



Middlesex  
University  
London

# Azerbaijani human rights lawyers who have been disbarred, suspended, or criminally prosecuted

JANUARY 2021

# Contents

This resource has been compiled by the European Human Rights Advocacy Centre (EH-RAC) on the basis of publicly available reports from international human rights organisations and information from partner lawyers in Azerbaijan.

<b>Introduction</b>	<b>3</b>
<b>Disbarment, suspension, and other disciplinary action against human rights lawyers</b>	<b>4</b>
Javad Javadov	5
Shahla Humbatova	6
Yalchin Imanov	7
Elchin Sadigov	8
Irada Javadova	9
Nemat Kerimli and Asabali Mustafayev	10
Fakhraddin Mehdiyev	11
Agil Layic	11
Farhad Mehdiyev	12
Shafiga Naghiyeva	12
Muzaffar Bakhishov	13
Alayif Hasanov	14
Khalid Bagirov	15
Aslan Ismayilov	16
Afgan Mammadov	16
Elchin Namazov	17
Osman Kazimov	17
Namizad Safarov, Hidayat Suleymanov and Latifa Aliyeva	18
Intigam Aliyev and Annagi Hajibeyli	18
<b>Criminal prosecution of human rights lawyers</b>	<b>19</b>
Intigam Aliyev	20
Alayif Hasanov	21
Gurban Mammadov	21
<b>Non-admission to the Azerbaijani Bar</b>	<b>22</b>
Emin Abbasov, Tural Hajibayli, Asima Nasirli,	
Samad Rahimli, and Ramil Suleymanov	23
<b>Endnotes</b>	<b>24-26</b>

# Introduction

In the years following the 2014 crackdown on civil society in Azerbaijan, and the criminal prosecution of NGO and human rights defenders, human rights lawyers who took up these and other ‘politically sensitive’ cases have been subjected to severe retaliation by the authorities, which has sometimes resulted in the suspension of their licences and even disbarment.

Disciplinary proceedings have been brought against human rights lawyers in response to their legitimate exercise of the right to freedom of the expression: for publicising human rights violations perpetrated against their clients in detention, or for disclosing instances of the abusive administration of justice in their clients’ cases. As a result, over a dozen Azerbaijani lawyers have been deprived of the opportunity to practise their profession, and over two dozen have been targeted by the Azerbaijani authorities since 2005.

In January 2020, in its first case relating to the disbarment of a lawyer in Azerbaijan, the European Court of Human Rights found a violation of the right to a private life (Article 8 of the European Convention on Human Rights) in the case of Elchin Namazov, who was disbarred in the absence of adequate procedural safeguards in disciplinary proceedings brought against him. The Court found that the domestic courts had failed to assess the proportionality of the sanction.<sup>1</sup>

Khalid Bagirov is another prominent human rights lawyer who was first suspended in 2011 after he made comments about the suspicious death of his client in police custody. He was later permanently disbarred in 2015 for criticising Azerbaijan’s judicial system during a trial which concerned a domestic court’s failure to implement judgment by the European Court in the case of Ilgar Mammadov, an opposition politician whose arrest was found to be politically motivated.

In June 2020, the European Court ruled that Azerbaijan’s suspension and disbarment of Bagirov was in breach of his freedom of expression (Art. 10 of ECHR) and right to a private life. The Court ordered the Azerbaijani Government to ensure the “maximum possible reparation” for Khalid Bagirov, “and [that] they should put the applicant, as far as possible, in the position in which he had been before his disbarment.”<sup>2</sup>

In a report published in December 2019 following her visit to Azerbaijan earlier that year, Council of Europe’s Commissioner for Human Rights, Dunja Mijatovic, expressed concern about “the use of disciplinary measures on improper grounds, such as expressing critical views”, as well as “the lack of clear criteria for the imposition of disciplinary sanctions, in particular disbarment.”<sup>3</sup>

Following amendments to the Law on Lawyers and Lawyers’ Activities and the Code of Civil Procedure in November 2017, lawyers who are not members of the Azerbaijani Bar Association (ABA) can no longer represent clients in domestic courts.<sup>4</sup> Accordingly, disbarred human rights lawyers are prevented from continuing their human rights defence work. Such measures taken against human rights lawyers have a deterrent effect on members of the ABA, as well as on other prospective lawyers.<sup>5</sup>

Human rights lawyers have also faced de facto disbarment through non-admission to the ABA. The Council of Europe’s Commissioner for Human Rights has previously noted that the ABA’s non-admission of the Bar of certain categories of persons “points to a deficit of institutional independence.”<sup>6</sup> Concern has also been raised by the UN Special Rapporteur on the Independence of Judges and Lawyers and the International Commission of Jurists (ICJ).<sup>7</sup>

In November 2020, EHRAC submitted a case to the European Court of Human Rights on behalf of five Azerbaijani human rights lawyers who claim that they were arbitrarily denied access to the Bar.



