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Rule 9(2) submission to the Committee of Ministers of the Council of Europe concerning the implementation of the *Namazov v Azerbaijan* group of cases (Appl. No. 74354/13)

I. Introduction

1. We write to lodge submissions pursuant to Rule 9(2) of the Committee of Ministers’ Rules for the Supervision of the Execution of Judgments in respect of the *Namazov* group, consisting of three cases:
 - *Namazov v Azerbaijan* (Appl. no. 74354/13)
 - *Aslan Ismayilov v Azerbaijan* (Appl. no. 18498/15)
 - *Bagirov v Azerbaijan* (Appl. no. 81024/12)
2. The signatory organisations, European Human Rights Advocacy Centre (EHRAC), International Partnership of Human Rights (IPHR) and the Baku-based Independent Lawyers Network (ILN) are non-governmental human rights organisations working to advance respect for human rights, including the rights of independent lawyers, in Azerbaijan. The Law Society of England and Wales (the “Law Society”) is the professional body representing more than 200,000 solicitors in England and Wales and its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world. EHRAC represented Mr Bagirov, one of the applicants in the *Namazov* group, in the proceedings before the Court.
3. This submission builds on the Rule 9(2) submission of EHRAC, IPHR and ILN sent on 20

October 2022¹ (hereafter October 2022 submission) by providing an update on the independence of the legal profession and operation of the Azerbaijan Bar Association (ABA). This submission should be read together with the October 2022 submission.

4. Descriptions of the cases in this group and the Committee's earlier decisions can be found at paragraphs 3-6 of our October 2022 submissions.

II. Update on individual measures

5. Individual measures concerning the cases of Namazov and Bagirov have not been implemented. Further, the ABA, which has not reinstated them as members filed a lawsuit against Bagirov following his critical comments on the Bar's financial practices in a study published on Meydan TV titled "Judge's son's sports and fitness business." In response to these remarks, the ABA's Presidium demanded an apology, a retraction of his statements, and compensation of 1,000 manats. Bagirov, who maintained that he merely raised questions about the Bar's financial transparency, was fined 1,000 AZN by the Nizami District Court on 27 December 2023. Bagirov maintains that he should not apologize for merely seeking clarity.²
6. We dispute the Government's assertion in its 4 April 2024 action report that Bagirov has lost interest in this case by not requesting his reinstatement (paragraph 8). From the content of the Rule 9(1) submitted by Khalid Bagirov on 16 December 2023, it is clear that he has made multiple attempts to various bodies (authorized representative of the Administration of the President of the Republic of Azerbaijan to the European Court of Human Rights, and the Chairman of the Supreme Court) concerning implementation of this judgment. As we submit below (see paragraph 14, below) it is not only for the applicants to seek readmission – instead the primary responsibility is for the Supreme Court to quash its previous decision, and the ABA should renounce and revoke its previous decisions.

III. Update on general measures

7. We continue to advocate that the following general issues require addressing for the full implementation of the Namazov group of cases:
 - The reinstatement of illegitimately disbarred lawyers, and a non-discriminatory approach to reinstatement;
 - The continued inadequacy of legislative and other regulatory framework relating to the legal profession and the operation of the ABA, despite recent and proposed amendments;
 - The continued abusive use of disciplinary measures against ABA members in practice, and critique of the updated rules;

¹ 1451st meeting (December 2022) (DH) – Rule 9.2 – Communication from NGOs (20/10/2022) (European Human Rights Advocacy Centre, the Independent Lawyers Network and the International Partnership for Human Rights) in the case of Namazov v. Azerbaijan (Application No. 7453/13), [https://hudoc.exec.coe.int/?i=DH-DD\(2022\)1184E](https://hudoc.exec.coe.int/?i=DH-DD(2022)1184E)

² Voice of America, "Bar Association sued lawyer Khalid Bagirov", 21 October 2023, <https://www.amerikaninsesi.org/a/7320029.html>

- The lack of independence of the ABA and its growing control over the legal profession;
 - Concerns related to arbitrary application of the process of admission of lawyers to the ABA;
 - The worrying context of physical attacks on lawyers, restricted access to clients, and illegal surveillance.
8. As a general response to the Government’s Action Plan of October 2022, as well as its Action Report of April 2024, we note the legislative initiatives to amend the laws relating to regulation and discipline of the legal profession, including draft amendments to the Law “Law on Advocates and Advocacy Activity”. However, we note with concern that no further progress has been made on the legislative amendments since October 2022, other than the text being finalized and now being considered by the Parliament. We also note, with concern, that other than the changes to Article 22 outlined in the Action Plan of October 2022, no further information has been provided on the text of any other updates to the law. For this reason, we can only provide a critique on information publicly available. We request that the Committee requests from the authorities the full text of the updated amendments to the laws (if the amendments constitute more than an amendment to Article 22). Furthermore, it is of concern that neither the authorities nor the ABA has published or carried out any public consultation on the amendments to the Law on Advocates and Advocacy Activity. Without genuine consultation the law may not meet the needs of the legal community and the wider public. We request that the Committee encourage the authorities to conduct genuine consultation over the proposed amendments before they come into effect.
9. Further, we also note with concern that these amendments do not resolve the issues raised in the Namazov group relating to disbarment and discipline of lawyers in Azerbaijan (as outlined below).
10. Finally, we note that many of the submissions of the authorities in its Action Report of April 2024 are irrelevant to the issue at hand of disbarment and discipline of lawyers (particularly the bulk of the information contained at paragraphs 12-30).

3.1 Reinstatement of disbarred lawyers

11. We reiterate our submissions made in October 2022, and note with concern that it is still the case that only one applicant, Aslan Ismayilov, has been reinstated but the two other applicants, Mr Bagirov and Mr Namazov, remain disbarred and have not had their domestic proceedings reopened by the Supreme Court without any justifiable reason.
12. This is reflective of a general pattern by the government of implementing a discriminatory policy against advocates, selectively reinstating some while continuing to exclude others who remain active in civil society and continue to undertake human rights work within Azerbaijan. This selective reinstatement, such as seen in the *Mammadli v. Azerbaijan*

group, and the persistent disbarment of other advocates like Mr. Bagirov and Mr. Namazov without substantial legal justification, underscores a pattern of discrimination that fails to align with the European Court of Human Rights' directives for full restitution and reinstatement of professional activities for unjustly disbarred lawyers.

