

Foundation



Lawyers' Rights Watch Canada

Adana, Amsterdam, Ankara, Athens, Barcelona, Berlin, Brussels, Dhaka, Dusseldorf, Frankfurt, Geneva, The Hague, Hamburg, Islamabad, Istanbul, Izmir, Lahore, London, Lyon, Madrid, Manila, Milan, Montpellier, Multan, Nantes, New York, Nuremberg, Paris, Rawalpindi, Rome, Sydney, Toronto, Vancouver, Venice, Yaoundé,

11th DAY OF THE ENDANGERED LAWYER

24th January 2021 - AZERBAIJAN:

The struggle to protect Azerbaijani lawyers

Petition

The DAY OF THE ENDANGERED LAWYER is commemorated each year on 24 January.

On that Day, 24 January 1977 four trade union lawyers and an employee were murdered in their office in Madrid, Spain, simply for doing their job. One of the killers escaped on a permit granted by the investigating judge before the trial. Another, sentenced to 193 years, escaped while on parole and is at large. The third one, with the same sentence, escaped while on parole, has been extradited from Brazil and recently released. The fourth, sentenced to 63 years, died in prison. All of them were associated with extreme right-wing parties.

This year, on 24 January 2021 we will commemorate the 11th anniversary of the Day of the Endangered Lawyer.

In past years, the Day has focused on the following countries: China, Colombia, Egypt, Honduras, Iran, Pakistan, The Philippines, Spain/Basque Country, Turkey, and Pakistan.

On this special day, the organizers ask their international colleagues to 1) raise awareness about the number of lawyers who are being harassed, silenced, pressured, threatened, persecuted, and in some countries tortured and murdered for their work as lawyers; and 2) initiate, or further develop a national discussion about ways to protect lawyers.

2021 DAY OF THE ENDANGERED LAWYER – AZERBAIJAN

Azerbaijan Democratic Republic – endangered lawyers

In the years after gaining independence in 1991, Azerbaijan has ratified the most important international and European human rights treaties. Nonetheless, continuing human rights violations have since been noted by committees of the UN, by the Council of Europe and by non-governmental organizations. Serious human rights violations have also affected the Azerbaijani lawyers who represented the victims of such human rights violations and spoke up about torture and ill-treatment in police custody.

A new law has been abused to prevent lawyers from exercising their profession

Since 1 January 2018 amendments to the Code of Civil Procedure (CCP) and the Code of Administrative Procedure (CAP) and the Law on Lawyers and Lawyer Activities ([Law No 853-VQD](#); [Law No 854-VQD](#); [Law No 855-VQD](#)) came into force. Practising lawyers who are not members of the Azerbaijan Bar Association (ABA) and other law practitioners were prohibited from practising law, for example appearing before the courts and representing natural persons in proceedings in all cases. It turned out that these new laws were used to prevent such lawyers from becoming members of the ABA and to disbar those who had been admitted.

During public discussions of these draft laws, a group of practising human rights lawyers established the Group of Practising Lawyers (GPL), with the aim of opposing changes to the legislation that aimed to abolish the opportunity for lawyers who are not member of the ABA to represent people before the courts in Azerbaijan. In 2018 eight out of nine members of the group successfully passed the written test. In the second round – in the oral exam 535 out of 607 candidates successfully passed, however, none of the members of the GPL. Among those who did not pass were five well-known human rights lawyers - Emin Abbasov, Asima Nasirli, Samed Rehimli, Ramil Suleymanov, and Tural Hajibeyli, members of the GPL. These are lawyers [who are known for their criticism of the ABA](#) and of the human rights situation in Azerbaijan.

Monitoring and reports by European and international organisations

In the years that followed the independence of Azerbaijan, regular investigations were conducted by European and international institutions and NGOs to monitor the development of the human rights situation in Azerbaijan and to make suggestions for improvement to the government.

[The UN Human Rights Council Working Group on Arbitrary Detention](#) also noted in its report on its visit to Azerbaijan (29 September 2017) that lawyers who assisted in bringing the cases of human rights defenders to the European Court of Human Rights (ECtHR) had been disbarred or even detained on various charges.

