

Chair: Mark Muller QC | Vice-Chairs: Kirsty Brimelow QC and Sudhanshu Swaroop

M. Ilham Aliyev
President of the Republic of Azerbaijan
Executive Administration of the President of the Republic of
Azerbaijan
Republic of Azerbaijan
Baku city
AZ1066, Istiglaliyyat street, 19, "The President Palace"

Sent per email to office@pa.gov.az.



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 07 October 2011

Dear Mr Alijev,

Re. Elchin Namazov

I am writing on behalf of the Bar Human Rights Committee of England and Wales (BHRC). The BHRC is the international human rights arm of the Bar of England and Wales. It is an independent body primarily concerned with the protection of the rights of advocates and judges around the world. The Committee is also concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

We write to register our deep concern at the information we have received concerning the advocate Elchin Namazov.

We understand that Mr. Namazov started practicing as a lawyer in 2005. He has defended several political opponents to the current Azerbaijani regime, notably activist and journalist Ramin Bayramov.

In the past year, Mr. Namazov received several threats from the Azerbaijani authorities as well as from the Azerbaijan Bar Association.

In February 2011, the Ganja City Police Department threatened to incarcerate him because he was defending the young blogger and activist Bakhtiyar Hajiyev. In March, April and June 2011, the Bar Association of Azerbaijan summoned him and warned him that he would be disbarred if he continued to defend political activists. In August 2011, those threats were reiterated by employees of the Ministry of National Security. Mr. Namazov was told to stop defending journalist Ramin Bayramov as he would otherwise be disbarred.

On 27 August 2011, Nasimi District Court Judge Shahin Abdullayev dismissed Mr. Namazov from the case of Rufat Hajibeyli, a young activist and opponent to the regime. This dismissal was the result of an argument between Mr. Namazov and Judge Abdullayev. Mr. Namazov indeed protested against the judge and his "unfair decisions". As a result Judge Abdullayev opened a criminal case against Mr. Namazov for "contempt of court" under articles 289.1 and 289.2 of the Azerbaijan Criminal Code. Judge Abdullayev also ordered the Azerbaijan Bar Association to pass sanctions against Mr. Namazov.

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As a result, on 14 September 2011, the disciplinary commission of the Azerbaijan Bar Association found that Mr. Namazov's "had violated his professional ethics". The Commission then transferred the complaint to the Presidency of the Bar Association, which decided to disbar Mr. Namazov on 16 September 2011.

Mr. Namazov believes that the various and recurring forms of harassment against him are politically motivated and that he is being persecuted for his consistent defence of political opponents.

We understand that Mr Namazov is not the first Azerbaijan advocate to face such treatment. In May, 2011, Lawyer Vidali Isganderov was arrested on his way to a protest and sentenced to two-month imprisonment. A criminal case was also launched against him. Lawyer Isakhan Ashurov has received several death threats due to his involvement in human rights and corruption cases.

We are deeply concerned at the information we have received.

The BHRC recalls that the independence of lawyers is one of the core principles of democracy and of the effectiveness of the rule of law.

We recall the Basic Principles on the Role of Lawyers which were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 27 September 1990.

Principle 16

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, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Principle 18

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

Principle 19

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

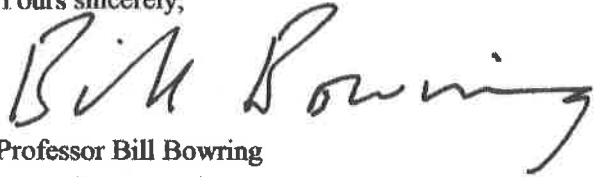
Principle 28

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.

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The BHRC respectfully requests the Azerbaijani authorities and the Azerbaijan Bar Association to respond as soon as possible to the information above, and, meanwhile, to suspend all criminal and disciplinary procedures against Mr. Namazov.

Yours sincerely,



Professor Bill Bowring
Executive Committee, Bar Human Rights Committee

CC:

- *M. Fikrat Mammadov, Minister of Justice of the Republic of Azerbaijan*
- *M. Azer Taghiyev, Chairman of the Azerbaijan Bar Association*
- *Permanent mission of the Republic of Azerbaijan to the United Nations*
- *Permanent mission of the Republic of Azerbaijan to the Human Rights Council*
- *EU Delegation to the Republic of Azerbaijan*