



## **Bar Association of the Republic of Azerbaijan: Consideration of application for organisational membership and recommended fee structure**

### **Purpose**

To seek Council's endorsement to admit the Bar Association of the Republic of Azerbaijan as a predominant member organisation of LAWASIA.

### **Background**

On 1 July 2020, the Bar Association of the Republic of Azerbaijan wrote to LAWASIA expressing its interest in becoming an organisational member.

### **History of the Bar Association**

The Bar Association of the Republic of Azerbaijan is a non-governmental, independent, self-regulating organisation which includes all lawyers and was established for non-profit purposes. The Bar Association of the Republic of Azerbaijan is the legal successor of the Bar Association, which operated under the "Regulations on the Advocacy of the Azerbaijan SSR", approved by the Law of the Azerbaijan SSR dated November 13, 1980.

### **Main objective**

The main objective of the Bar Association of the Republic of Azerbaijan is to protect the rights and freedoms of every person protected by law, to provide them with professional, high quality, honest legal assistance and to enhance the prestige of the legal profession.

### **Activity**

The organisation and activity of the Bar Association of the Republic of Azerbaijan is governed by the Law of the Republic of Azerbaijan on "Lawyers and Lawyers activity" and the Charter of the Bar Association approved by it. The current President of Bar Association is Mr. Anar Baghirov.

### **Membership**

As of January 2020, the Bar Association of the Republic of Azerbaijan has 1708 members (primarily practicing lawyers).

## LAWASIA Policy and ExCo Recommendation

LAWASIA's Executive Committee has welcomed the interest and unanimously *AGREED* to recommend to the LAWASIA Council that it admit the Bar Association of the Republic of Azerbaijan to LAWASIA membership as a **predominant member organisation**, with an annual membership fee of **AU\$1,000.00**.

### Existing Policy:

#### Membership

The LAWASIA Constitution provides at Article III, 2:

2. Membership Organisations shall be classified as follows:

- (a) **Predominant Organisation.** In order to be admitted to membership of the Association, an organisation must be the peak representative body of primarily Practising Lawyers in its jurisdiction at the time it applies to become a Member.
- (b) **Co-Predominant Organisation.** In a jurisdiction where there is more than one equally predominant representative body of primarily Practising Lawyers, each of such organisations may be admitted to membership of the Association as a Co-Predominant Organisation. Under no circumstances shall a Co-Predominant Organisation be admitted to membership against the objection of an existing Predominant or Co-Predominant Organisation from its jurisdiction.
- (c) **Non-Predominant Organisations.** Any institution, company, firm or other body that supports the work of LAWASIA shall be eligible to apply for membership as a Non-Predominant Organisation.
- (d) **Non-Regional Predominant Organisation.** A predominant organisation of primarily Practising Lawyers in a jurisdiction outside the Region may be granted membership status by the Council pursuant to Article III paragraph 6.

#### Membership fees

The LAWASIA Constitution provides at Article III, 7:

#### 7. Dues

- (a) Membership dues shall be fixed at rates determined by the Council from time to time. In fixing the rates of Membership dues the Council shall be at liberty to divide Members into groups or sub-groups, and to provide that different rates shall be paid by different groups or sub-groups, for different periods and generally to regulate or vary the rates, groups or sub-groups from time to time.

**Recommendations:**

- That the LAWASIA Council **RESOLVES** to admit the Bar Association of the Republic of Azerbaijan to organisational membership of LAWASIA as a predominant member organisation.
- That the LAWASIA Council sets an annual membership fee of AU\$1,000.00 for the Bar Association of the Republic of Azerbaijan.

**Attachments:**

- Membership application dated 01 July 2020
- Charter on the Lawyers Rules of Conduct.

08/09/2020

Roundcube Webmail :: Azerbaijani Bar Association (Membership)

## Azerbaijani Bar Association (Membership)



**From** <sayad.gilijov@barassociation.az>  
**To** <lawasia@lawasia.asn.au>  
**Cc** 'Anar Baghirov' <anar.baghirov@barassociation.az>, <javid.huseynli@barassociation.az>, 'Farhad Najafov' <farhad.najafov@barassociation.az>  
**Date** 2020-01-07 23:01  
**Priority** Highest

Dear Sir/Madam,

I hope this email finds you well.

Firstly, I would like to introduce myself. My name is Sayad Gilijov, and I am the Head of the Department of International Relations within the Azerbaijani Bar Association.