The **Council of Europe Commissioner for Human Rights (CoE-HC)** Dunja Mijatović, in her [report of 11 December 2019](#), called on the authorities to take immediate measures to ensure that the right of access to quality legal assistance is effectively guaranteed to all persons as from the very outset of their deprivation of liberty. “The authorities should adopt a law on legal aid in line with Council of Europe standards and ensure that all persons effectively enjoy the right to legal assistance,” she said. The use of disciplinary sanctions – like disbarment - on improper grounds and unclear criteria remains a serious concern. “Most of the lawyers recently disbarred or who had their licenses suspended were working on cases considered as politically sensitive. This suggests that disciplinary proceedings are used as a tool for punishing lawyers who take on sensitive cases. The Bar Association must strengthen the procedural safeguards to ensure that proceedings against lawyers are transparent and fair. It is also crucial to uphold lawyers’ right to express their views on matters of public interest.”

In its October 2020 [country report on Azerbaijan, the ECtHR](#) mentioned the following violations of the European Convention on Human Rights (ECHR), which Azerbaijan ratified in 2002: inhumane or degrading treatment (Article 3), arbitrary detention (Article 5), right to a fair trial (Article 6 § 1), freedom of expression cases (Article 10), freedom of assembly and association (Article 11), property rights (Article 1 of Protocol No. 1), right to free elections (Article 3 of Protocol No 1).

[Human Rights Watch reported in 2019](#): “Azerbaijan’s authorities continued to maintain rigid control, severely curtailing freedoms of association, expression, and assembly. The government released over 50 human rights defenders, journalists, opposition activists, religious believers and other perceived critics imprisoned on politically motivated charges. But at least 30 others remained wrongfully imprisoned, while authorities regularly targeted its critics and other dissenting voices. Other human rights problems persisted, including torture and ill-treatment in custody, violations of freedom of assembly, undue interference in the work of lawyers, and restrictions on media freedoms.”

In 2019 the **International Bar Association Human Rights Institute (IBAHRI)** co-signed an [open letter](#) which condemned punishment of a human rights lawyer by the Azerbaijani Bar Association. “The undersigned organisations urge the Azerbaijani Bar Association to reinstate Humbatova’s licence and those of other human rights lawyers who have been disbarred on arbitrary grounds, and to protect, rather than undermine the independence of the legal profession in Azerbaijan. We also call on the government of Azerbaijan to comply with international standards on the protection of the legal profession, including those contained in the International Covenant on Civil and Political Rights, the ECHR and the UN Basic Principles on the Role of Lawyers (30th anniversary in 2020).

Law Society and Lawyers for Lawyers - 2020

In preparation of the Universal Periodic Review (UPR) of Azerbaijan in 2023, Lawyers for Lawyers and the Law Society of England and Wales have written a [mid-term report](#). In this report, they set out to what extent Azerbaijan has implemented the recommendations it accepted during the 2018 UPR process in relation to the role of lawyers.

During the UPR in 2018, Azerbaijan accepted four recommendations with respect to the effective protection of lawyers, including disciplinary measures taken against lawyers, and access to justice. The report concludes that Azerbaijan has not adequately implemented the four recommendations with respect to lawyers.

The Azerbaijani authorities have failed to respect the rights of lawyers by not adequately enabling them to perform their professional functions without intimidation, hindrance, harassment or improper interference. Furthermore, the Azerbaijani authorities have failed to take substantive steps to uphold the right to a fair trial and to guarantee that every citizen has effective access to justice and legal assistance of their choice.

CASES OF LAWYERS WHO HAVE BEEN INTIMIDATED, OR SUBJECTED TO DISCIPLINARY PROCEEDINGS AND CRIMINAL PROSECUTION

The persecution of independent lawyers and their subjection to harassment, criminal prosecution and disbarment by the Azerbaijan authorities has intensified in recent years. Such sanctions are intended to restrict their ability to take on high profile and politically 'sensitive' cases, especially those concerning human rights violations.

2020

Mr. Elchin Sadigov

On 26 September 2020 the Presidium of ABA issued a decision and deprived Elchin Sadigov of his right to practice the profession as an individual and placed him under surveillance by automatically assigning him as member of law office n° 14 of Baku. (L'Observatoire des Avocats). (See: [Interview \(Eng\) Elchin Sadigov to Turan information agency](#))