13. We reiterate our submissions that the decision of the ECtHR provides grounds for reconsideration by the Supreme Court, but despite a number of requests by the applicants to the relevant domestic bodies, no information has been forthcoming (see most recent Rule 9(1) from Khalid Bagirov).
14. We also reiterate our submissions that the ABA Presidium should, under domestic law, revoke its decisions to disbar the applicants and seek reconsideration of their domestic cases by the Plenum of the Supreme Court. The Rule 9(1) from Khalid Bagirov has demonstrated that the ABA has failed to take any steps of its own motion to reinstate the applicants. We submit that it is disingenuous for the authorities to insist that the applicant's reapply for bar membership (Action Report April 2024 paragraphs 6-8) – instead, as we set out in our October 2022 submission, responsibility for readmission primarily lies with the Supreme Court to quash its previous decision, and the Bar Association also shares responsibility for the applicant's readmission by reconsidering and revoking its previous disciplinary decision (see October 2022 submission, paragraphs 44-49).
15. Furthermore, the reinstatement process for disbarred lawyers through attending exams, especially those removed for political reasons, has proven ineffective as evidenced by the experience of Alaif Hasanov (died on 26 October 2023). Hasanov, a lawyer specializing in human rights and the former representative of prominent human rights defender Leyla Yunus, was disbarred on 3 July 2015, following a controversial court decision connected to his defence work. Hasanov's repeated applications to the ABA's Qualification Commission in 2017, 2018, and 2019 to retake the exams were ignored by the ABA. His appeals received no substantive responses, merely assurances of eventual replies, leading him to file a lawsuit against the Collegium in 2020.³ This case illustrates the barriers and apparent disregard within the ABA toward reinstating lawyers, particularly those disbarred under contentious circumstances. The European Court of Human Rights completed communication in 2018 and 2022 on two of his complaints (Applications no. 39834/16 and 68035/17) - concerning his conviction for criminal defamation and unjustified disbarment from the Bar Association. In both communications, the Court raised questions related to the Article 18 of the Convention.⁴

3.2 Continued inadequacy of legislative and regulatory framework

16. The current updated report highlights the absence of any changes to address the concerning aspects of the legislation and practices affecting the lawyer profession in Azerbaijan.

3.2.1 Critique of proposed amended Article 22 of the Law on Advocates and Advocacy Activity

³ Voice of America, "Lawyer Sues Bar Association," 21 Apr. 2021, <https://www.amerikaninsesi.org/a/hüquqşünas-v%C9%99kill%C9%99r-kollegiyasmi-m%C9%99hk%C9%99m%C9%99y%C9%99-verib-5848682.html>

⁴ HASANOV v. AZERBAIJAN (no. 68035/17), Communicated Case | 04/06/2018, <https://hudoc.echr.coe.int/?i=001-184367> ; HASANOV v. AZERBAIJAN (no 39834/16), Communicated Case | 29/06/2022, <https://hudoc.echr.coe.int/?i=001-218699>

17. In its October 2022 Action Plan, the Government of Azerbaijan included its draft amendments to Article 22 of the Law on Advocates and Advocacy Activity,⁵ which it claims would prevent unjust disciplinary actions against lawyers. However, similar to the current Article 22, this draft amendment fails to provide detailed guidance on the circumstances in which disciplinary sanctions will be imposed, thereby offering wide discretionary powers to the Presidium of the ABA and the Disciplinary Commission to impose disciplinary sanctions arbitrarily (see paragraphs 9-16 of October 2022 submission for a critique of the current law).
18. As with the current Article 22, the list of grounds for disciplinary action in Part I is not adequately defined. In particular, the references to “other legislative acts” and “norms of lawyer ethics” are not defined, leaving lawyers without guidance as to what actions may lead to disciplinary liability. These amendments actually expand the grounds for imposing disciplinary sanctions on lawyers, including non-compliance with mandatory teaching hours and committing any of the broadly defined 20 offenses under the Azerbaijani "Law on Combating Corruption." (see Part V of the draft law)
19. Part V lists the types of sanctions that the Presidium may apply on the basis of the decision of the Disciplinary Commission. Sanctions of remarks, reprimands and suspensions are to be instituted following the “breach of the provision of lawyer ethics”. However, it is unclear what a “breach of the provision of lawyer ethics” may constitute, as well as how this term relates to the grounds for disciplinary proceedings in Part I. Thus, these provisions continue to be too broad and too vague to provide adequate regulation of disciplinary responsibility for lawyers.
20. This draft amendment increases the maximum length of time for which a lawyer’s right to practice can be suspended. Under the previous Article 22, the suspension period was between three months to one year. The proposed Article 22 now mandates suspension between six months to three years, without offering further explanation as to the acts that constitute “repeatedly or grossly breaching the provisions of lawyer ethics”. The draft law also introduces stricter accountability for lawyers without any justification – for instance not checking the information in a lawyer’s electronic cabinet can now be punished with a ‘remark’.

⁵ **Article 22 Disciplinary responsibility of lawyers**

I. Lawyer shall be brought to disciplinary liability in case of detection of breach of provisions of the present Law and other legislative acts, Statute on lawyers’ code of conduct, cases of breach of norms of lawyer ethics, including cases of non-accumulation of minimum mandatory teaching hours during the year in the course of being a member of the Bar Association.

...

V. Presidium of the Bar Association, on the basis of opinion of the Disciplinary Commission, may apply one of the following disciplinary measures in respect of the lawyer on the following grounds:

Remark - for causing a breach of the provisions of lawyer ethics by committing a violation related to the abuse of rights and duties for the first time, as well as about the fact that the information sent to the "electron personal cabinet" of the lawyer and the lawyer association was not checked by the lawyer and the head of the lawyer association or for non-response if necessary;

Reprimand - for failure to comply with provisions of lawyer ethics by repeatedly or grossly breaching the requirements of the legislation; to impose a fine of one hundred times the membership fee for repeated disciplinary offences within one year after the imposition of reprimand;

for committing one of the offences specified in Article 9 of the Law of the Republic of Azerbaijan "On Combating Corruption", for having committed a disciplinary offence that led to the imposition of a fine or for repeatedly or grossly breaching the provisions of lawyer ethics, to stop practising law for a period of six months to three years, depending on the degree of the breach;

to apply to the court regarding disbarment and suspending the activity of the lawyer until the entry of the court decision on that issue into force, for committing an act that tarnishes the name of lawyer and damages the reputation of the legal profession or for harming the interests of the person the lawyer represents by repeatedly violating the requirements of the legislation related to the case in progress.

...