We are eager to become more involved with international organizations on international platforms.

As such, in our capacity as Azerbaijani Bar Association we thought it would be a great honor to become a part of the LAWASIA. The Azerbaijani Bar Association is the only body that represents all of practicing lawyers in Azerbaijan.

We are firm believers that our profession benefits greatly from cooperating with each other on a global scale, and the way the LAWASIA brings together lawyers from all over the world, and is the kind of diverse and multicultural organization makes us certain that the Azerbaijani Bar Association would be a great fit.

In addition, we would like to bring to your attention that The Republic of Azerbaijan is a member state of ESCAP since 31st of July of 1992.

We would like to request your assistance in becoming a part of your organization. It would be greatly appreciated if you could let us know all of the necessary procedures becoming a member of LAWASIA.

Looking greatly forward to our cooperation and thank you in advance for your support.

**Best regards,**



**Sayad I. Gilijov, MA**

Head of Dep.of International  
Cooperation

**Azerbaijani Bar Association**

100 Jeyhun Hajibeyli Str., Baku,  
AZ1007, Azerbaijan

T: +994 12 594 14 95

F: +994 12 596 32 71

M: +994 50 974 76 76

E: [sayad.gilijov@barassociation.az](mailto:sayad.gilijov@barassociation.az)

W: [www.barassociation.az](http://www.barassociation.az)

**CHARTER**  
**on**  
**the Lawyers Rules Of Conduct**

*Is adopted by the Conference of the members of Bar Association of  
the Republic of Azerbaijan on 07.12.2017*

Universal right of being the recipient of high quality legal aid as well as the right for representation by the legal representative from and forth the event of being arrested, detained, indicted by the authority are imprinted in the Article 61 of the Constitution of The Republic of Azerbaijan.

Conjoint to aforesaid, legal duties and activities of the lawyers are reflected in the Law on Lawyers and Lawyer Activity of the Republic of Azerbaijan.

Considering the special importance of Lawyers' conduct in terms of fostering of the respect to the Rule of Law and elevation of the quality of the legal aid, standards of the professional conduct of the lawyers must correspond to the highest level of professional behaviour. In addition to the protection of the rights and freedoms of the persons embedded their trust in him, as well as being a legal counsel and conducting the legal counselling for the persons seeking his advice, implementing the instructions conveyed upon him the lawyer can only refuse to act faithfully, to the extend, permitted by law.

Compliance of lawyers with the professional conduct rules is an essential condition for the Rule of Law and the "Charter of the lawyers' rules of conduct" (hereinafter – Charter) is aiming for the fulfilment of this condition.

**1. General Provisions**

1.1. The rules of conduct reflected in this Charter are applicable to any person functioning as an lawyer.

1.2. Fulfilling the duty of acting in compliance with this Charter lawyers must adhere to the principles of Rule of Law, independence in decision making, democratic values protection, humanism, transparency, efficient administration of justice, client confidentiality preservation, human rights protection, conscious human behaviour as a guidance in their daily functioning.

1.3. Being guided by the provisions of this Charter in his conduct within outside of his professional actions each and every lawyer must by loyal to the proper exercise of his profession. Acting outside the realm of professional functioning lawyer must do nothing to damage the reputation of profession.

1.4. This Charter aims to achieve the following:

1.4.1. Enhancement of the Lawyer's reputation and the trust towards it.

1.4.2. Enhancement of the efficiency of Lawyers' functioning and entities.

1.4.3. Improvement of quality of legal aid provided for legal persons and individuals.

1.5. Conduct of the lawyers is regulated by Law on Lawyers and Lawyer Activity of the Republic of Azerbaijan, other legislation regulating the function of lawyers, Articles of Association of the Bar Association and this Charter.

**2. Rules of conduct**

2.1. The independence of the lawyer - Lawyers are independent and obedient exclusively to the rule of law. Being independent in the pursuit of professional duties is

essential for a lawyer. Lawyer must avoid any action compromising his independence, as well as prevailing reputation of the profession over any other personal interest whatsoever.

2.2. Integrity of the lawyer – In line with fulfilment of his professional duties Lawyer must avoid being false, threatening, intimidating behaviour, subjection of any actors into critical financial situation or any other sort of predicament, achievement of carrier or personal goals by means any illegal means. Lawyer has a duty of acting in efficient manner for sakes of statehood, interest of person and public good. While acting under his duties Lawyer must impersonate a paragon of decency from the perspective of each and every person. Lawyer must not orally or in writing guide anyone by advice to breach the law, as well as instigate any illegal action. Fulfilling his professional duties Lawyer must not act by any means or tools contrary to the law in action and the Charter.