**Disbarment, suspension,  
and other disciplinary action  
against human rights lawyers**

2020 /



## Javad Javadov

punished with a reprimand

On 9 June 2020 lawyer Javad Javadov shared information on social media about the alleged physical ill-treatment of his client Mr. Kerim Suleymanli in police custody. Following this, the Azerbaijan Bar Association (ABA) issued Mr. Javadov with a warning. He had previously visited his client in detention. Mr. Suleymanli informed Mr. Javadov about the ill-treatment and showed him injuries on his body. Mr Javadov took photographs and later shared them on social media. In a press release issued on 11 June 2020, the ABA alleged that the distribution of such information caused the public to form an erroneous opinion about the events, and that Mr. Javadov therefore violated the Law on Lawyers and Lawyers' Activities and the Regulations on the Rules of Conduct of Lawyers. Mr Javadov was also warned by the ABA that serious measures will be taken if such actions continue in the future.<sup>8</sup>

Mr. Suleymanli is a Baku resident who was arrested as part of a police raid on 8 June 2020 in a neighbourhood that had been protesting the strict quarantine measures imposed by the authorities because of the COVID-19 pandemic. The detained citizens the events, reported being forcefully taken from their homes early in the morning and without any prior warning. They have claimed that such disproportionate police violence was unnecessary. The individuals were all sentenced to 10 to 30 days of administrative detention on charges of disobeying police orders.

2019 /



## Shahla Humbatova

license suspended, disbarment request pending

On 27 November 2019, the ABA made a decision to suspend the licence of Azerbaijani human rights lawyer Shahla Humbatova and to seek her disbarment from the court on the basis of a complaint from a past client and the alleged failure to pay several months of Bar membership fees.<sup>9</sup> Humbatova dismisses the accusations from her client and considers such ABA measures disproportionate and retaliatory for her human rights defence work.

Ms. Humbatova acted as a defence lawyer in the case known as the ‘Ganja case’ relating to an attempted assassination of Ganja’s mayor, which led to arrest and detention of dozens of individuals who alleged being ill-treated in detention.<sup>10</sup> Earlier in 2019, the ABA threatened Humbatova with disciplinary proceedings after the Azerbaijani penitentiary service filed a complaint against her for spreading allegedly false information after she spoke publicly about the hunger strike and the poor health condition of her client, the then-political prisoner and blogger Mehman Huseynov in January 2019.<sup>11</sup>

2019 /



## Yalchin Imanov

disbarred

A member of the Azerbaijan Bar Association (ABA) since 2007, Yalchin Imanov is a human rights lawyer in Azerbaijan, who has taken on high-profile and politically-sensitive cases, especially those involving human rights defenders and political prisoners. On 8 August 2017, after having visited his client Abbas Huseynov who informed him about having being tortured by the prison officials for several days, and having witnessed injuries to the client's body himself, Mr. Imanov provided information about the torture

allegations to the local media and appealed to the relevant state institutions for investigation. The next day, the Penitentiary Service appealed to the ABA asking for Mr. Imanov to be disbarred, claiming that he had defamed the prison officials and damaged the reputation of the law enforcement agencies. On 20 November 2017, the ABA adopted a decision to seek his disbarment from a court. On 22 February 2019, Mr. Imanov was indefinitely disbarred by the Ganja Administrative Economic Court.<sup>12</sup> In July 2019, he submitted a complaint to the European Court of Human Rights.

2019 /



## Elchin Sadigov

punished with a reprimand

On 5 September 2018, the Prosecutor General's Office discharged Elchin Sadigov from the criminal proceedings in which he was the defence counsel for Yunus Safarov and complained to the ABA, claiming that he proposed that his client falsely complain that the investigative authorities tortured him. According to Mr. Sadigov, the Prosecutor General's Office formal complaint referred only to the confidential conversation between the lawyer and his client during their meeting while the client was in detention. During the disciplinary proceedings, however, the allegations relating to lawyer Mr. Sadigov illegally urging his client to claim that he was tortured were no longer based on confidential lawyer-client communication, but rather on a letter allegedly drafted by the client himself. The initial complaint by the Prosecution did not mention any letter submitted by client against his lawyer Mr. Sadigov.

On 25 February 2019, the ABA decided to punish Mr. Sadigov with a reprimand.<sup>13</sup> It did not consider the photos and videos published online after Mr. Safarov's arrest, which revealed clear and multiple signs of severe beatings and torture, or his mother's claim that her son was tortured for more than 25 days in detention.