21. The new provision relating to disbarment stipulates that a lawyer can be excluded from the ABA “for committing an act that tarnishes the name of lawyer and damages the reputation of the legal profession or for harming the interests of the person the lawyer represents by repeatedly violating the requirements of the legislation related to the case in progress” (Part V). The draft amendment fails to illustrate the acts that tarnish the name of lawyer and damage the reputation of the legal profession, as already noted by the CM in its notes to the decision adopted at its 1451st meeting on 6-8 December 2022.
22. More broadly, we maintain that merely making technical amendments to clarify the legislation is insufficient. The challenges within Azerbaijan's legal profession remains critically complex due to the ABA’s lack of independence and its continued control by the government in unjustly disbaring lawyers. Despite legislative amendments, these changes have proven ineffective and not a meaningful change in either policy or practice due to the entrenched lack of autonomy and ongoing unjust practices. Even the prolonged implementation of the Namazov group case sufficiently demonstrates the nature of this complexity, where the government continuedly denies implementing the ECtHR judgments in regard to two applicants, which has now been under supervision of the CM since September 2021.
23. Effective reform must tackle both the ambiguities in the law and the structural issues within the ABA (see further below) to ensure fairness and to prevent arbitrary disciplinary actions against lawyers.
24. It is therefore essential that the CM take these factors into account, pressing for significant reforms that ensure the reinstatement of affected lawyers and establishing robust safeguards to prevent future interference in the legal profession. The CM must recognize these systemic issues and request general measures for substantial reforms allowing the reinstatement of disbarred lawyers, admit previously denied applicants to the Bar, and establish a framework for democratic governance that curtails external influence over the legal profession.

3.2.2 *How the Law on Advocates and Advocacy Activity limits lawyers’ freedom of expression*

25. In our previous submission we set out how the Rules of Conduct for Lawyers interfere with freedom of expression (paragraphs 17-22). In the present submission we set out ways in which the Law on Advocates and Advocacy Activity does the same. Article 16 Part I states that, during the exercise of their professional activity, lawyers shall be obliged to “refrain from spreading ... information which may cause damage to morality, public order in a democratic society or state security”. Article 18 states that, during the exercise of their professional activity, lawyers shall “perform his/her obligations without fault” and refrain from “rough, insulting actions and words” and from “humiliating the honour and dignity of the person”. The broad nature of these provisions significantly affects lawyers’ ability to freely exercise their right to freedom of expression, as a fundamental element of the legal profession, and interferes with the principle of independence of the legal profession.
26. In Azerbaijan, the number of lawyers willing to express their freedom of expression and engage in human rights work, particularly in the defence of politically sensitive cases, is

notably low (local Human rights defenders claims their number is below 10). Independent civil society organizations (CSOs) struggle to find independent advocates who are willing to take on politically sensitive cases. This is due to the framework muzzling free expression and exposing independent lawyers to disciplinary sanctions.

3.3 Disciplinary measures against lawyers

3.3.1 Disciplinary measures in practice

27. According to the ABA's report covering 2007 to 2022, out of 183 disciplinary opinions, 47 lawyers (25.7%) received reprimands, 59 (32.2%) were admonished, 45 (24.6%) had their activities suspended for a period, and 32 (17.5%) faced court appeals for potential disbarment. However, the ABA's report does not provide specific details on the exact violations that led to these disciplinary actions to assess the severity of the punishments in relation to the scope and effects of the alleged violations. The identified infractions among lawyers, according to the ABA, included providing low-quality state-funded legal assistance, accepting undeclared funds, violating non-cash fee payment requirements, using unethical expressions, and other breaches of professional ethics.⁶ This lack of detailed information raises concerns about the transparency and fairness of the disciplinary processes within the legal community.
28. In 2023, the ABA suspended the activities of 9 lawyers and appealed to the court for the disbarment of 8 lawyers.⁷ Due to the decisions regarding these suspended and disbarred lawyers not being public, insights into the validity of the ABA actions are only available through a limited number of affected lawyers' press interviews alleging rights violations.
29. However, limited sources of information also indicate that the ABA continues to punish/silence lawyers. One such example is that, in August 2023, Zaman Samadov, a member of the ABA during 2007-2020 and a Doctor of Philosophy in Law, appealed to the human rights organization "Center for Research Against Torture" and accused the ABA of engaging in misconduct with a dubious complaint against him, leading to his disbarment. According to Zaman Samadov, one of his clients (who had no previous complaints about him) complained about the lawyer on fictitious grounds. On the basis of that complaint, on 15 October 2020, the ABA's chair appealed to the court and succeeded in his disbarment.⁸
30. From January to April 2024, the Disciplinary Commission of Lawyers of the Bar Association of the Republic of Azerbaijan convened five meetings, where various cases were reviewed and decisions regarding disciplinary actions were made. During these sessions, a significant number of disciplinary opinions were issued and evaluated for potential violations. Here is a summary of the findings across the five meetings:

⁶ Report on the activities of the Bar Association covering December 2007 - December 2022, [https://barassociation.az/web/uploads/files/V%C9%99kill%C9%99r%20Kollgiyasi%20-%20Hesabat%20-%205%20illik%20\(icmal\).pdf](https://barassociation.az/web/uploads/files/V%C9%99kill%C9%99r%20Kollgiyasi%20-%20Hesabat%20-%205%20illik%20(icmal).pdf)

⁷ Report information agency, "Last year, 9 lawyers were suspended and 20 people were reprimanded", 17 January 2024, <https://report.az/daxili-siyaset/oten-il-9-vekilin-fealiyyeti-dayandirilib-20-ne-tohnmet-verilib/>

⁸ Facebook page of the Center for Research Against Torture Public Union, 17 August 2023, <https://www.facebook.com/100011116387785/posts/1964405197273341/?mibextid=WC7FNe&rdid=1Q92cGc7GF3BOQ9n>; <https://www.facebook.com/100044222582518/posts/852742056209873/?mibextid=WC7FNe&rdid=Q8joiBjZyLPWb4LT>

- a. January 26: Of 12 opinions issued, 5 found violations (42% violation rate).⁹
 - b. February 9: Of 11 opinions, 7 found violations (64% violation rate).¹⁰
 - c. February 23: Of 13 opinions, 8 found violations (62% violation rate).¹¹
 - d. March 13: Of 10 opinions 7 found violations (70% violation rate).¹²
 - e. April 6: Of 12 opinions, 7 found violations (58% violation rate).¹³
31. In 2024, the Disciplinary Commission of Lawyers of the Bar Association of Azerbaijan addressed 34 complaints, resulting in opinions on violations. Of these, 21 opinions (61.76%) were based on complaints from citizens, 9 (26.47%) from courts, 3 (8.82%) from law enforcement agencies, and 1 (2.94%) from the review board of the Bar Association.
 32. Among the disciplinary cases reviewed on 6 April 2024 by the Disciplinary Commission of Lawyers, two cases out seven specifically involved disciplinary punishment related to issues of freedom of expression of lawyers.
 33. In one case, a lawyer was disciplined for "spreading untruthful information in the lawyer's application by live streaming video on his social network accounts, actions and words that are incompatible with law enforcement activities, that can harm the business reputation of law enforcement agencies, that can lower the reputation of the lawyer's office, and that are against the lawyer's ethics."¹⁴
 34. Another case involved a lawyer who was disciplined for "using unethical statements and expressing opinions aimed at evaluating the performance of the judge handling the case and accusing him of engaging in non-procedural relations with the person involved in the case in the appeal complaint drawn up by the lawyer."¹⁵
 35. These high rates of findings of violations are indicative of continually unfair proceedings against lawyers.