Mr. Javad Javadov

On 9 June 2020 lawyer Javad Javadov shared information on social media about the alleged physical ill-treatment of his client Mr. Kerim Suleymanli in police custody. Following this, the ABA issued Mr. Javadov with a warning. He had previously visited his client in detention. Mr. Suleymanli informed Mr. Javadov about the ill-treatment and showed him injuries on his body. Mr Javadov took photographs and later shared them on social media. In a press release issued on 11 June 2020 the ABA alleged that the distribution of such information caused the public to form an erroneous opinion about the events, and that Mr. Javadov therefore violated the Law on Lawyers and Lawyers' Activities and the Regulations on the Rules of Conduct of Lawyers. Mr Javadov was also warned by the ABA that serious measures will be taken if such actions continue in the future. ([EHRAC has documented disciplinary proceedings against Javad Javadov](#))

2019

In 2019 the ABA, which is seen as closely **tied to the government**¹, restored the licenses of three lawyers who work on cases involving political persecution. Their licenses had been suspended for one year following complaints filed by the prosecutor's office. But pressure continued on several other lawyers.

Mr. Nemat Kerimli (disciplinary measures).

[On 7 December 2019 Nemat Kerimli was informed by the ABA that a complaint had been lodged against him](#) by the Prosecutor General's Office. The complaint requested to discipline Mr. Kerimli for discussing allegations of torture and mistreatment of his client Tofiq Yaqublu by the Baku police in an interview with an independent media outlet. With the decision of the presidium of the ABA dated on 26 August 2020, [the Bar Association dismissed the complaint](#) of the Prosecutor General's Office in regard to lawyer, Nemat Kerimli.

¹ In the report (page 41) entitled 'Azerbaijan: Freedom of Expression on Trial', released in May 2014, the International Bar Association's Human Rights Institute concluded that "It is also apparent that the BAA is not independent of the Azerbaijani government and is therefore unable to act as an effective regulatory body capable of protecting the interests of either its members or the general public. This lack of independence is particularly evident in terms of admission to the BAA (which is effectively controlled by the Qualifications Commission, a majority of whose members are government-appointed) and in terms of its disciplinary proceedings, which appear to the delegation to have been used against defence lawyers in order to discourage BAA members from acting on behalf of clients critical of the government, including journalists and bloggers. <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=F67B1CD7-79CA-462B-97AA-41D19FB66C55> ;

Furthermore, in its recent Open Letter to the Presidium of the Azerbaijani Bar Association (4 December 2019) IBAHRI, Lawyers for Lawyers along with other human rights organizations noted serious concerns of a lack of independence of the Bar Association and inappropriate state influence. <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=aa369241-bfb9-4533-9d38-2b75c31acfc8>

Mr. Kerimli has been subjected to disciplinary measures in the past. On October 21, 2019 the Presidium of the [ABA considered the appeal of the Penitentiary Service](#) and [issued a warning to Mr. Kerimli](#).

On 28 April 2018 the ABA [suspended his license for one year](#). The decision was made after the Prosecutor General's Office lodged complaints over public statements Mr. Kerimli made about the case of Afghan Mukhtarli. Mr. Kerimli is a prominent lawyer in Azerbaijan, known for taking on cases relating to politically motivated prosecutions.

Ms. Shahla Humbatova (licence suspended, disbarment request pending)

On 27 November 2019 the [ABA made a decision to suspend the licence of Azerbaijani human rights lawyer Shahla Humbatova](#) and to seek her disbarment from the court on the basis of a complaint from a past client and the alleged failure to pay several months of ABA membership fees. Humbatova dismissed the accusations from her client and considers such ABA measures disproportionate and retaliatory for her human rights defence work. Shahla Humbatova was awarded the International Woman of Courage Award by the United States Department of State on 4 March 2020 (<https://www.state.gov/2020-international-women-of-courage-award/>).

Ms. Humbatova acted as a defence lawyer in the case known as the 'Ganja case' relating to an attempted assassination of Ganja's mayor, which led to arrest and detention of dozens of individuals who alleged being ill-treated in detention. Earlier in 2019, the ABA threatened Humbatova with disciplinary proceedings after the Azerbaijani penitentiary service filed a complaint against her for spreading allegedly false information after she spoke publicly about the hunger strike and the poor health condition of her client, the then-political prisoner and blogger Mehman Huseynov in January 2019.