2018 /

## **Irada Javadova**

disbarment request pending

Irada Javadova is a human rights lawyer who was involved in many resonant cases, including numerous violations of citizens' property rights and protection of political activists and human rights defenders. She is the former head of NGO "Human Rights Education" and has been a member of the ABA for the last 13 years and served as a member of the ABA Presidium from 2012 to 2017. In 2017, Ms. Javadova was the only member of the ABA Presidium to vote against the disbarment of human rights lawyer Yalchin Imanov (see his case description above).

On 11 June 2018, the ABA Presidium made a decision to seek for her disbarment on the basis of a complaint from her client who allegedly stated that Ms. Javadova wrote a public letter about her case without her consent and without having a notarised power of attorney, and requested that the ABA take action against the human rights defender. Ms. Javadova has denied the allegations, stating that she had an agreement with her client and that she had legitimately defended her and acted within the law. In her letter, Ms. Javadova had raised concerns about the possible arbitrary detention of her client after having received a request from her client's mother to inquire about the whereabouts of her daughter. She had submitted the agreement with the complainant to the ABA, but the ABA expressed doubts about the authenticity of the client's signature. On 14 June 2018, Ms. Javadova appealed the Presidium's decision to disbar her. Her case is till pending before the first instance court.

2018 /



## Nemat Kerimli and Asabali Mustafayev

licences suspended for one year

On 23 April 2018 the ABA issued a decision to suspend the licences of Nemat Kerimli and Asabali Mustafayev for one year. Both lawyers are known for taking cases relating to politically-motivated prosecutions. The move came after the prosecutor's office lodged complaints about the lawyers' public statements concerning the politically motivated cases on which they were working.<sup>14</sup>

Mr. Mustafayev represented Gozel Bayramli, a political activist who was sentenced to three years' imprisonment after being found guilty of smuggling 12,000 EUR in cash across the Georgia-Azerbaijan border. Both the Prosecutor's office and the ABA failed to take into consideration that Mr. Mustafayev had not yet been appointed as Ms. Bayramli's defence lawyer when he made the statement about her arrest being politically motivated, and made his comment as a private individual. The second lawyer, Mr. Karimli, represented Afgan Mukhtarli – who was kidnapped in Georgia and brought across the border to Azerbaijan where he was found guilty of smuggling 10,000 EUR, illegally crossing the Georgia-Azerbaijan border and resisting police. Mr. Mukhtarli was subsequently sentenced to six years in prison.<sup>15</sup>

2018 /

## **Fakhraddin Mehdiyev**

licence suspended for one year

On 22 January 2018 the ABA issued a decision to suspend Fakhraddin Mehdiyev's licence for one year. client, Jahangir Hajiyev (former Chairman of the Board of the International Bank of Azerbaijan), to media representatives. Mr. Mehdiyev argued that this was legal as the case had already been decided at the time the interview was given.<sup>16</sup>

## **Agil Layic**

licence suspended for 6 months

In January 2018, a disciplinary investigation was launched into the actions of lawyer Agil Layic because a petition submitted to court on behalf of Mr. Layic's client was signed by Mr. Layic and not the client himself. The investigation eventually concluded with Mr. Layic's licence being suspended for 6 months by the ABA. Mr. Layic and his client signed a written agreement in June 2017. Hence, Mr. Layic had the authority to sign and file motions without the client's signature. Moreover, the client himself had no complaint about the petition or the lawyer's signature on it.

2016 /

## Farhad Mehdiyev

disbarred

On 15 September 2016, Farhad Mehdiyev, a well-known law professor and advocate in Azerbaijan, was disbarred by the decision of the ABA on allegations that his membership payments to the ABA were overdue.

Mr. Mehdiyev became a member of the ABA on 5 August 2008. In 2012, he requested the ABA to temporarily suspend his membership to pursue his academic career at the Qafqaz University where he worked from 1997-2017. He authored several legal textbooks in the areas of administrative law, human rights law and the theory of law. In August 2016, he requested the ABA to restore his licence, in accordance with domestic law, and, after having passed the necessary tests, he was re-admitted to the ABA on 9 September 2016. On 15 September 2016, following an appeal by the Prosecutor's Office for Grave Crimes on the basis that Mr. Mehdiyev was subjected to criminal investigation, the ABA decided to disbar him. In 2017, he was dismissed from his work in the University by the authorities. Mr. Mehdiyev believes his disbarment and dismissal are related to his critical statements on corruption and the legal profession in the country. His disbarment case is currently pending before the European Court of Human Rights (App. No. 36057/18).