3.3.2 Critique of the Updated Rules

36. The Rules of the Disciplinary Commission of Lawyers (hereinafter 'the updated Rules') were updated by the ABA on 6 December 2022,¹⁶ and regulate the conduct of disciplinary proceedings. As set out below, the updated Rules largely fail to address the deficiencies in disciplinary proceedings we set out in our October 2022 submission:

⁹ Azerbaijan Bar Association, Vəkillərin İntizam Komissiyasının cari ildə ilk iclası keçirilib, 3 February 2024, <https://barassociation.az/news/1255>

¹⁰ Azerbaijan Bar Association, Vəkillərin İntizam Komissiyasının növbəti iclası keçirilib, 10 February 2024, <https://barassociation.az/news/1293>

¹¹ Vəkillərin İntizam Komissiyasının növbəti iclası keçirilib, 27 February 2024, <https://barassociation.az/news/1298>

¹² Azerbaijan Bar Association, Vəkillərin İntizam Komissiyasının növbəti iclası keçirilib, 16 March 2024, <https://barassociation.az/news/1322>

¹³ Azerbaijan Bar Association, Vəkillərin İntizam Komissiyasının növbəti iclası keçirilib, 15 April 2024, <https://barassociation.az/news/1335>

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Azerbaijan Bar Association, Azərbaycan Respublikası Vəkillər Kollegiyasının Vəkillərin İntizam Komissiyası haqqında ƏSASNAMƏ (Rules of the Disciplinary Commission of Lawyers), <https://barassociation.az/documents/1040>.

3.3.2.1 Notification to lawyers subjected to disciplinary proceedings: a right to be heard

37. Disciplinary proceedings against lawyers continues to be initiated by the ABA Presidium, which prepares a preliminary decision to the Disciplinary Commission requesting to initiate such proceedings (updated Rules Article 7.1). As in the old Rules, the affected lawyers are never informed about the Presidium’s preliminary decision or invited to get acquainted with it or present his/her position. They only learn about the proceedings against them upon being summoned to the Disciplinary Commission to provide an explanation in their cases.
38. Articles 5.1.2 and 6.1.1 of the updated Rules recognise the right of lawyers “to be notified in advance about the time and place of the Disciplinary Commission meeting.” However, the updated Rules do not specify what ‘notified in advance’ means and do not provide for any specific procedures or means of notification to be used by the Disciplinary Commission. The updated Rules have dropped the requirement that a lawyer shall be notified of the time and place of the meeting no later than 3 days prior to the meeting (former Article 6.3).
39. Like under the old Rules, given the absence of any specific procedures or means of notification, proceedings before the Disciplinary Commission can be held at short notice, leaving lawyers with insufficient time to prepare.

3.3.2.2 Access to case materials

40. The updated Rules do not address the issues raised in our submission of October 2022 – namely that case materials are not provided to those subject to disciplinary procedures until the meeting of the Disciplinary Commission and Court hearings, nor is a copy of the opinion of the Disciplinary Commission provided (October 2022 submission, paragraph 29).

3.3.2.3 No adversarial proceedings, right to defence (witnesses)

41. Whilst Articles 5.1.1, 5.2.1 and 6.1.3 of the updated Rules recognise the right of lawyers to give explanations and motions on the matter under consideration and “present evidence (documents and others)”, in cases prior to the introduction of the updated Rules, lawyers report that they were “unable to present their evidence to the Disciplinary Commission or the Commission did not take evidence presented into account.”¹⁷ It remains to be seen whether the updated Rules address this.
42. The updated Rules continue to explicitly not envisage the right for an affected lawyer to invite experts or witnesses (see October 2022 submission, paragraph 30).

¹⁷ International Commission of Jurists, *ICJ Recommendations to the Azerbaijan Bar Association on the Role and Independence of Lawyers*, page 9, <https://www.icj.org/wp-content/uploads/2019/05/Azerbaijan-ICJ-Recommendations-Bar-Ass-Advocacy-Analysis-Brief-2019-ENG.pdf>.

3.3.2.4 Lack of independence of the Disciplinary Commission from the ABA Presidium

43. The updated Rules do not address the lack of independence of the Disciplinary Commission from the Presidium, including on the issues of obtaining evidence and expert opinions and the preparation and organization of meetings. (see October 2022 submission, paragraph 31). The updated Rules states that the “organizational, financial and material-technical support of the activities of the Disciplinary Commission is carried out by the Presidium” (Article 9.1), further highlighting administrative dependence of the Disciplinary Commission on the Presidium.

3.4 Lack of institutional independence of ABA and its growing control over the legal profession

44. We reiterate our submission of October 2022, that the ABA continues to lack institutional and political independence and has growing control over the activities of individual, independent lawyers and the operation of lawyers’ bureaus (paragraphs 32-43). No progress has been made on this issue.
45. Indeed, official data indicates that there is a pattern that the ABA is trying to impose more control mechanisms over the individual form of lawyer practice through different mechanisms. According to latest information obtained from the website of the ABA, the number of ABA members is 2,431.¹⁸ According to official records of the advocate database on the website of the ABA, only 161 advocates (6.6 %) are carrying out legal services as an individual lawyer, whereas 2270 advocates (93.4%) work within legal bureaus.
46. According to Article 5, Part V of the Law of the Republic of Azerbaijan on Lawyers and Advocacy Activities, advocacy activities are carried out individually or within legal institutions (law bureaus, law consultancy offices, law firms, etc.). The organizational-legal form of advocacy is chosen voluntarily by lawyers.
47. However, there were a number of occasions where the ABA, without the consent of the advocate, attempted to transfer or repeal the status of advocate's individual status and illegally transferred the individual advocate to the legal bureau. For instance, in 2019, two lawyers were forcibly and without their consent transferred to the legal bureau membership from their individual form of lawyer status.¹⁹
48. On 17 June 2019, the head of the ABA confirmed that the ABA is working towards repealing the individual form of legal practice and relevant proposals were submitted to Parliament.²⁰ There are no known further developments on this matter.