Mr. Yalchin Imanov (disbarred)

A member of the ABA since 2007, Yalchin Imanov is a human rights lawyer in Azerbaijan, who has taken on high-profile and politically-sensitive cases, especially those involving human rights defenders and political prisoners. On 8 August 2017, after having visited his client Abbas Huseynov who informed him about having being tortured by the prison officials for several days, and having witnessed injuries to the client's body himself, Mr. Imanov provided information about the torture allegations to the local media and appealed to the relevant state institutions for investigation. The next day, the Penitentiary Service appealed to the ABA asking for Mr. Imanov to be disbarred, claiming that he had defamed the prison officials and damaged the reputation of the law enforcement agencies. On 20 November 2017, the ABA adopted a decision to seek his disbarment from a court. On 22 February 2019, [Mr. Imanov was indefinitely disbarred by the Ganja Administrative Economic Court](#). In July 2019, he submitted a complaint to the ECtHR .

Mr. Elchin Sadigov (punished with a reprimand)

On 5 September 2018 the Prosecutor General's Office [discharged Elchin Sadigov](#) from the criminal proceedings in which he was the defence counsel for Yunus Safarov and complained to the ABA, claiming that he proposed that his client falsely complain that the investigative authorities tortured him.

On 25 February 2019 the ABA decided to punish [Mr. Sadigov with a reprimand](#). It did not consider the photos and videos published online after Mr. Safarov's arrest, which revealed clear and multiple signs of severe beatings and torture, or his mother's claim that her son was tortured for more than 25 days in detention.

2018

Ms. Irada Javadova

Irada Javadova is a human rights lawyer who was involved in numerous cases involving violations of citizens' property rights and protection of political activists and human rights defenders. She is the former head of NGO "Human Rights Education" and has been a member of the ABA for the last 13 years and served as a member of the ABA Presidium from 2012 to 2017. In 2017, Ms. Javadova was the only member of the ABA Presidium to vote against the disbarment of human rights lawyer Yalchin Imanov (see his case description above).

[On 11 June 2018 the ABA Presidium made a decision to seek her disbarment](#) on the basis of a complaint from her client who allegedly stated that Ms. Javadova wrote a public letter about her case without her consent and without having a notarised power of attorney and requested that the ABA take action against the human rights defender. Ms. Javadova has denied the allegations, stating that she had an agreement with her client and that she had legitimately defended her and acted within the law. On 14 June 2018, Ms. Javadova appealed the Presidium's decision to disbar her. Her case is still pending before the first instance court.

Mr. Nemat Kerimli and Mr. Asabali Mustafayev (licences suspended for one year)

On 23 April 2018 [the ABA issued a decision to suspend the licences of Nemat Kerimli and Asabali Mustafayev for one year](#). Both lawyers are known for taking cases relating to politically-motivated prosecutions. The move came after the prosecutor's office lodged complaints about the lawyers' public statements concerning the politically motivated cases on which they were working.

Fakhraddin Mehdiyev (licence suspended for one year)

On 22 January 2018 the ABA issued [a decision to suspend Fakhraddin Mehdiyev's licence for one year](#). Mr. Mehdiyev is a known prominent defender of the rights of political prisoners in Azerbaijan. His licence was suspended for allegedly disclosing prosecution material when he provided information about his client, Jahangir Hajiyev (former Chairman of the Board of the International Bank of Azerbaijan), to media representatives. Mr. Mehdiyev argued that the disclosure was legal as the case had already been decided at the time the interview was given.

Mr. Agil Layic (licence suspended for 6 months)

In January 2018 a disciplinary investigation was launched into the actions of lawyer Agil Layic, because a petition submitted to court on behalf of Mr. Layic's client was signed by Mr. Layic and not the client himself. [The investigation eventually concluded with Mr. Layic's licence being suspended for 6 months by the ABA. Mr. Layic](#) and his client signed a written agreement in June 2017. Hence, Mr. Layic had the authority to sign and file motions without the client's signature. Moreover, the client himself had no complaint about the petition or the lawyer's signature on it.

2017

Mr. Yalchin Imanov

In February 2017 a court approved the disbarment of Mr. Yalchin Imanov, [whom the ABA expelled after he publicly reported about his client's torture in prison](#)

2016

Mr. Farhad Mehdiyev (disbarred)

On 15 September 2016 Farhad Mehdiyev, a well-known law professor and advocate in Azerbaijan, [was disbarred by the ABA](#) on allegations that his membership payments to the ABA were overdue.

On 15 September 2016, following an appeal by the Prosecutor's Office for Grave Crimes on the basis that Mr. Mehdiyev was subjected to criminal investigation, the ABA decided to disbar him. In 2017 he was dismissed from his work in the University by the authorities. Mr. Mehdiyev believes his disbarment and dismissal are related to his critical statements on corruption and the legal profession

in the country. His disbarment case was communicated to Azerbaijan on 20 October 2020 by the [ECtHR \(App. No. 36057/18\)](#).

