



Since 2013 **Lawyers for Lawyers** has **Special Consultative Status**
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BY AIRMAIL

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Amsterdam, 11 August 2015

Re: disbarment of attorney Khalid Bagirov

Your Excellency,

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

By letter of December 2014 to the Presidium of the Azerbaijan Bar Association (ABA), Lawyers for Lawyers already expressed its concern about the suspension of Bagirov's license to practice law. Besides the suspension of Bagirov's license, the Presidium of the ABA also filed an application to the Nizami District Court to exclude Bagirov from the Collegium of Advocates for inappropriate conduct in Court. The submission was reportedly based on a complaint issued by the Sheki Court to the ABA. Bagirov should have breached professional ethics when he questioned the fairness of a Court decision in a case against one of his clients, opposition-leader Ilgar Mammadov. In 2013, Mammadov was sentenced to jail on charges of inciting a riot.

According to our information, the Court granted the ABA's request on July 10, 2015, resulting in Bagirov's disbarment.

Lawyers for Lawyers – as well as various other organizations – fear that Bagirov's disbarment serves to curb his legitimate activities as an attorney. In recent months the ABA has moved to disbar a number of lawyers who have represented human rights defenders and activists. Aside from Ilgar Mammedov, Bagirov was defending other well-known critics of the government in criminal cases, including Khadija Ismayilova, Rasul Jafarov, Arif Yunus and Yadigar Sadigov.

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 Articles 16, 18, 23 and 29 of the Principles in particular which state that:

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.

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

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.

29. All disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles.

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

- Immediately review and cancel the decision to disbar Khalid Bagirov and return his lawyer's license.
- Assure that any disciplinary action against Bagirov or any other lawyer 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

Letters concerning the same topic were sent to:

- Minister of Justice in Azerbaijan, Mr. Fikrat F. Mammadov
- President of the Bar Association of the Republic of Azerbaijan

Copies of this letter were 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
- The Dutch Human Rights Ambassador, Kees van Baar