## Shafiga Naghiyeva

licence suspended for six months

On 21 July 2016, lawyer Shafiga Naghiyeva was suspended for six months by a decision of the ABA Presidium following "multiple complaints", according to one of the members of the Presidium. She was also said to have committed "multiple violations in the legal consultation office where she works". She claims that she was not invited to the meeting of the Presidium at which her case was considered, and she only heard of her suspension from the news. Due to health issues, she was in hospital for a certain period of time, thus the decision was taken in her absence despite her allegedly valid reason for not appearing before the disciplinary body.<sup>17</sup>

2016 /

## Muzaffar Bakhishov

disbarred

On 1 April 2016, lawyer Muzaffar Bakhishov's licence was suspended by a decision of the ABA Presidium on the basis of the complaint of Supreme Court Judge Tatiana Goldman. His disbarment was confirmed by the Narimanov District Court in May 2016. It was alleged that Mr. Bakhishov had demonstrated "disrespect" to the judge and court staff by comments he made at a Supreme Court hearing and thereby violated professional ethics. Mr. Bakhishov denied the allegations relating the reason for the decision to an interview he gave to a news website moderator.az on 17 November in which he pointed out irregularities in the justice system and criticized the chairman of the Supreme Court Ramiz Rzayev. Mr. Bakhishov alleges that he was not properly informed of his rights at the Disciplinary Commission hearing. He said that he had access to the minutes of the relevant Supreme Court hearing for the first time only at the hearing of the Disciplinary Commission.<sup>18</sup>

2015 /



## Alayif Hasanov

disbarred

Human rights lawyer Alayif Hasanov was disbarred by the ABA on 3 July 2015 on the grounds of having a previous conviction for criminal defamation.

In 2014, he visited one of his clients – renowned human rights defender and activist Leyla Yunus – in a pre-trial detention centre where she told him about her physical and psychological harassment by a cellmate, and the authorities' failure to protect her.

As the prison management ignored his complaints, Mr. Hasanov shared the information about Leyla's situation online, which was later republished by the media. The next day, the same cellmate sued him for referring to her as a criminal, a smoker and a recidivist, despite the fact that the latter statement was added by the media. Mr. Hasanov was convicted of libel, and was permanently disbarred in July 2016 as a result of the conviction. Following his disbarment, Mr. Hasanov is no longer able to represent Leyla Yunus, and is completely and indefinitely unable to practise as a lawyer before domestic courts in Azerbaijan.<sup>19</sup> He is awaiting judgment in his disbarment case before the European Court of Human Rights, as the proceedings were finalised in February 2019 (Hasanov v Azerbaijan (App. No. 68035/17)).

2015 /



## Khalid Bagirov

disbarred, also suspended in 2011

Khalid Bagirov is a prominent human rights lawyer in Azerbaijan. On 24 August 2011, Mr. Bagirov's licence was suspended for one year following his comments about the suspicious death of his client in police custody and his intentions to protest it.

Since the 2014 crackdown on civil society he has represented human rights defenders, activists and lawyers. Disciplinary proceedings were instituted against him following comments he made during a trial in September 2014

concerning a domestic court's failure to implement the European Court judgment in the case of Ilgar Mammadov, an opposition activist whose arrest was found to be politically motivated by the Court. The ABA held that he had breached the ethical rules of conduct by making a remark at the court hearing about the judicial system. Mr. Bagirov is alleged to have said "Like State, like court...If there were justice in Azerbaijan, Judge Rashid Huseynov would not deliver unfair and partial judgments, nor would an individual like him be a judge." The ABA lodged a request for Mr. Bagirov's disbarment on 18 December 2014, and he was disbarred in a decision by the Nizami District Court on 10 July 2015, which was upheld on appeal.<sup>20</sup>

In 2016, Khalid Bagirov was selected as one of the finalists for the Front Line Defenders award for Human Rights Defenders at Risk.<sup>21</sup>

In June 2020, the European Court of Human Rights ruled that Azerbaijan's suspension and disbarment of Bagirov was in breach of his freedom and expression and right to a private life. The Court ordered the Azerbaijan Government to ensure the "maximum possible reparation" for Khalid Bagirov, "and [that] they should put the applicant, as far as possible, in the position in which he had been before his disbarment."<sup>22</sup>

2013 /

## Aslan Ismayilov

disbarred

Aslan Ismayilov, a prominent lawyer and an active critic of the judicial system and the executive, was disbarred on 10 September 2013 by a decision of the Nariman District Court following the ABA decision of 8 May 2013 to refer the case to the court. The following day his law firm “Aslan and partners” was ordered to be closed down. The ground for his disbarment was a complaint by Elnur Hasanov, judge of the Sabail District Court in Baku that Mr. Ismayilov had insulted him. Earlier, he had complained about Judge Hasanov’s actions to the Ministry of Justice alleging that the judge was biased.<sup>23 24</sup>

## Afgan Mammadov

disbarred

Afgan Mammadov has been a member of the ABA since 2007 and was the co-founder and lawyer of Law Firm No. 11 in the capital Baku. In April 2012, he publicly criticised the ABA as lacking independence from the state authorities and that its then President Azer Tagiyev had been holding his position unlawfully for several years after his five-year term expired in November 2009.<sup>25</sup> Soon after, disciplinary proceedings were initiated against him by the ABA, which decided to request his disbarment by the court on 22 May 2012. Mr. Mammadov was disbarred by the Binagadi District Court on 20 February 2013 which held that his statements were inconsistent with the principles of legal practice and advocacy ethics. His disbarment was upheld by the higher instance courts. Mr. Mammadov’s complaint before the European Court of Human Rights has been under examination by the Court since 3 September 2018, and is awaiting judgment (Mammadov v Azerbaijan , App. No.43327/14).