Muzaffar Bakhishov (disbarred)

On 1 April 2016 lawyer Muzaffar Bakhishov's licence was suspended by a decision of the ABA Presidium on the basis of the complaint of Supreme Court Judge Tatiana Goldman. [His disbarment was confirmed by the Narimanov District Court in May 2016](#). It was alleged that Mr. Bakhishov had demonstrated "disrespect" to the judge and court staff by comments he made at a Supreme Court hearing and thereby violated professional ethics. Mr. Bakhishov denied the allegations, relating the reason for the decision to an interview he gave to a news website moderator on 17 November in which he pointed out irregularities in the justice system and criticized the chairman of the Supreme Court Ramiz Rzayev. Mr. Bakhishov alleges that he was not properly informed of his rights at the Disciplinary Commission hearing. He said that he had access to the minutes of the relevant Supreme Court hearing for the first time only at the hearing of the Disciplinary Commission.

Khalid Baghirov (suspended for one year in 2011 and disbarred in 2015)

Khalid Bagirov is a prominent human rights lawyer in Azerbaijan. On 24 August 2011 Mr. Baghirov's [licence was suspended for one year](#) following his comments about the suspicious death of his client in police custody and his intentions to protest it.

Since the 2014 crackdown on civil society he has represented human rights defenders, activists and lawyers. Disciplinary proceedings were instituted against him following comments he made during a trial in September 2014 concerning a domestic court's failure to implement the ECtHR judgment in the case of Ilgar Mammadov, an opposition activist whose arrest the Court found to be politically motivated. [The ABA held that he had breached the ethical rules of conduct](#) by making a remark at the court hearing about the judicial system. The ABA lodged a request for Mr. Bagirov's disbarment on 18 December 2014, and he was disbarred in a decision by the Nizami District Court on 10 July 2015, which was upheld on appeal.

The ECtHR drew attention to the domestic courts' failure to assess the proportionality and pattern against human rights lawyers and noted that "applicant's disbarment were not relevant and sufficient, and that the sanction imposed on the applicant was disproportionate to the legitimate aim pursued (Para., 102).

On 25 June 2020 [the ECtHR found in its judgement](#) that Art. 8 and 10 of the ECHR had been violated and that the respondent state is to pay the applicant, EUR 18,000 (eighteen thousand euros) in respect of pecuniary and non-pecuniary damage.

Intigam Aliyev (convicted on 2015 and conditionally released in April 2016, travel ban imposed)

Intigam Aliyev, a prominent human rights lawyer who has submitted more than 200 applications to the ECtHR in cases of election rigging, violations of free speech and right to fair trial. He was refused membership of the ABA in 2009. [In 2015, he was convicted for tax evasion and abuse of power and sentenced to 7 years in prison](#).

He is the head of the NGO Legal Education Society. His NGO was *de facto* shut down as a result of the criminal case. Mr. Aliyev was conditionally released by the Supreme Court on 28 March 2016 after spending more than 19 months in detention. A travel ban imposed on him following his release remains in place to date, subject to examination by the ECtHR ([Aliyev v Azerbaijan, App. No. 22365/18](#)). A second travel ban was imposed upon Aliyev in December 2019 on the basis of the alleged failure of his NGO to pay a tax debt (from the period 2011-2014), which he considers to be a continuation of the authorities' persecution of him for his human rights work.

Following his detention and imprisonment, Intigam Aliyev was recognised as a political prisoner by Amnesty International. He received a number of international awards: the Homo Homini Award (2012); the Andrei Sakharov Freedom Award of the Norwegian Helsinki Committee, together

with Leyla Yunus, Rasul Jafarov and other political prisoners in Azerbaijan (2014); the Human Rights Award of the International Bar Association for outstanding contribution to human rights (2015); the Human Rights Award of the Council of Bars and Law Societies of Europe (CCBE) for devoting “his life to protecting the rights of individuals against the repressive system of the Azerbaijani government” and providing for decades a “legal assistance and representation to the politically persecuted” (2016) and the Civil Rights Defender of the Year Award, Civil Rights Defenders (2016).

