

Mr Azer Tagiyev
President of the Azerbaijan Bar Association
Samad Vurgun (Səməd Vurğun) 32
1000, Baku
Azerbaijan

Brussels, 5th of June 2013

Re: Concerns regarding the disbarment of Mr Aslan Ismayilov and other human rights lawyers in Azerbaijan

Dear Mr. President,

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 has also observer representatives from a further twelve European countries' bars.

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

The CCBE writes to express its serious concern over the manner in which lawyers striving for human rights protection are treated by the Azerbaijani authorities, including the bodies of the justice system.

According to the information that we received, following a decision of the Azerbaijani Supreme Bar Association of 8 May 2013, Mr Aslan Ismayilov, a prominent lawyer engaged in the pursuit of several cases of human rights violations in Azerbaijan, has been disbarred. The CCBE understands that this decision is closely connected with critical remarks made by Mr Ismayilov towards Azerbaijani authorities and with his legitimate professional activity in defence of human rights.

In addition, it seems that there are other hostile actions against lawyers representing opposition activists and human rights defenders. The CCBE has been informed that seemingly politically motivated disciplinary and criminal sanctions were taken against two other lawyers: Mr Khalid Bagirov, who was representing opposition activists and journalists and was suspended from his rights as a member of the Bar; and Mr Elchin Namazov, a legal representative of young activists, who has been permanently disbarred. Moreover, it seems that none of the lawyers mentioned have been granted the possibility to directly respond to the accusations made against them.

The CCBE is alarmed about these events that risk undermining the independence of members of the legal profession and obstruct their legitimate work.

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

Article 23 states that:

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. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

Furthermore, Article 27 states that:

Charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures. Lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice.

In view of the above, the CCBE respectfully urges you to withdraw the disbarment against Mr Aslan Ismayilov and the other human rights lawyers mentioned in this letter. The CCBE also urges you to take all necessary measures to guarantee that any disciplinary proceeding against lawyers is conducted according to the rules of a fair trial, in order to preserve the independence and integrity of the administration of justice.

Yours sincerely,

Evangelos TSOUROULIS

A handwritten signature in black ink, appearing to read 'E. Tsouroulis', written in a cursive style.

CCBE President