper interference in their work (Slovenia);

141.77 Revise the selection process for the bar of lawyers, ensuring the use of objective, transparent and independent criteria, which will promote the legal protection of all persons (Mexico)

Noted recommendations:

141.33 Ensure that human rights defenders, lawyers and civil society actors are able to carry out their activities without fear or threat of reprisal, obstruction or legal or administrative harassment, as previously recommended (Sweden);

141.39 Amend the Law on Advocates and Advocates' Activities to remove executive and judicial representatives from the Qualification Commission of the Bar Association, to prevent the use of punitive measures against lawyers for their human rights work, and to ensure transparent criteria and procedures for admission (United States of America);

141.67 Ensure that human rights lawyers are not disbarred for political reasons and remain entitled to represent clients in courts (Czechia);

141.76 Refrain from any undue interference in the work of lawyers and ensure the effective independence of the Bar Association of Azerbaijan (Germany);

Even though these recommendations are noted, we call on Azerbaijan to effectively implement these without delay.

Protection of human rights and fundamental freedoms requires effective access to legal services provided by an independent legal profession. Fundamental to improving human rights for the people in Azerbaijan is a justice system that allows lawyers to work independently without fear of harassment or intimidation.

According to our information, lawyers in Azerbaijan working on sensitive cases are sometimes the subject of intimidation, harassment or other improper interference in their work. Lawyers who have publicly expressed concerns about possible human rights violations of their clients, face disbarment or other disciplinary measures by the Bar Association of Azerbaijan.

Bar associations have a vital role to play in protecting their members from persecution and improper restrictions and infringements. We are concerned that the Azerbaijan Bar Association reportedly suffers from institutional weaknesses and does not operate as an independent self-governing institution. Constituent bodies of the Bar Association are under the direct influence of the authorities and appear to have insufficient leeway to carry out their functions in an independent manner.

We therefore urge Azerbaijan to take immediate measures to ensure that sufficient safeguards are in place to guarantee the full independence of lawyers and their effective protection against any form of undue interference in their work, including their disbarment or other disciplinary actions on improper grounds.

In particular, we urge Azerbaijan to revoke the decision to suspend or disbar lawyers Khalid Bagirov, Elchin Namazov, Aslan Ismayilov, Muzaffar Bakhishov, Alaif Hasanov, Yalchin Imanov, Nemat Karimli, Asabali Mustafayev and recently Irada Javadova.

Thank you.

This statement was delivered by:

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