2011 /

## Elchin Namazov

disbarred

Elchin Namazov is a lawyer famous for defending political opponents of the Government of Azerbaijan, including journalist Ramin Baymarov, blogger Bakhtiyar Hajiyev and the young activist Rufat Hajibeyli.<sup>26</sup>

Mr. Namazov was disbarred on 16 September 2011 on the recommendation of the ABA Presidium. The recommendation to disbar him was based on court records and the allegation by a judge who claimed that Mr. Namazov had demonstrated “disrespect” to the judge, violating ethical norms, during a trial. According to Mr. Namazov, at the meeting of the Presidium concerning his case, the Presidium only referred to the court records and the decision sent by the judge who claimed he had “disrespected” the court, violating professional ethical standards, during the trial.<sup>27</sup>

In January 2020, the European Court of Human Rights ruled that Azerbaijan’s disbarment of Namazon had violated his right to a private life. The Court noted that the harsh sanction was “capable of having a chilling effect on the performance by lawyers of their duties as defence counsel.”<sup>28</sup>

## Osman Kazimov

disbarred

Osman Kazimov, a lawyer who had represented a number of well-known political leaders, was disbarred in May 2011. Disciplinary proceedings were initiated by the ABA following a motion of the First Deputy of the Prosecutor General. The complaint against the lawyer was based on his refusal to sign the interrogation record of one of his clients due to alleged falsification of the testimony. He was accused of a procedural violation in not signing the record. He was disbarred by the ABA following a recommendation by the law enforcement bodies.<sup>29</sup>

2005 /

## **Namizad Safarov, Hidayat Suleymanov and Latifa Aliyeva**

disbarred

In 2005 and 2006, three members of the ABA were disbarred: Namizad Safarov, Hidayat Suleymanov and Latifa Aliyeva. The opinion of the ABA Presidium in their case referred to violations when carrying out their professional duties as reasons for their disbarment. The lawyers claimed that they were never invited to a hearing and their disbarment was conducted in a speedy and summary manner. The lawyers alleged that the true reason for their disbarment was their critical remarks about the ABA and its leadership.<sup>30</sup>

## **Intigam Aliyev and Annagi Hajibeyli**

denied admission to reorganised Bar

In 2005, two prominent human rights lawyers Intigam Aliyev and Annagi Hajibeyli were denied re- admission to the Bar Association which was reorganised in 1999, despite the fact that the domestic law at the time provided that lawyers with a licence would undergo a simplified procedure for renewed admission. On 19 April 2018, the European Court of Human Rights found that the ABA refusal to re- admit them violated their right to freedom of expression and was based on their criticism towards the ABA (Hajibeyli and Aliyev v Azerbaijan, App. nos. 6477/08 and 10414/08).

# **Criminal prosecution of human rights lawyers**

2014 /



## Intigam Aliyev

conditionally released in April 2016, travel ban imposed

A prominent human rights lawyer and the head of the NGO Legal Education Society, Intigam Aliyev was convicted of tax evasion, illegal entrepreneurship and abuse of power on 22 April 2015 and sentenced to seven and a half years' imprisonment by the Baku Court on Grave Crimes, as part of the wider Government crackdown on civil society that started in the summer of 2014. His NGO was de facto shut down as a result of the criminal case. Mr. Aliyev was conditionally released by the Supreme Court on 28 March 2016, after spending more than 19 months in detention. A travel ban imposed on him following his release remains in place to date, subject to examination by the European Court of Human Rights (Aliyev v Azerbaijan, App. No. 22365/18).

Following his detention and imprisonment, Intigam Aliyev was recognised as a political prisoner by Amnesty International.<sup>31</sup> He received a number of international awards: the Homo Homini Award (2012);<sup>32</sup> the Andrei Sakharov Freedom Award of the Norwegian Helsinki Committee, together with Leyla Yunus, Rasul Jafarov and other political prisoners in Azerbaijan (2014);<sup>33</sup> the Human Rights Award of the International Bar Association for outstanding contribution to human rights (2015);<sup>34</sup> the Human Rights Award, of the Council of Bars and Law Societies of Europe (CCBE), for devoting "his life to protecting the rights of individuals against the repressive system of the Azerbaijani government" and providing for decades a "legal assistance and representation to the politically persecuted" (2016);<sup>35</sup> <sup>36</sup>and the Civil Rights Defender of the Year Award, Civil Rights Defenders (2016).<sup>37</sup>

On 20 September 2018, the European Court of Human Rights found that Mr. Aliyev's arrest and pre-trial detention were baseless and was aimed at punishing him for his human rights work (Aliyev v Azerbaijan, App. Nos. 68762/14 and 71200/14).<sup>38</sup> His complaint challenging the criminal proceedings and the conviction is pending before the Court (Intigam Aliyev v Azerbaijan, App. No. 51324/16).