3.5 Admission of lawyers and members of the Azerbaijan Bar Association

49. While ABA representatives have suggested that disbarred lawyers are invited to apply for

¹⁸ Website of the Azerbaijan Bar Association, <https://barassociation.az>

¹⁹ Qafqazinfo, "Individual representation is being abolishing - another dissatisfaction in the College", 19 July 2019, <https://www.qafqazinfo.az/news/detail/ferdi-vekillik-legv-edilir-kollegiyada-daha-bir-naraziliq-258538>

²⁰ Meydan TV, "Individual representation may be cancelled", "Lawyer Elchin Sadigov was reprimanded for not working as a lawyer at the place where he is registered", 17 July 2019, <https://d9mc3ts4czbpr.cloudfront.net/az/article/ferdi-vekillik-legv-oluna-biler/>

new membership and to take on admission exams, not only would this be an unfair and humiliating process for an unjustly disbarred lawyer and would not constitute *restitutio in integrum*, it is also an ineffective mechanism as applicants cannot be guaranteed a fair process, due to the fact that the oral stage of the qualification examination is not free from arbitrary and biased decisions against candidates. Below, we expand on the submission we made in October 2022 (paragraph 49).

50. The ABA Presidium is tasked with “regulation of the qualification examination”.²¹ The Qualification Commission conducts qualification examinations of candidates “with the purpose of identification of professional fitness”²² before submitting its opinion to the ABA Presidium.²³
51. Article 8 Part I states that the qualification examination conducted by the Qualification Commission involves an oral interview and written test to identify professional fitness, and a compulsory training course in an institution of the relevant executive body. In practice, the qualification examination consists of two stages: 1) the written stage, automatised and conducted by the State Examination Centre of the Republic of Azerbaijan, and 2) the oral stage conducted by the Qualification Commission. Candidates who pass these stages must then complete a one-month training course at the Justice Academy of the Ministry of Justice, after which they are required to pass the final exams administered by the Justice Academy of the Ministry of Justice to qualify professionally. This process, particularly the involvement of a state-run institution, such as the Justice Academy, raises concerns about state interference in the admission to the bar.
52. The Law does not provide any further guidance as to the qualification examination, including any guidelines for the Qualification Commission to use to objectively assess the knowledge and skills of candidates.
53. Likewise, the Rules for conducting qualification exams for admission to the Bar Association,²⁴ do not provide detailed guidance as to the nature of the qualification examination. Article 5.3 states that candidates will be asked questions related to the field of law and questions that determine their ability to draw logical conclusions, their general outlook, and their level of knowledge, including questions related to their current or previous work activities.
54. There are concerns that the oral stage of the qualification examination is not free from arbitrary and biased decisions against candidates, especially those who work on human rights or sensitive cases.²⁵ The Commissioner for Human Rights of the Council of Europe noted that “during past qualification examinations, some lawyers working on sensitive human rights issues or with an NGO background have for instance not been admitted to the Bar”.²⁶ The International Commission of Jurists noted that: “In one such reported

²¹ Article 13 Part IX of the Law on Advocates and Advocacy Activity

²² Article 13 Part IV of the Law on Advocates and Advocacy Activity

²³ Article 13 Part V of the Law on Advocates and Advocacy Activity

²⁴ Azerbaijan Bar Association, *Vəkillər Kollegiyası üzvlüyünə qəbulla bağlı ixtisas imtahanlarının keçirilməsi qaydaları (Rules for conducting qualification exams for admission to the Bar Association)*, <https://barassociation.az/documents/182>.

²⁵ International Bar Association Human Rights Institute, *The Bar and lawyers in Azerbaijan*, <https://www.ibanet.org/document?id=IBAHRI-The-Bar-and-Lawyers-in-Azerbaijan-English>.

²⁶ Commissioner for Human Rights of the Council of Europe, *Report Following Her Visit to Azerbaijan from 8 to 12 July 2019*, para. 62,

instance, all lawyers from the so-called “Group of Practicing Lawyers”, an informal network of independent lawyers who are not members of the Bar Association and who often specialise in human rights cases, successfully passed the computer-based stage and failed the oral stage of the examination. It is particularly striking that the vast majority of all other lawyers who sat the examination at that time succeeded in passing it”.²⁷

55. In the absence of detailed guidance, the questions asked at the oral stage may be arbitrary and may depend on the preferences of an individual examiner. Reports indicate that, in practice, the panel asks questions that are sometimes only loosely related to questions of law.²⁸ Reports also indicate that the grading of candidates is not based on standard, objective criteria, rather examiners base their decisions on their own personal judgement.²⁹ The International Commission of Jurists has stated that, during the oral stage, “some candidates had been asked to refrain from online critical statements towards the Bar Association or law enforcement institutions as a condition for their membership”.³⁰ Thus, there are strong indications that selection criteria not related to legal skills and knowledge play a decisive role in the evaluation of candidates.
56. In *Hajibeyli and Aliyev v Azerbaijan*,³¹ the ECtHR established that “at the meetings at which the members of the Presidium examined the applicants’ applications for admission to the ABA, they questioned the applicants only about their stance regarding the functioning of the ABA and the state of the legal profession in the country, without making a single comment on the requirements in respect of candidates for admission to practice as legal counsel or the applicants’ legal or professional ability”.³² During the domestic proceedings, the ABA representative “stated that the first applicant had not been admitted to the ABA because of his stance on the functioning of the ABA”.³³ The Court held that “the Presidium’s refusal to admit the applicants to the ABA was prompted by the views and criticisms that the applicants had publicly expressed in their professional capacity as lawyers holding a special permit”,³⁴ constituting interference with the right to freedom of expression and a violation of Article 10 of the ECHR.
57. Considering the concerns regarding the qualification examination, it is necessary to ensure that admission is based on transparent and objective criteria and is conducted in a manner which eliminates personal bias or preference. The Commissioner for Human Rights of the Council of Europe argued that the oral stage “should be removed or reformed, to ensure fair and objective evaluation. It is essential that the qualification process be transparent, based on objective criteria and free from arbitrariness and undue interference”.³⁵

<https://rm.coe.int/090000168098e108>.

²⁷ International Commission of Jurists, *ICJ Recommendations to the Azerbaijan Bar Association on the Role and Independence of Lawyers*, <https://www.icj.org/wp-content/uploads/2019/05/Azerbaijan-ICJ-Recommendations-Bar-Ass-Advocacy-Analysis-Brief-2019-ENG.pdf>.

²⁸ International Bar Association Human Rights Institute, *The Bar and lawyers in Azerbaijan*, <https://www.ibanet.org/document?id=IBAHRI-The-Bar-and-Lawyers-in-Azerbaijan-English>.

²⁹ Ibid.

³⁰ International Commission of Jurists, *ICJ Recommendations to the Azerbaijan Bar Association on the Role and Independence of Lawyers*, <https://www.icj.org/wp-content/uploads/2019/05/Azerbaijan-ICJ-Recommendations-Bar-Ass-Advocacy-Analysis-Brief-2019-ENG.pdf>.

³¹ *Annaghi Hajibeyli and Intigam Aliyev v Azerbaijan*, ECtHR, App Nos. 6477/08 and 10414/08 (19 April 2018) <https://hudoc.echr.coe.int/fre?i=001-182173>.

³² Ibid, para. 52.

³³ Ibid.