In a Chamber judgment¹ (20 Sept 2018) the ECtHR unanimously held that there had been violations of Article 3 (prohibition of torture), of Article 5 § 1 (right to liberty and security), of Article 5 § 4 (review of detention), of Article 8 (right to respect for private life and communications), of Article 18 (limitation on use of restrictions on rights). The Court held that Azerbaijan was to pay the applicant 20,000 euros (EUR) in respect of nonpecuniary damage and EUR 6,150 for costs and expenses for the proceedings before the Court.

OLDER CASES

Prior to 2015 there were also regular reports of cases in which lawyers' rights were disbarred or even detained for political reasons. Among the lawyers affected by this policy were: Alayif Hasanov (convicted), Gurban Mammadov (convicted and disbarred), Aslan Ismayilov (disbarred), Afgan Mammadov (disbarred), Elchin Namazov (disbarred), Osman Kazimov (disbarred), Namizad Safarov, Hidayat Suleymanov and Latifa Aliyeva (disbarred), Intigam Aliyev and Annagi Hajibeyli (denied admission to reorganised Bar).

SYSTEMATIC FAILURE OF IMPLEMENTATION OF ECtHR JUDGMENTS ON DISBARMENT/DENIAL OF ADMISSION TO ABA

Azerbaijan has the worst record among the countries that do not implement decisions of the ECtHR. According to recent statistics (<https://rm.coe.int/168070973e>) Azerbaijan has implemented only 16 percent of the decisions adopted by the Court.²

The systematic failure to implement the decisions of the ECtHR also makes it impossible for lawyers whose rights have been violated to return to their profession.

This is illustrated by Azerbaijan's failure to implement the 2018 ECtHR decision in the case of [Hajibeyli and Aliyev v. Azerbaijan](#) (6477/08 10414/08). Applicants in this case several times applied to the Supreme Court without receiving a response for over one and half years since the date of judgment. In October 2020 both applicants, Intigam Aliyev and Annaghi Hajibeyli, have applied to the Supreme Court requesting the implementation of the ECtHR judgment in their case, but no response has been received.

The same problem has arisen in the disbarment cases of [Baqhirov v. Azerbaijan](#) (81024/12 - 28198/15) and [Namazov v. Azerbaijan](#) (74354/13). In both cases, the three-month time limit for considering the judgment of the ECtHR expired for the Supreme Court of the Republic of Azerbaijan.

In the case of [Namazov v. Azerbaijan](#) the ECtHR found violations of Article 8 (respect for private life) due to disbarment of a lawyer for breach of professional ethics following verbal altercations with a judge, lack of procedural safeguards in the disciplinary proceedings and Courts' failure to assess proportionality of the sanction.

² 10 November 2020, joint statement regarding the non-implementation of ECHR judgments against Azerbaijan in politically motivated prosecution cases signed by Amnesty International, the Baku Human Rights Club, the Election Monitoring and Democracy Studies Centre, the European Human Rights Advocacy Centre, the European Implementation Network, the Human Rights House Foundation, the International Partnership for Human Rights, the Legal Education Society and the Netherlands Helsinki Committee. <https://www.humanrightsclub.net/wp-content/uploads/2020/11/Joint-statement-regarding-the-non-implementation-of-ECHR-judgments-against-Azerbaijan-in-politically-motivated-prosecution-cases-.pdf>

In the case of *Bagirov v. Azerbaijan* the ECtHR found violations of Articles 10 and Art 8 (Freedom of expression and Respect for private life) as the lawyer was suspended for public criticism of police brutality and later disbarred for disrespectful remarks about a judge made in courtroom while representing Ilgar Mammadov.

According to local lawyers, there are more than 10 cases related to disbarment or abusive application of disciplinary proceedings against lawyers pending before the ECtHR at this time.