2014 /

## **Alayif Hasanov**

In November 2014, human rights lawyer Alayif Hasanov was convicted of libel and sentenced to 240 hours of community work for sharing information about the harassment of his client, human rights defender Leyla Yunus, in prison online. See case No. 8 above for further details on this case, and the disbarment that followed the conviction.

## **Gurban Mammadov**

In September 2012, lawyer Gurban Mammadov was the driver of a car involved in an accident, as a result of which a watchman in a car park broke his leg. Long after the accident, in June 2013, the Mr. Mammadov was arrested. He was later sentenced to three years' imprisonment and released in December 2014. Many independent experts suggested that his arrest was politically motivated as he had represented clients in a number of political cases and was a vocal critic of the Government. He was later disbarred by the ABA.

# **Non-admission to the Azerbaijani Bar**

2018 /

# **Emin Abbasov, Tural Hajibayli, Asima Nasirli, Samad Rahimli, and Ramil Suleymanov**

arbitrarily denied access to the Azerbaijani Bar

Before 2018, Emin Abbasov, Tural Hajibayli, Asima Nasirli, Samad Rahimli, and Ramil Suleymanov, had all worked on countless human rights cases and represented many clients before the Azerbaijani courts and at the European Court of Human Rights.

All five lawyers were publicly outspoken in their criticism of legislative changes to the legal profession in 2018, which stipulated that all lawyers representing clients before domestic courts must be members of the Azerbaijani Bar Association (ABA). The lawyers believed that the changes were intended to prevent lawyers from taking sensitive human rights cases against the Azerbaijani authorities.

Some established members of the Azerbaijani Bar responded by publicly smearing the group of dissenting lawyers. The President of the ABA accused them of wanting to create chaos in Azerbaijan.

Under the new rules, the five dissenting lawyers were forced to seek admission to the ABA, which required a written and oral examination. All of the lawyers passed the initial written examination component and were therefore each invited to undertake an oral interview.

It was at this stage of the admission procedure that the lawyers found their paths blocked to the Azerbaijani Bar. All five of them found themselves being failed by ABA examiners, some being asked questions that were so specific they required candidates to know 6150 provisions by heart. Other candidates were criticised for not citing legal principles in the exact order as they are found in the relevant legislation. They were failed without explanation, save that their responses were unsatisfactory.

Four of the five lawyers lodged internal appeals to the Presidium, the governing body of the ABA which includes the president and the deputy president. Their appeals were rejected.

Four of their cases were ultimately dismissed by Azerbaijan's Supreme Court. Samad Rahimli's appeal before the Supreme Court is still pending.

In November 2020, EHRAC submitted an application to the European Court of Human Rights on behalf of the five lawyers, in which the applicants argue that the overly broad discretion given by the body overseeing the oral interview, and their subsequent failures without adequate explanation, breaches the right to respect for their private lives, expressed through their professional lives (under Art. 8 of the European Convention on Human Rights), and that they have been deprived of the peaceful enjoyment of possessions, being their successful legal practices (in contravention of Art. 1. Prot. 1.). The lawyers also allege that they were denied effective remedies for their complaints in Azerbaijan (in breach of Art. 13).<sup>39</sup>

Their case before the European Court of Human Rights is currently pending.