³⁴ Ibid, para. 53.

³⁵ Commissioner for Human Rights of the Council of Europe, *Report Following Her Visit to Azerbaijan from 8 to 12 July 2019*, para. 65, <https://rm.coe.int/090000168098e108>.

3.6 Broader context on the situation of lawyers in Azerbaijan

58. We submit that the issues facing disbarment and admission of lawyers in Azerbaijan must be considered within the broader context of treatment of lawyers. There have been a number of examples of physical attacks against lawyers. Worryingly, a number of these victims later sought to minimize or retract allegations after what appears to be involvement from the ABA (see Annex – Context on the situation of lawyers in Azerbaijan)
59. The issues relating to disciplinary sanctions, including disbarment, admission as a lawyer and the operation of the Azerbaijan Bar Association must also be considered in the context of a broader trend of restricted access to lawyers and harassment of lawyers, including illegal surveillance through ‘Pegasus’ phone hacking software (see Annex – Context on the situation of lawyers in Azerbaijan).

IV. Recommendations:

On the basis of the above, we set out the following recommendations aimed at the Government of Azerbaijan and/or the Azerbaijani Bar Association (many reiterated from our October 2022 submission given the lack of progress on these issues):

Regarding reinstatement of disbarred lawyers

1. The Government should take feasible measures to ensure timely and adequate execution of the ECtHR’s judgments concerning lawyers’ disbarment, and ensure the maximum possible reparation for the violation found by the Court.
2. The Plenum of the Supreme Court should reconsider the domestic court decisions regarding disbarment of lawyers on the basis of ECtHR judgments as a ‘new circumstance’, in line with domestic law, and must do so promptly.
3. The ABA should demonstrate its commitment to protect its members and the independence of the legal profession by revoking its decisions to seek the disbarment of lawyers in cases where ECtHR has found violations of the affected lawyers’ rights, and pursue the reopening of the cases by the Plenum of the Supreme Court.
4. The ABA must demonstrate that it has ended the practice of disbarment and other disciplinary sanctions of lawyers on politically motivated grounds.

Regarding the inadequacy of legislative and other regulatory framework relating to the legal profession and the operation of the Azerbaijani Bar Association

5. The proposed Article 22 on Law on Advocates and Advocacy Activity should be amended to include specific grounds as a basis for exclusion of lawyers from the ABA and to ensure that the law is clear, foreseeable and that adequate legal safeguards against arbitrary application are introduced. The legislative process should be conducted with the involvement of civil society and the legal community in Azerbaijan.

Regarding application of disciplinary measures against ABA members in practice

6. The ABA should amend its updated Rules of the Disciplinary Commission of Lawyers, and put an end to violations of procedural guarantees of lawyers subjected to disciplinary proceedings and ensure that their rights, such as the right to be heard, access to case materials and a right to defence, are clearly established and ensured in laws and in practice. Strong legal safeguards against arbitrary denial of such rights should be introduced.

Regarding the need to strengthen institutional independence of ABA and its growing control over the legal profession

7. The Law on Advocates and Advocacy Activity should be amended to ensure that clear rules and procedures are established for the selection of delegated voters for the Conference of Delegates and that lawyers are able to effectively participate in the formation of the Conference of Delegates, as well as the subsequent decision making of the Conference.
8. The Law on Advocates and Advocacy Activity should be amended to ensure that the governing and disciplinary bodies of the ABA are elected by the General Assembly of the ABA and not appointed by the executive body of the ABA.
9. The Law on Advocates and Advocacy Activity should be amended to ensure that the Qualification Commission is consisted of a majority of members of the legal profession appointed by the Bar Association.
10. The ABA should ensure transparency by publication of minutes and agendas of the ABA Presidium meetings and financial reports, in particular with regard to disciplinary decisions.
11. The ABA should amend its rules to remove the non-transparent permission system for the establishment of legal bureaus and apply the notification system.
12. The ABA should discontinue its practice of involuntarily controlling the forms of legal practice undertaken by advocates.

Regarding the admission of lawyers and members of the Azerbaijani Bar Association

13. The Law on Advocates and Advocacy Activity should be amended to abolish the oral stage of the qualification examination, retaining only the written stage evaluated by electronic means. Alternatively, the Law on Advocates and Advocacy Activity should be amended to include:
 - Detailed rules for the conduct of the oral stage, including the types of questions and the due conduct required of the Qualification Commission. These rules should be strictly followed in a non-discriminatory manner.
 - A detailed system for grading candidates' performance and a requirement for substantiated reasons for decisions. These rules will inform the Qualification Commission and candidates about what type and level of knowledge is required to pass the examination.
 - A requirement for the oral stage to be video recorded, and the recording available to candidates upon request to be used in any appeal procedure.

Regarding access to a lawyer and the harassment of lawyers

14. Authorities must take a zero-tolerance approach to physical attacks against lawyers, and effectively investigate all credible accounts.
15. Lawyers must not be obstructed from performing their duties and meeting with their clients. In particular, lawyer-client confidentiality must be respected.
16. All persons deprived of their liberty must be able to have prompt and confidential access to a qualified and independent lawyer of their choice. Lawyers must be informed promptly of the exact location of where their clients are being held.
17. The Pegasus software and other spyware must not be used to conduct surveillance of lawyers and interfere with their professional duties and the principle of lawyer/client confidentiality.

On behalf of all the signatory organisations,



Toby Collis

Lawyer, EHRAC

Annex – Context on the situation of lawyers in Azerbaijan

Physical Attacks and intimidation

1. On 13 August 2021, lawyer Joshgun Iskandarov was abused and beaten by employees of the police department at the Shirvan Court of Appeal. The Ministry of Internal Affairs refuted the allegations and noted that police officers were provoked and subsequently police officers were compelled to withdraw him from the courtroom.³⁶ However, Article 310.6.3 of the Criminal Procedural Code of the Republic of Azerbaijan states that a person grossly violating a court order can only be expelled from the courtroom if he doesn't abide by the prior notification by the judge. Further, only the court has the authority to deliver this decision. The Prosecutor's Office declined to take action against the police officers concerned, arguing that their actions did not constitute a criminal offense.³⁷ On 19 August 2021, lawyer Joshgun Iskanderov addressed the media and said, "I do not want the incident to be highlighted in mass media and social networks" and thanked the Chairman of the Bar Association Anar Bagirov and the leadership of the Ministry of Internal Affairs.³⁸
2. On 3 March 2022, Bakhtiyar Hajiyev, a member of the Bar Association reported that he had been subjected to violence at the 22nd Police Department of Nasimi District. According to Hajiyev, two police officers forcibly removed him from the police department.³⁹
3. On 20 December 2022, lawyer Elvin Yusifov reported being subjected to physical and verbal aggression at the Agsu District Police Department while attempting to defend a detained client. Yusifov claims that after inquiring about his client's arrest, police officers physically restrained him, and an investigator named Yashar forcibly confiscated his phone. He was then expelled from the police station premises, hindering his ability to represent his client effectively. Following this incident, Yusifov expressed concerns for his own safety and reported the encounter on social media. In response, Elshad Hajiyev from the Ministry of Internal Affairs justified the confiscation of recording devices within police facilities on safety grounds, and denied any misconduct or undue pressure against Yusifov by the police. No information is available about any official investigation or any response from the ABA.⁴⁰
4. On 7 August 2023, lawyer Solmaz Kazimova, representing Valida Ahmadova in the "Tartar case" concerning the alleged mass torture and death of soldiers including Ahmadova's son, Elchin Guliyev, reportedly faced significant pressure. According to a