2.3. Professional competence and progression of personal liability – Lawyer owes the duty of functioning with high professional competence and in line with his rights and obligations bestowed upon him by the laws of The Republic of Azerbaijan. Lawyer must integrity in his conduct alongside with competence in his actions aiming for the enhancement of trust by general public.

2.4. Loyalty - Neither performing his duties nor acting in daily life Lawyer must in anyway compromise the repute of advocacy. Avoiding critique of other Lawyers at public domain (cases revealing illegality are exempt to this) alongside with any public judgement on Lawyer actions, Lawyer must comply with limitations imposed on him by legislation.

2.5. Trust of general public – Lawyer must increase and enhance reputation of profession. Lawyer is under the duty of liquidation of the damages resulting from his misconduct, in addition to obligation of taking an action aiming the restitution of the trust in eyes of general public. Lawyers must be unbiased while delivering a speech or corresponding.

2.6. Confidentiality – it is the Lawyers obligation to keep confidential information obtained in the course of legal aid he delivers. Timespan on confidentiality of matters is not limited by any point. Lawyers must demand confidentiality from the parties involved into deliverance of legal aid. The use of information obtained due to performance as an Lawyer is forbidden.

2.7. Respect towards the legal freedoms, administration of justice, honour, dignity and professional reputation – Lawyer's function must serve for the rights, freedoms and representation of legal interest, as well as defence of a person. Lawyers must abstain from any actions (omissions) which might damage legal interest, dignity, honour and professional reputation of individuals. Lawyer must have a respectful attitude towards the reputation of legal personalities (business actors) alongside with abstaining from any actions (omissions) which might result damaging them in that respect.

2.8. Ethical behaviour – Lawyers must be ethical, decent, considerate and patient towards all persons he is contacting with both performing his duties and in daily life.

2.9. Objectivity – Functioning as a professional lawyer must not discriminate or create and assist in creation of advantages and disadvantages based race, ethnicity, creed, linguistics, gender, origins, personal wealth, carrier, authority, morals of a person, pollical party membership, trade union membership or membership in community.

2.10. Forbiddance of the favouring and privilege creation of material and non-material nature – In performance of their duties it is strictly forbidden for the Lawyers to obtain any material or non-material good, as well as creating of any advantages for themselves.

2.11. Public and potical activity - public and poliitcal activitie, as well as membership in any potical party or community shall undermine belief in his non-biased and objective nature of his actions. Lawyer must avoid using his professional activities for religious and political reasons.

2.12. Lawyer's promotion of his professional profile - Lawyer can promulgate on his professional profile only in accordance with the rules set in this Charter. Any promulgation of the lawyers profile must not have any trace of advertising of anyway.

Lawyer can share information about his activities by the mediums of quarterly publications, guides, information bulletins, radio, television and social networks. Lawyers must not create a prospective image of positive outcome of the case by referring to any preliminary investigation, judiciary proceedings and other cases in the course of provision of legal aid. Information provided by the Lawyer for the purpose of self-promulgation must be objective, truthful, clear and comprehensible in addition of being non-misleading for the potential seekers of his legal aid. Any materials on Lawyer's promulgation must be issued in a way not harming the reputation of the advocacy or Bar Association. Lawyer must inform the Disciplinary Commission of the Lawyers and take an immediate steps to stop the activities for his promulgation in cases the promulgation is made in a path contradicting to the rules stated in this Charter. This provision of the Charter is applied to the actions for promulgation of lawyers' entities as well.

2.13. Publicity – Without any prejudice to the principles of confidentiality as well other professional principles Lawyer is obliged to truthfully inform the public about the nature of the legal aid he is providing. Lawyer must not make public the information relating to the secrecy of investigation, as well as the information related to the closed door judicial proceedings. Lawyer must not publicly disclose the facts and documents consent for disclosure of which was not given by the person to whom the legal aid is provided, as well as the information which might harm values, order of a democratic society, state security in addition to this the information confidentiality which is essential for the protection of interests of underaged persons and family life of the parties must not be publicly disclosed by lawyer either. Alongside with avoidance of dissemination of insulting statements and libel; lawyer must abstain by any means from the actions and public statements made through media or social networks or in any public domain damaging reputation of advocacy, as well as statements creating false and misleading public perception on decision undertaken by the Bar Association. Lawyers must avoid dissemination via social networks or media or any public domain of false and defamatory information in relation to the state, non-state actors and their authorised representatives; in addition to this Lawyers are must abstain from using non-ethical language and acting in an inappropriate way against the actors mentioned.