Middlesex  
University  
London

# Endnotes

1. [Namazov v Azerbaijan](#), App. No. 74354/13, 30 January 2020
2. [Bagirov v Azerbaijan](#), App. No. 81024/12 and 28198/15, 25 June 2020
3. Commissioner for Human Rights of the Council of Europe, Dunja Mijatovic, Report following her visit to Azerbaijan from 8 to 12 July 2019 <https://rm.coe.int/report-on-the-visit-to-azerbaijan-from-8-to-12-july-2019-by-dunja-mija/168098e108>.
4. Ibid, para 56
5. EHRAC press release, [EHRAC urges UN Special Rapporteur to act over disbarred Azerbaijani lawyers in joint-submission with three NGOs](#), 31 October 2019.
6. Commissioner for Human Rights of the Council of Europe, Dunja Mijatovic, Report following her visit to Azerbaijan from 8 to 12 July 2019 <https://rm.coe.int/report-on-the-visit-to-azerbaijan-from-8-to-12-july-2019-by-dunja-mija/168098e108>
7. <https://www.ohchr.org/Documents/Issues/Judiciary/Communications/OL-AZE-1-2018.pdf>; ICJ Recommendations to the Azerbaijan Bar Association on the Role and Independence of Lawyers 2019 <https://www.icj.org/wp-content/uploads/2019/05/Azerbaijan-ICJ-Recommendations-Bar-Ass-Advocacy-Analysis-Brief-2019-ENG.pdf>
8. <https://barassociation.az/news/580>
9. [Open Letter to the Presidium of the Azerbaijani Bar Association by human rights organisations on 4 December 2019 available here <https://crd.org/2019/12/04/open-letter-to-the-presidium-of-the-azerbaijani-bar-association/>]
10. International Partnership for Human Rights, 'New Report: Azerbaijani government crackdown in Ganja', 29 January 2020, <https://www.iphronline.org/new-report-on-azerbaijani-government-crackdown-in-ganja.html>
11. [Open Letter to the Presidium of the Azerbaijani Bar Association by human rights organisations on 4 December 2019 available here <https://crd.org/2019/12/04/open-letter-to-the-presidium-of-the-azerbaijani-bar-association/>]
12. Human Rights Watch, 'Lawyer Disbarred in Azerbaijan After Filing Torture Complaint', 27 November 2017 <https://www.hrw.org/news/2017/11/27/lawyer-disbarred-azerbaijan-after-filing-torture-complaint>; Human Rights House Foundation, Bias and disbarment leave handful of lawyers to take sensitive cases, 26 February 2019 <https://humanrightshouse.org/articles/bias-and-disbarment-leave-handful-of-lawyers-to-take-sensitive-cases>
13. <https://www.nhc.nl/statement-in-support-of-azerbaijani-human-rights-lawyer-elchin-sadigov/>
14. Human Rights Watch, World Report 2019 - Azerbaijan <https://www.hrw.org/world-report/2019/country-chapters/azerbaijan>
15. International Partnership for Human Rights, Justice under threat in Azerbaijan as Bar Association bans yet more independent lawyers, 16 May 2018 <https://www.iphronline.org/justice-under-threat-in-azerbaijan-as-bar-association-bans-yet-more-independent-lawyers.html>
16. Human Rights Watch, World Report 2019 - Azerbaijan (17 January 2019) <https://www.ecoi.net/en/document/2002242.html>; International Bar Association Human Rights Institute, 'IBAHRI calls for Azerbaijan Bar Association to revoke suspension of human rights lawyer's licence' 22 March 2018, <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=468F15C6-F397-43EA-8796-86583B43287E>
17. International Commission of Jurists, ICJ Mission Report 2016 'Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan' (ICJ, 2016) 34 <https://www.icj.org/wp-content/uploads/2016/11/Azerbaijan-Systemic-problems-Legal-Prof-Publications-Reports-Mission-reports-2016-ENG.pdf>
18. Ibid, 35
19. EHRAC press release 'Human rights lawyer Alayif Hasanov's disbarment violates his Convention rights', 5 December 2018, <http://ehrac.org.uk/news/alayif-hasanovs-disbarment-violates-convention>;
20. EHRAC press release 'European Court asks Azerbaijani Government to account for human rights lawyer Khalid Bagirov's disbarment', 24 June 2016, <http://ehrac.org.uk/news/european-court-asks-azerbaijani-government-to-account-for-human-rights-lawyer-khalid-bagirovs-disbarment/>; International Commission of Jurists, ICJ Mission Report 2016 'Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan' (ICJ, 2016) 34 <https://www.icj.org/wp-content/uploads/2016/11/Azerbaijan-Systemic-problems-Legal-Prof-Publications-Reports-Mission-reports-2016-ENG.pdf>
21. Profile of Khalid Bagirov on the website of Front Line Defenders <https://www.frontlinedefenders.org/en/profile/khalid-bagirov>
22. [Bagirov v Azerbaijan](#), App. No. 81024/12 and 28198/15, 25 June 2020
23. International Commission of Jurists, ICJ Mission Report 2016 'Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan' (ICJ, 2016) 34 <https://www.icj.org/wp-content/uploads/2016/11/Azerbaijan-Systemic-problems-Legal-Prof-Publications-Reports-Mission-reports-2016-ENG.pdf>
24. Lawyers for Lawyers, Human Rights Committee Consideration of the Periodic Report of Azerbaijan: Submission on the List of Issues (18 December 2015) 6 [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AZE/INT\\_CCPR\\_ICO\\_AZE\\_22708\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/AZE/INT_CCPR_ICO_AZE_22708_E.pdf)
25. 'Lawyer accuses the Bar Association' by Azadliq newspaper, 12 June 2012 (in Azerbaijani) <https://www.azadliq.info/17986.html>
26. Worldwide movement for Human Rights, Political Repression must stop (24 October 2011) <https://www.fidh.org/en/region/europe-central-asia/azerbaijan/Political-Represion-must-stop>
27. International Commission of Jurists, ICJ Mission Report 2016 'Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan' (ICJ, 2016) 35 <https://www.icj.org/wp-content/uploads/2016/11/Azerbaijan-Systemic-problems-Legal-Prof-Publications-Reports-Mission-reports-2016-ENG.pdf>
28. [Namazov v Azerbaijan](#), App. No. 74354/13, 30 January 2020
29. International Commission of Jurists, ICJ Mission Report 2016 'Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan' (ICJ, 2016) 34 <https://www.icj.org/wp-content/uploads/2016/11/Azerbaijan-Systemic-problems-Legal-Prof-Publications-Reports-Mission-reports-2016-ENG.pdf>; Karl Rahder, 'Azerbaijan: prominent lawyer disbarred, youth activist arrested' (Foreign Policy Association, 6 February 2011) <https://webcache.googleusercontent.com/search?q=cache:7rrQwAUJhcAJ:https://foreignpolicyblogs.com/2011/02/06/azerbaijan-opposition-lawyer-disbarred-youth-activist-arrested/+&cd=1&hl=en&ct=clnk&gl=uk>
30. International Commission of Jurists, ICJ Mission Report 2016 'Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan' (ICJ, 2016) 33 <https://www.icj.org/wp-content/uploads/2016/11/Azerbaijan-Systemic-problems-Legal-Prof-Publications-Reports-Mission-reports-2016-ENG.pdf>
31. Amnesty International, 'Azerbaijan released human rights lawyer Intigam Aliyev', 28 March 2016 <https://www.amnesty.org/en/latest/news/2016/03/azerbaijan-releases-human-rights-lawyer-intigam-aliyev/>
32. Belarusian Human Rights House, 'Azerbaijani ILIA project expert Intigam Aliyev – the human rights defender of year 2012', 29 May 2013 <https://humanrightshouse.org/articles/azerbaijani-ilia-project-expert-intigam-aliyev-the-human-rights-defender-of-year-2012/>