³⁶ The Prosecutor's Office did not take any legal action against police officers who beat lawyer Joshgun Iskandarov in a court hearing. District's police officers reportedly beat Joshgun Iskandarov who was defending his client in the Shirvan Court of Appeal on 13 August 2021. The lawyer requested the court for him to be able to have a private meeting with his client. The police officers did not agree and ordered him to leave the courtroom. The lawyer objected, saying that he was a defense lawyer enjoying the right to talk in private with his client. Following the lawyer's objection, the police officers forcibly pulled him from the courtroom and beat him in the corridor.

³⁷ Azadliq Radiosu, "The lawyer, who said that the police beat him, was rejected from the prosecutor's office" 23 September 2021), <https://www.azadliq.org/a/cosqun-i%CC%87sgenderov-polis/31474829.html>, accessed 20 December 2021

³⁸ E-Huquq.az / Lawyer Joshgun Iskanderov addressed journalists and social network users, 19 August 2021, <https://www.e-huquq.az/az/news/vekillik/34498.html>

³⁹ <https://qafqazinfo.az/news/detail/polis-reisi-dedi-vekil-kimdir-tutun-atin-bayira-365751>

⁴⁰ Arqument/ "The lawyer says that he was subjected to violence at the Agsu District Police Department", 20-12-2022, <https://arqument.az/az/vekil-asu-rayon-polis-sbesinde-zorakilia-meruz-qaldiini-deyir/>

media interview of Valida Ahmadova, on 7 August, several individuals conducted a raid at Kazimova's residence, seizing her computer, phone, and documents, and detaining her in front of her young niece. Ahmadova alleges that these actions were an intimidation tactic related to her lawyer's involvement in the Tartar case.⁴¹ However, on 9 August 2023, in her statement to e-huquq.az, lawyer Solmaz Kazimova denied the news.⁴²

5. On 11 August 2024, lawyer Bahruz Orujov posted videos on his social media accounts depicting police violence against him at the Surakhani District Police Department. In a video shared in social media, he says that investigators and police officers' actions resulted in bruises to his hand, and he was insulted and pressured. The videos were widely shared by his colleagues, other social media users, and some media organizations. However, shortly afterward, Orujov removed the videos from his page, and most lawyers who had shared them followed suit. The next day, Orujov posted a gratitude video on his Facebook page, protesting the use of his speeches by opposition websites without permission and demanding the removal of the videos, including by colleagues who still had them on their pages. He also thanked the police and the ABA.⁴³
6. On 6 March 2024, during a crackdown on independent media outlets and NGOs in Azerbaijan, human rights advocate Shahla Humbatova faced unlawful interferences in her professional duties. As the authorities targeted Toplum TV and the Institute for Democratic Initiatives (IDI), Humbatova attempted to represent her client, Akif Gurbanov, the head of IDI, during a search at his residence. Despite her efforts, Humbatova was not permitted to attend the search. She subsequently posted a video on Facebook, documenting her situation while waiting outside Gurbanov's house. After posting the video, she was forcibly removed by six police officers.⁴⁴

Context of restricted access to lawyers and harassment of lawyers

7. There are a number of ongoing issues regarding the realisation of the right of access to a lawyer in Azerbaijan:
 - a. Lawyers are often only able to receive a letter of permission from an investigator or judge, which is required to meet with their client, several days after the arrest, preventing lawyers from meeting with their clients from the moment of detention.⁴⁵
 - b. In sensitive cases, police investigators and the prosecutor's office have refused to accept these letters of permission from lawyers, preventing lawyers from meeting

⁴¹ VoA, "It is said that the lawyer involved in the "Tartar case" was subjected to pressure", 7 August 2023, <https://www.amerikaninsesi.org/a/7214970.html>

⁴² E-Huquq.az, "The lawyer commented on the news about the abduction", 9 August 2023, <https://www.e-huquq.az/az/news/vekillik/72297.html>

⁴³ E-Huquq.az, "Lawyer Bahruz Orujov clarified his dispute with police officers", 13 August 2023, <https://www.e-huquq.az/az/news/vekillik/72463.html>

⁴⁴ AbzasMedia/ Lawyer Shahla Humbatova: "The police forcefully removed me from the apartment", 6 March 2024, <https://www.youtube.com/watch?v=NBCU16uPBUw>

⁴⁵ International Bar Association Human Rights Institute, *The Bar and lawyers in Azerbaijan*, page 24, <https://www.ibanet.org/document?id=IBAHRI-The-Bar-and-Lawyers-in-Azerbaijan-English>.

with their clients from the moment of detention.⁴⁶ Human Rights Watch reported that: “At least three detainees’ lawyers tried to access their clients from the early hours of detention and presented the required official documents. However, several investigators refused to accept them in person and demanded them to be sent by registered mail. As a result, the initial interrogations and the remand hearings took place in the presence of state-appointed lawyers who are not regarded as independent in Azerbaijan.”⁴⁷

- c. In a number of cases, the European Court of Human Rights has found a violation of the right to legal assistance due to the formalistic nature of the representation by a State-funded lawyer.⁴⁸
 - d. Members of opposition parties and civil society activists were consistently denied counsel of their choice for days and forced to accept State-funded lawyers.⁴⁹
 - e. In sensitive cases, State-funded lawyers sometimes cooperate with law enforcement authorities, including by readily signing any document proposed for signature by the investigator or prosecutor.⁵⁰
 - f. There is often a delay in informing lawyers and their clients’ families of the location where their clients are detained.⁵¹
 - g. Prison authorities regularly monitored meetings between lawyers and clients and restricted some lawyers from taking documents into and out of detention facilities.⁵²
8. Most recently, on 6 March 2024, Baku City Main Police Department conducted police raids of the offices of “Toplum TV”, an independent media outlet, the “Institute for Democratic Initiatives”, and “III Republic Platform”, and the houses of individuals from these organisations. The phones of all employees were seized, preventing them from calling a lawyer. Lawyer Shahla Humbatova, who represents Akif Gurbanov, was violently taken away by six police officers from the front door of Akif Gurbanov’s house when the search of his home was being carried out. Reports also indicate that there was a systematic denial of access to lawyers once individuals from these organisations were detained.
9. On 7 March 2024, lawyer Nemet Karimli reported that he could not meet with Mushvig Jabbar, an employee of “Toplum TV” who was detained on 6 March. The lawyer noted that Jabbar’s family had signed a contract with him to represent Jabbar. In the morning on 7 March, the lawyer presented himself with a warrant at the Baku city police headquarters, but he was not allowed to see his client. “The investigator’s permission is needed for the meeting. I was told that the investigator was not at his workplace. The investigator does not respond to calls,” the lawyer said.⁵³

⁴⁶ Ibid, page 25.

