

2021 DAY OF THE ENDANGERED LAWYER

AZERBAIJANI LAWYERS MUST BE ABLE TO PERFORM THEIR PROFESSIONAL FUNCTIONS WITHOUT INTIMIDATION, HINDRANCE, HARASSMENT, OR UNDUE INTERFERENCE

Upon the occasion of the meeting of the Governing Board of the Union Internationale des Avocats (UIA – International Association of Lawyers), on January 29, 2021, and in solidarity with the 11th Day of the Endangered Lawyer, which is focused on lawyers in Azerbaijan, we express our grave concern, based on well-documented reports,¹ about increasing persecution, harassment, abusive criminal prosecution, and selective and/or arbitrary disciplinary sanctions imposed on lawyers in Azerbaijan in recent years.

Moreover, we are concerned about reports of weaknesses and irregularities in the admission proceedings to the legal profession. As a result, many legal professionals have been unfairly denied access to the Azerbaijani Bar, while the country suffers from a significant shortage of lawyers.

We further note with concern that lawyers particularly affected by this extremely worrisome situation are colleagues working on cases considered to be politically sensitive, especially those concerning human rights violations, which suggests that disciplinary proceedings are used as a tool for punishing lawyers who take on sensitive cases or cases brought against the authorities.

We deplore that Azerbaijani authorities systematically fail to implement mandatory ECtHR judgments regarding disbarment/denial of admission to the Bar². According to reports, more than 10 cases related to disbarment or abusive application of disciplinary proceedings against lawyers are pending before the ECtHR at this time.

We believe that no Azerbaijani lawyer should suffer prosecution - including disciplinary measures - for any legitimate activities undertaken in the performance of his or her professional duties and/or in the protection of human rights and the rule law.

Moreover, the peaceful exercise of freedom of expression by Azerbaijani lawyers, including via social media, should be fully respected even when challenging authorities who do not respect the rule of law. This is particularly so regarding access to, and administration of, justice and regarding the promotion and protection of human rights.

¹ See <https://www.uianet.org/en/actions/11th-day-endangered-lawyer-focus-azerbaijan>

² See for instance, [Hajibeyli and Aliyev v. Azerbaijan \(6477/08 10414/08\)](#); [Bagirov v. Azerbaijan \(81024/12 - 28198/15\)](#); [Namazov v. Azerbaijan \(74354/13\)](#).

Only a strong and truly independent legal profession will safeguard and strengthen the rule of law in Azerbaijan, ensuring adequate protection of rights and access to justice for all.

In this regard, we recall that bar associations must be guardians of the core values of the legal profession, especially the independence of the profession. The Azerbaijani Bar Association has therefore a crucial role to play in safeguarding the profession.

We urge the Azerbaijani Bar Association to fully assume its responsibilities for the protection of its members against any unjustified interference, attacks and improper restrictions, including by:

- ensuring transparent, equitable, objective and open access to the Bar;
- defending its independence, notably by declining all undue and/or arbitrary requests of disciplinary sanctions from the government or others;
- ensuring disciplinary proceedings are consistent with due process rights and guarantees;
- taking substantive steps to restore the licenses of lawyers who represent clients in cases involving political persecution and human rights; and
- engaging with international legal associations, such as the UIA, through its Institute for the Rule of Law (UIA-IROL), in order to improve the existing rules relating to the profession and to address any shortcomings.

Therefore, we call upon the relevant Azerbaijani authorities, in cooperation and consultation with the Azerbaijani Bar Association and with individual Azerbaijani lawyers, to:

- fully implement judgments of the ECtHR concerning lawyers and human rights defenders;
- ensure that all present and future disciplinary procedures against lawyers are fair, objective, transparent, subjected to independent judicial review, and fully compliant with European and international standards, including the rights to due process and a fair trial;
- respect, promote, implement and ensure that all present and future legislation, policies, and practices related to the legal profession are consistent with European and international standards on the protection of the legal profession, including, but not limited to, Articles 10, 16, 17, 19, 23, 25 and 26-29 of the [UN Basic Principles on the Role of Lawyers](#);
- take all necessary steps, including at the legislative level, to ensure that lawyers can practise their profession independently and without actual or threatened harm, prosecution or retaliation.