RECOMMENDATIONS

- Judgments of the ECtHR concerning human rights defenders, including lawyers, must be fully implemented.
- The European Convention on Human Rights must be fully implemented.
- UN Basic Principles on the Role of Lawyers should be fully implemented.
- Lawyers who have suffered damages through unjustified, illegal measures such as disbarment or imprisonment must be fully compensated.
- Lawyers must not be prevented from exercising their civil and political rights.
- The independence and role of lawyers must be respected by all institutions of the government.
- The Code of Ethics which limits the freedom of expression of lawyers must be amended to ensure that it complies with the standards of the ECtHR case law with regard to freedom of expression of lawyers.
- All governmental authorities, in cooperation and consultation with the Bar Association and with lawyers themselves, must take steps to ensure that lawyers are protected from intimidation and harassment or other improper interference in their work.
- No executive or judicial authority should initiate or threaten lawyers with criminal, administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.
- The role and duty of lawyers to represent their clients must be respected; lawyers should never be identified with their clients or their clients' causes as a result of representing clients whose political positions are opposed to those of the government.
- The ABA should reconsider the role it plays in the governance of the legal profession. It should initiate, through a consultative process, an internal reform based on the principles of independence of the profession, high standards of legal practice, the protection of lawyers from threats, harassment and hindrance in their work, and the democratic participation of its members.
- The legislative framework for the ABA Qualification Commission should be reformed to ensure its institutional independence.
- The ABA disciplinary procedure must be fair, objective, transparent and support the independence of lawyers in Azerbaijan. It must be 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. The government and the ABA should ensure that the Disciplinary Commission is free from any pressure or improper influence in its decision making and that lawyers are not subject to disciplinary penalties for action consistent with their professional duties including advocacy pursued in zealous representation of the client's interests or otherwise in the promotion of the cause of justice or promotion of human rights, including public denouncement of violations of human rights of their clients or other persons.

- All Disciplinary Commission decisions should be subject to independent judicial review.
- To amend the Law on Advocates and Advocates' Activities and to ensure transparent criteria and procedures for admission.

For more information, contact one of the following contact persons;

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The Coalition for the Endangered

On June 13, 2019, in the international lawyers meeting in Brussels, a new network was formed, called “the Coalition for the Endangered Lawyer” with the goal to further intensify cooperation for endangered colleagues.

The coalition is formed by the following lawyer organizations and bar associations:

AAJ - Asociación Americana de Juristas

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AED-EDL - Avocat.e.s Européen.ne.s Démocrates / European Democratic Lawyers

contact: Robert Sabata Y Gripekoven - robertsabata@icab.cat

AIIA (International Association of Young Lawyers)

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ASF - Avocats Sans Frontières Belgique

Contact: Patrick Henry - p.henry@elegis.be

Avocats Sans Frontières France

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Avocats.be - L'Ordre des Barreaux francophones et germanophone de Belgique

Contact: Stéphane Boonen s.boonen@skynet.be

Avvocati Minacciati - Osservatorio dell'Unione delle Camere Penali Italiane

Contact: Nicola Canestrini - info@endangeredlawyers.org

CCBE, Council of Bars and Law Societies of Europe - Conseil des Barreaux Européens

Contact: Nathan Roosbeek – roosbeek@ccbe.eu

CIB (Conférence Internationale des Barreaux de tradition juridique commune)

Contact : Yves Oschinsky - oschinsky@lexlitis.eu

CNB - Conseil National des Barreaux – Les Avocats

Contact : Josquin LEGRAND - J.LEGRAND@cnb.avocat.fr

Czech Bar Association

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DSF - AS - Défense Sans Frontière-Avocats Solidaires

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ELDH, European Association of Lawyers for Democracy & Human Rights

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FBE - Fédération des Barreaux d'Europe

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IADL – International Association of Democratic Lawyers

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IADL – International Association of Democratic Lawyers



AEA - EAL



IAPL



AED –EDL



IDHAE



AIJA (International Association of YoungLawyers)



IDHBB



ASF – Avocats Sans Frontière Belgique



Institut des droits de l'homme Bruxelles



Avocats Sans Frontières France



Judicial Reform Foundation



Ordre des Avocats de Paris



L'Institut des droits de l'homme du Barreau de Paris



Avocats.be



Lawyers for Lawyers



Avvocati Minacciati - Osservatorio dell'Unione delle Camere Penali Italiane



LRWC

Lawyers' Rights Watch Canada

CCBE – Council of Bars and Bar Societies of Europe



National Union of Peoples' Lawyers (NUPL)



CIB – Conférence Internationale des Barreaux Orde van Vlaamse Balies



Observatoire International des Avocats



Conseil National des Barreaux - Les Avocats



Orde van Vlaamse Balies



Czech Bar Association



Ordre des Avocats de Genève



DSF – AS Défense Sans Frontières – Avocats Solidaires



Rechtsanwaltskammer Berlin
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UIA-IROL (The Institute for the Rule of Law of
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Fédération des Barreaux d'Europe



Foundation Day of the Endangered Lawyer



Haldane Society of Socialist Lawyers

