

# DAY OF THE ENDANGERED LAWYER 2021: AZERBAIJAN

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## WHY SUCH A DAY?

Since 2009, the European Democratic Lawyers' Association has been organizing, in collaboration with the "Day of the Endangered Lawyer" Foundation and other lawyers' and bar associations, each year, the Day of the Endangered Lawyer in as many cities, countries and continents as possible.

The purpose of this international day is to focus the attention of civil society and public authorities on the situation of lawyers in a particular country in order to

raise awareness of the threats faced by lawyers in the exercise of their profession.

After the situation of lawyers in Iran, Turkey, the Philippines, the Basque Country, Honduras, China and Egypt, the Day of the Endangered Lawyer 2021 will be dedicated to the situation of lawyers in Azerbaijan. It will be dedicated to Azerbaijani lawyers to testify to the seriousness of the situation in that country.

## HOW MANY LAWYERS ARE THREATENED IN THE WORLD?

There is currently no real official estimate of the number of lawyers in serious danger in the world. Yet, almost every day, lawyers are murdered, threatened, arrested, tortured, prosecuted – or simply disappeared – for the simple fact of doing their job.

Among the most dangerous countries for lawyers, today are China, Iran, Honduras, the Philippines, Colombia, Mexico and Pakistan.

## WHICH CATEGORIES OF LAWYERS ARE MOST AT RISK?

The most threatened lawyers are those who defend cases that may be considered sensitive in a given country. "Sensitive" cases vary from one country to another, but there are nevertheless some constants such as the defense of journalists and bloggers, expropriation cases, the defense of human rights defenders, political opponents, trade unionists or the

defense of victims of torture by the State authorities. After journalists, the legal profession is often considered to be the most threatened profession. Of course, lawyers who combine activist and human rights activities with the legal profession are doubly at risk.

## WHAT TYPES OF THREATS ARE USED AGAINST LAWYERS?

First, there are direct physical retaliation measures: murder, kidnapping, imprisonment.

Honduras and Mexico are undoubtedly at the top of the countries where lawyers are murdered the most. But we must not forget Peru, Panama, the Philippines and Pakistan. In the city of Quetta, Pakistan, on August 8<sup>th</sup>, 2016, a bomb destroyed the bar killing 70 lawyers gathered outside the hospital after the murder of their President a few hours earlier. In total, some

150 of Baluchistan's 280 lawyers were killed or wounded on the 8<sup>th</sup> of August 2016 in Quetta. The Baluchistan Bar Association was awarded a special mention by the 2017 jury of the Ludovic Trarieux Prize for its action and suffering in the service of human rights.

Violence against lawyers can extend to psychiatric hospitalization.

There are also more subtle retaliatory measures such as the use of disciplinary procedures with the permanent threat of disbarment. This is the experience of our Chinese colleagues whose license to practice is questioned every year. Many Chinese human rights lawyers who are not imprisoned are then simply denied the right to practice. The ultimate weapon against a disturbing lawyer is to make him a common law prisoner.

Prosecutions for tax fraud, corruption and extortion are often used because they allow for serious convictions.

Lawyers working on sensitive cases are also sometimes under such pressure from the authorities that they lose all profitable clients and then face intense economic pressure.

There are also all the insidious obstacles to the lawyer's practice when lawyers are prevented from interviewing, communicating, visiting clients or when their office and communications are searched.

Nor should we forget the argument of the fight against terrorism, which affects all countries, even those whose rights of defense seemed deeply implanted.

## WHICH TEXTS TO PROTECT THEM?

There are many national and international legal instruments recalling the essential role of lawyers, particularly through the right to a fair trial. But it was only after the adoption of the Basic Principles on the Role of Lawyers at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana from August 27<sup>th</sup> to September 7<sup>th</sup> of 1990, that the lawyer became known as an "essential agent in the administration of justice". These principles are intended to guide Member States so that lawyers can carry out their work independently. These Basic Principles on the

Role of Lawyers are still the only international text that protects the founding principles of the profession, in particular independence, confidentiality, freedom of expression and the vital distinction between lawyers and their clients or cases. Unfortunately, these do not yet, or not always, provide real protection for many lawyers around the world.

There is also a Special procedure at the United Nations to protect lawyers, the United Nations Special Rapporteur on the independence of Judges and Lawyers.

## HOW TO PROTECT LAWYERS?

The first line of protection for lawyers is to be able to count on the support of an independent bar. The independence of the bar is a linchpin of the protection of the Rule of Law and human rights.

Identifying threatened lawyers around the world, listing them and carefully monitoring their situation and the threats they face is a necessary vigilance that we must all exercise.

This helps to attract international attention when necessary. It is essential that law societies and bar associations around the world can work together to

share information and join forces to defend those colleagues who need it most.

For this reason, the Paris bar (France), the Conseil National des barreaux (France), the Consejo General de la Abogacía Española (Spain) and the Consiglio Nazionale Forense (Italy) have decided to be founding members of the International Observatory for Lawyers in Danger in order to constantly monitor the situation of lawyers threatened in the world because of the legitimate exercise of their profession and to assist lawyers whose life, freedom or professional practice are threatened.