33. Norwegian Helsinki Committee, 'Andrei Sakharov Freedom Award to Political Prisoners in Azerbaijan', 06 October 2014 <https://www.nhc.no/en/andrei-sakharov-freedom-award-to-political-prisoners-in-azerbaijan/>
34. International Bar Association, 'Intigam Aliyev receives IBA Human Rights Award 2015 for outstanding contribution to human rights', 9 October 2015 <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=64ff755c-125c-4da6-8619-43d4a14e3c9b>
35. The Council of Bars and Law Societies of Europe (CCBE) Press Release, 04 February 2016 [https://www.ccbe.eu/NTCdocument/EN\\_pr\\_0316pdf1\\_1454584730.pdf](https://www.ccbe.eu/NTCdocument/EN_pr_0316pdf1_1454584730.pdf)
36. VOA News, 04 February 2016 [https://www.amerikaninnesi.org/a/intiqam\\_aliyev/3176417.html](https://www.amerikaninnesi.org/a/intiqam_aliyev/3176417.html)
37. Radio Liberty, 'Intigam Aliyev Civil Rights Defender Of The Year', 7 April 2016 <https://www.azadliq.org/a/27660951.html/>
38. EHRAC press release, 'Intigam Aliyev's arrest and detention was to punish him for his human rights activism', 20 September 2018 <http://ehrac.org.uk/news/>; Commission of Jurists, ICJ Mission Report 2016 'Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan' (ICJ, 2016) 32 <https://www.icj.org/wp-content/uploads/2016/11/Azerbaijan-Systemic-problems-Legal-Prof-Publications-Reports-Mission-reports-2016-ENG.pdf>
39. EHRAC press release, Human rights lawyers denied access to the Azerbaijani Bar submit case to European Court of Human Rights <https://ehrac.org.uk/news/human-rights-lawyers-denied-access-to-the-azerbaijani-bar-submit-case-to-european-court-of-human-rights/>



**Middlesex University**  
**The Burroughs Hendon**  
**NW4 4BT**  
**Tel: +44 208 411 2826**  
**[www.ehrac.org.uk](http://www.ehrac.org.uk)**  
**[ehrac@mdx.ac.uk](mailto:ehrac@mdx.ac.uk)**

EHRAC is established within Middlesex University.  
The University is an exempt charity by virtue of the  
Charities Act 1960.

This publication has been produced with the  
assistance of Matrix Chambers. The contents  
of this publication are the sole responsibility of  
EHRAC and can in no way be taken to reflect the  
views of Matrix.