2.14. Incompatibility with Lawyers profession – for the fulfilment of his duties in an independent manner and for the efficient administration of justice Lawyer must avoid the occupation which is incompatible with abovementioned goals.

### **3. Lawyer's attitude towards the applicants for his aid**

3.1. Lawyer is acting based on agreement or on the basis of state funds as is indicated in the law.

3.2. Minimization or withdrawal of the instructions, as well as withdrawal of them by the person seeking a legal aid based on the agreement can not be obstructed or impeded, as well as protested by the lawyer.

3.3. Lawyer must establish the identity of the person instructing or applying for his help, as well as the powers of a person representing a legal personality.

3.4. Lawyer must advice and represent a person applying for his help diligently and with good faith. Lawyer must periodically inform the person he is aiding on the progress of the case.

- 3.5. Mutual relationships formed between an lawyer and the represented person by him shall be based on trust stemming from evidently transparent and just nature of those relationships.
- 3.6. Lawyer must not claim or receive any service fee or any other form of reward form the lawyer recommended by him to applicant for the purpose of positive resolution of the case.
- 3.7. Lawyer must not pay any service fee or any other form of reward to any person in return of being recommended for the provision of legal aid by that person.
- 3.8. Lawyer must not represent different applicants for one matter in case conflict of interest arises between them on issue contested.
- 3.9. Lawyer must refuse acting for the applicant on the matter where the conflict of the interest arises due to his current or previous representations of person who has a conflicting interest with person being represented.
- 3.10. Lawyer must make an endeavour of provision of legal aid in the most efficient and beneficial way, as well as informing the person about the possible alternatives for the solution of the matter at any stage of the progression of matter in question.
- 3.11. Lawyer must inform the applicant for his aid on more efficient ways of benefiting from the legal aid by diverse means.

#### **4. Lawyers' relationships with the court and other authorities**

- 4.1. Lawyer who appears in the courts, preliminary investigation and prosecution authorities, as well as other state authorities for the fulfilment of his professional duties must comply with rules conduct of established for authorities in question.
- 4.2. Lawyers must always act due process for a fair conduct of proceedings.
- 4.3. Providing legal aid for the applicant in honourable and dignifying manner with no regards to his own interest Lawyer must protect the interest of the represented person and act with due respect and considerations towards the courts, preliminary investigation and prosecution authorities, as well as other state authorities.
- 4.4. Lawyer must never provide a false and misleading information to courts, preliminary investigation and prosecution authorities, as well as other state authorities at any time.
- 4.5. Lawyer must attend the scheduled court hearings and the procedure actions of investigative and persecutory character in line with avoidance of non-mitigating absence from the procedures causing unreasonable delay of them.
- 4.6. Lawyer must inform *a priory* relevant authorities in regards to mitigating circumstance explaining the absence of lawyer from the scheduled hearing in court, investigative procedures undertaken by investigative or prosecution authorities.
- 4.7. Lawyer must be wearing a special uniform while appearing in the judicial hearing.

#### **5. Relationships between the Lawyers**

- 5.1. Without any prejudice towards the interests of the represented person relationships based in trust and cooperation between the Lawyers are of a great importance for the profession. Such a statement can never be considered as foundation for positioning of the interest of a person applied for assistance over the interests of advocacy.
- 5.2. Personal and family life, ethnicity, origins and financial situation of the colleague never must be a subject of discussion between an lawyers and person whose interests he represents.
- 5.3. Lawyer must treat his colleagues with respect not avoiding any acts of rudeness and degrading, as well as un-dignifying behaviour towards them.

**6. Professional competence and liability of lawyers**

- 6.1. Lawyer must pursue improvement of professional knowledge and skills at all the time.
- 6.2. Lawyer must permanently take steps for the improvement of knowledge and skills of his assistant.
- 6.3. Aiming for professional competence improvement, as well as enhancement of his professionalism, lawyer must periodically attend tutorials, seminars, conferences and other similar events held for purpose of professional development.
- 6.4. Breach of the rules of conduct established by this Charter is a ground for disciplinary action.