⁴⁷ Human Rights Watch, *Azerbaijan: Relentless Crackdown on Opposition*, <https://www.hrw.org/news/2020/08/19/azerbaijan-relentless-crackdown-opposition>.

⁴⁸ *Huseynli and Others v. Azerbaijan*, App. Nos. 67360/11, 67964/11 and 69379/11 (11 February 2016), para. 132. *Gafgaz Mammadov v. Azerbaijan*, App. No. 60259/11 (15 October 2015), para. 93.

⁴⁹ U.S. Department of State, *2022 Country Reports on Human Rights Practices: Azerbaijan*, page 11, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>.

⁵⁰ International Bar Association Human Rights Institute, *The Bar and lawyers in Azerbaijan*, page 25, <https://www.ibanet.org/document?id=IBAHRI-The-Bar-and-Lawyers-in-Azerbaijan-English>.

⁵¹ Ibid, page 25.

⁵² U.S. Department of State, *2022 Country Reports on Human Rights Practices: Azerbaijan*, page 6, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>.

⁵³ The news agency Turan, “The lawyer is not allowed to meet with the detained employee of “Toplum TV” “, 7 March 2024, <https://turaz.az/en/politics/the-lawyer-is-not-allowed-to-meet-with-the-detained-employee-of-toplum-tv?q=lawyer%20meet>

10. On 17 April 2024, advocate Rovshana Rahimli reported that on two occasions Ilkin Amrahov (an activist from Institute for Democratic Initiatives), who was arrested in recent media crackdown in Azerbaijan, was pressured during his investigation that he should dismiss his advocate and choose another lawyer. Additionally, the investigator raised unethical and potentially illegal questions about how Amrahov, coming from a poor family, could afford a lawyer, insinuating that the fees might have been paid by someone other than his father.⁵⁴ On another occasion, on 21 November 2023, disability rights activist and deputy head of AbzasMedia, M. Kekalov, was detained by police, and his family later discovered he had been assigned a lawyer not of his or their choice without their knowledge. Rovshana Rahimli, the lawyer hired by Kekalov's family, was unable to communicate with him for two days, and on 23 November 2023 the family learned that the police had arranged a state-appointed lawyer for Mr Kekalov. The family later learnt that this appointed lawyer did not challenge any investigative decisions (pre-trial detention, extension of detention, home searches) against Kekalov.⁵⁵ This behaviour raises serious concerns about the integrity and objectivity of state-appointed lawyers and challenges to access a lawyer of choice.
11. Imran Aliyev, the founder of "Meclis.info" and a human rights activist, was detained at Baku airport on 18 April 2024, while en route to Istanbul, shortly after a pro-government article accused him of illegally receiving foreign grants. On 19 April 2024, during a hearing at the Khatai District Court that ordered his arrest for two months and one day, Aliyev alleged that he had been tortured and electrocuted by police. Aliyev reported that, starting from his transport from the airport to the police department, he was tortured to sign documents and withdraw his lawyer. Imran's parents saw visible bruises under his eye during the court hearing.⁵⁶ On 24 April 2024, the Baku Court of Appeal upheld the two-month arrest of Aliyev, who reported being tortured again – this second time for complaining about the torture during the 19 April Court hearing.⁵⁷
12. Despite explicit legal protections safeguarding the confidentiality of lawyer-client interactions and documents in Azerbaijan, there are ongoing violations reported in politically motivated cases. For instance, on 15 February 2024, Aysha Abdel Qadir, the lawyer for journalist Elnara Gasimova detained in the "AbzasMedia" case, faced an unwarranted inspection of her documents at the Baku Investigative Detention Center.⁵⁸
13. The available evidence also strongly indicates that illegal surveillance of lawyers in Azerbaijan has occurred through the use of the Pegasus phone hacking product, created by the Israeli surveillance company, NSO Group.⁵⁹ Reports indicate that at least six lawyers have been subjected to surveillance through the Pegasus software.⁶⁰ This spyware product can be secretly installed onto mobile phones and other devices, often without the knowledge of the target and requiring no action from the user of the target device. Once

⁵⁴ Rovshana Rahimli's Facebook post, 16 April 2024, <https://www.facebook.com/share/13mKnoD4PruEVxNv/?mibextid=WC7FNe>

⁵⁵ Azadliq, "Mehammed Kekalov was brought to criminal responsibility, he refused to a lawyer hired by his family", November 23, 2023, <https://www.azadliq.info/264327.html>

⁵⁶ Turan, "The court arrested Imran Aliyev for a period of 2 months (updated)", 19 April 2024, <https://turan.az/en/politics/imran-aliyev-has-been-brought-to-justice-in-the-case-of-abzas-media>

⁵⁷ Turan, "Imran Aliyev stated his repeated beating in police" , 24 April 2024, <https://turan.az/en/politics/imran-aliyev-stated-his-repeated-beating-in-police>

⁵⁸ Turan, "Elnara Gasimova's lawyer claimed a violation of the confidentiality of her documents", 2 February 2024, <https://turan.az/en/politics/el-nara-gasimovas-lawyer-claimed-a-violation-of-the-confidentiality-of-her-documents?q=lawyer>

⁵⁹ Access Now and EHRAC, *Access Now and EHRAC Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review 44th Session Fourth Cycle for Azerbaijan*, page 2, https://www.upr-info.org/sites/default/files/country-document/2023-11/JS1_UPR44_AZE_E_Main.pdf

⁶⁰ Lawyers for Lawyers, *Stakeholder Report for the Universal Periodic Review of Azerbaijan*, page 4, https://www.upr-info.org/sites/default/files/country-document/2023-11/L4L_UPR44_AZE_E_Main.pdf

installed, it gives full access to the target phone, and gives complete control over the device.⁶¹

⁶¹ Access Now and EHRAC, *Access Now and EHRAC Joint Submission to the United Nations Human Rights Council on the Universal Periodic Review 44th Session Fourth Cycle for Azerbaijan*, page 2, https://www.upr-info.org/sites/default/files/country-document/2023-11/JS1_UPR44_AZE_E_Main.pdf.