Yet Another Opposition Lawyer Disbarred In Azerbaijan

By Karl Rahder

WASHINGTON DC. September 22, 2011: Another of Azerbaijan’s prominent defense lawyers was effectively disbarred late last week, the third such incident involving attorneys for opposition figures in recent months. Elchin Namazov, who had been representing four defendants involved in street protests in April, was expelled from Azerbaijan’s “Collegium,” an organization that vets attorneys for participation in felony trials.

Lawyers Khalid Bagirov and Osman Kazimov met with the same fate earlier this year, as reported on this blog. According to this report from Radio Free Europe’s Baku bureau, Namazov was removed from the Collegium after the body received a letter from the judge in the current trial, who complained that the attorney had broken “ethics rules” during the proceeding, which is continuing this week.

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What appears to be taking place is a carefully organized effort to intimidate attorneys who might consider defending anyone connected with pro-democracy youth groups and the two major opposition parties, Musavat and the Popular Front Party.

According to Gorkhmaz Asgarov, an Azeri currently studying law in the US and who runs the Azeri Report web site, another attorney, Aslan Ismayilov, is also in danger of being disbarred for “ethics violations,” but “the Collegium spared him for the time being.”

This apparent campaign against opposition lawyers seems superfluous since guilty verdicts are virtually guaranteed for anyone charged with anti-government activities: engaging in protests, starting facebook pages devoted to civil disobedience, or dressing up in a donkey costume. But Asgarov sees a more far-reaching strategy. Despite the fact that the conviction rate in Azeri courts is daunting, lawyers for opposition figures serving prison sentences have won a number of recent cases in the European Court of Human Rights. In July, the court rendered a judgment in favor of former Prime Minister Panah Huseynov and opposition newspaper editor Rauf Arifoglu, who were imprisoned after unrest following the 2003 presidential election. And last year, the court ordered the release of journalist Eynullah Fatullayev, who at the time had spent nearly three years in prison after being convicted in 2007 on a variety of charges and again in 2010 for drug possession while in prison. Fatullayev was finally released this year.

Thus, Asgarov thinks, the rash of disbarment proceedings is a signal to those lawyers who might take cases to Strasbourg, where the ECHR is located.

“It looks like lately, the Azeri lawyers have been pissing the government off by winning cases at the European Court. [Disbarment] is retaliation for the lost cases at the European Court…The Azerbaijani government is facing a new terrain, where local Azeri lawyers sue its ass and win. Hence, disbarment. Disbarment prevents those lawyers from representing their clients and climbing up the ladder all the way to the European Court.”

This sounds like a viable theory, and is a discouraging development in an atmosphere where due process and political pluralism are all but nonexistent.

* Karl Rahder is the South Caucasus correspondent for ISN Security Watch. This article was first posted at the Foreign Policy Blogs.