

**President of Azerbaijan**  
**His Excellency Ilham Aliyev**  
**Presidential Palace**  
**19 Istiqlaliyyat St,**  
**Baku AZ1066,**  
**Republic of Azerbaijan**

**Brussels, 2 March 2015**

**Re: Concerns regarding the suspension of legal practise and judicial harassment against Mr Khalid Bagirov, a lawyer**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it also has associate and observer representatives from a further thirteen European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. We are particularly concerned by the situation of human rights defenders in the world.

The CCBE would like to again express its concerns about Mr Bagirov, who we previously mentioned in our letter of 22 January 2015 in which we noted that he had been removed from a case on which he worked. Furthermore, on 5 June 2013 we wrote to the President of the Azerbaijan Bar Association to urge the protection of Mr Bagirov due to the harassment he suffered from politically motivated disciplinary and criminal sanctions resulting from his work as a defence lawyer representing human rights defenders and journalists.

The CCBE has been informed that on 10 December 2014, Mr Bagirov's licence to practise law was suspended after he questioned the fairness of a trial of one of his clients, Mr Ilgar Mamadov. This suspension deprives Mr Bagirov from the exercise of his professional activities as well as from his right to defend his clients, including, among others, Ms Leyla Yunus, Mr Arif Yunusov, Mr Rasul Jafarov and Mr Intigam Aliyev (whom the CCBE previously wrote to you about on 14 August 2014 and 22 January 2015).

Currently, Mr Bagirov is facing disbarment charges, following disciplinary proceedings requested by the Presidium of the Azerbaijan Bar Association (ABA) on allegations of inappropriate behaviour in Court. On 2 February 2015, there was a preliminary hearing of the case. However, we understand that all motions filed by Mr Bagirov were denied. Firstly, the Court refused to grant him the 5-10 minutes break he requested to familiarise himself with the protocols of the preparatory hearing. Secondly, Mr. Bagirov argued that although the ABA is a legal entity according to Article 9, part 2, of the Law on Lawyers Activities, the Presidium has no legal personality, and therefore does not possess any civil-procedural action capacity (as provided by Article 259.0.2 of the Civil Procedure Code of the Azerbaijan Republic). Mr. Bagirov's subsequent request to therefore replace the plaintiff, i.e. the Presidium, with the correct entity, i.e. the ABA itself, was not accepted. In addition, Mr. Bagirov maintained that the present case did not fall within the jurisdiction of civil courts, as defined by the Azerbaijan Civil Procedure Code, and requested that the Nizami District Court to refer the matter to the Baku Administrative Economic Court. This argument was also rejected by the Court. According to the latest information we have received, the last hearing was scheduled for 13 February 2015.

In this context, the CCBE wishes to draw to your attention the following Principles of the United Nations Basic Principles on the Role of Lawyers (1990):

Principle 16 states that:

*Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Principles 18, 19 and 20 provide the following:

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

*No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles.*

*Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.*

Concerning the disciplinary proceedings against Mr Bagirov, we would like to refer to Principles 28 and 29 which state that:

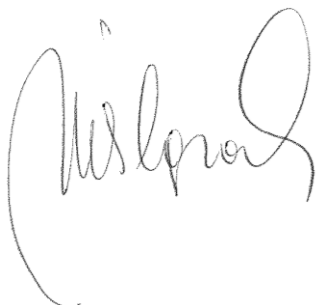
*Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review.*

*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, the CCBE respectfully urges you to immediately return Mr Khalid Bagirov's licence to practise law. The CCBE also requests that you take immediate and effective steps to ensure the right to a fair trial and the presumption of innocence. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Azerbaijan are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment, in order to preserve the independence and integrity of the administration of justice.

I look forward to hearing from your Excellency urgently.

Yours sincerely,



Maria ŚLAZAK  
President