

## **EXPERIENCE IN AZERBAIJAN**

1. I first travelled to Azerbaijan in 1986, when it was still a Union Republic of the USSR. I have returned on several occasions since.
2. In the 1990s I taught courses on human rights and humanitarian law to students of the Khazar University in Baku<sup>1</sup>, an excellent private university.
3. In 2003-4 I was the lead expert on Azerbaijan for the Council of Europe's project "Education Policy and Minorities" which studied the situation in seven former Soviet countries. I made several visits to Azerbaijan for the project within the framework of the Action Plan for activities between the Education Directorate (Directorate General IV) and the Ministry of Education of Azerbaijan, meeting officials at the highest levels, visiting schools and higher education institutions, and holding meetings with representatives of minorities and with civil society organisations. I wrote a substantial report on Azerbaijan for the Council of Europe in March 2004, and was co-author of the final report.
4. In 2003 I founded, with a grant of €1 million from the European Commission, the European Human Rights Advocacy Centre (EHRAC), which assists several hundred applicants to take cases against Russia – initially on behalf of Chechen victims of grave violations of the ECHR – and now against Georgia, Azerbaijan and other former Soviet states.
5. On behalf of Messrs Christian Khan, solicitors, I travelled in July 2005 to investigate the case of a British citizen charged with terrorist offences, and subjected to a secret trial. Despite the firm advice of the British Embassy that it would be impossible for me to meet the man in question, on my own initiative I visited the Chairman of the Azerbaijan Court of Appeal, who received me courteously, and arranged for me to visit the prisoner at Baku's SIZO (Investigative Isolator or remand prison) No. 1, where I interviewed him at length. I also met the defence lawyers and representatives of a number of human rights NGOs, which work with considerable danger and difficulty in Azerbaijan.

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<sup>1</sup> <http://www.khazar.org/>

6. In May 2010 EHRAC (its Director Professor Philip Leach led the team) made a visit to Azerbaijan to hold a training seminar and to meet with local human rights NGOs. Meetings were held with the Legal Education Society and the Media Rights Institute in Baku and with the Human Rights and Democracy Resource Centre in Sumgait. Joint ECHR litigation on Azerbaijani cases with these organisations will be developed over the coming year. All three organisations have experience of ECHR litigation, but expressed an interest in receiving expert advice from EHRAC. EHRAC held its first ever training seminar in Azerbaijan. This was on taking cases to the European Court of Human Rights and was run in partnership with the Baku-based Legal Education Society and was attended by 28 participants representing 11 local NGOs, human rights lawyers in private practice and academics specialising in the European Convention on Human Rights.
7. From 2005 I represented three Azerbaijani applicants in high profile cases at Strasbourg. My clients were, first, the congregation of the Juma Mosque, the most ancient mosque in Baku, now a carpet shop since it was closed by the authorities, for refusing to submit to the official state Islamic structure, wishing instead to worship independently. On 8 January 2013 the Court found that case inadmissible.<sup>2</sup> Second, I represented the Imam of the Mosque, Ilgar Allakhverdiev, who was detained unlawfully for five months, accused of having participated in a demonstration at which he was not present.<sup>3</sup> On 11 December 2012 he won his case and received compensation. The third applicant I represented was the charitable organisation Allah-Ittihad, also closed by the authorities. On 13 November 2014 the First Section of the European Court of Human Rights gave judgment in favour of the applicant.<sup>4</sup>
8. In 2010 I gave evidence in the extradition case of *Azerbaijan v Mirzayev*, and on 16 December 2010 District Judge C. S. R. Tubbs discharged the defendant. In his judgment the District Judge referred to “the matters set out with great clarity” in my Report.
9. In March 2013 I conducted for EHRAC a training on freedom of assembly in London for lawyers from the South Caucasus, including Mr Mustafazade and Mr Hajibeyli (below).

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<sup>2</sup> Application no. 15405/04

<sup>3</sup> Applications nos. 3653/05, 14729/05, 20908/05, 26242/05, 36083/05 and 16519/06

<sup>4</sup> Application no. 5548/05

10. Through the litigation project which I founded in 2003, the European Human Rights Advocacy Centre (EHRAC) <sup>5</sup>, I am continuing to represent applicants against Azerbaijan. I attach a table of the eight cases in which EHRAC represents applicants as of 2016.<sup>6</sup>

11. The EHRAC web-site<sup>7</sup> states:

Though Rasul Jafarov, Intigam Aliyev, Leyla and Arif Yunus – whom we represent before the European Court – were all released, civil society is unable to thrive because of corruption and repressive legislation.

We achieved two precedent-setting judgments on behalf of Rasul Jafarov, Leyla and Arif Yunus, all formerly imprisoned for their human rights activism. In the first judgment of its kind, the Court found on 17 March 2016<sup>8</sup> that Rasul Jafarov's arrest and detention were politically motivated as punishment for his human rights work. Three months later, on 2 June 2016, the Court ruled that the authorities' failure to provide adequate medical treatment to Leyla and Arif Yunus during their pre-trial detention constituted inhuman and degrading treatment – the first such finding of a violation against Azerbaijan.<sup>9</sup>

We are representing two lawyers – Khalid Bagirov and Alayif Hasanov – in European Court cases challenging their disbarment and harassment by the authorities.<sup>10</sup>

#### Journalistic freedom

We are also litigating the case of journalist and writer Rafiq Tagi, who was killed in November 2011. Mr Tagi was a well-known critic of the influence of Iran and Islam on Azerbaijan and had been threatened and imprisoned for his writings in the past. We are representing internationally acclaimed

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<sup>5</sup> <http://ehrac.org.uk/about-our-work/where-we-work/azerbaijan/>

<sup>6</sup> <http://ehrac.org.uk/wp-content/uploads/2017/08/Azerbaijan-litigation-2016.png>

<sup>7</sup> <http://ehrac.org.uk/about-our-work/where-we-work/azerbaijan/>

<sup>8</sup> <http://ehrac.org.uk/news/european-court-rasul-jafarovs-arrest-and-detention-were-politically-motivated/>

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<http://ehrac.org.uk/news/azerbajians-ill-treatment-of-human-rights-defenders-in-the-spotlight-as-it-prepares-to-host-the-formula-1-grand-prix/>

<sup>10</sup> On 24 June 2016 the ECtHR ordered Azerbaijan to provide its Observations on the application

<http://ehrac.org.uk/news/european-court-asks-azerbajani-government-to-account-for-human-rights-lawyer-khalid-bagirovs-disbarment/>

investigative journalist Khadija Ismayilova as she challenges the travel ban imposed on her by the Azerbaijani Government.

12. On 16 May 2017, the European Court of Human Rights began its examination of the case of journalist and writer Rafiq Tagi, who was killed in November 2011. Mr Tagi was a well-known critic of the influence of Iran and Islam on Azerbaijan and had been threatened and imprisoned for his writings in the past. Having failed to find justice for her husband's murder in Azerbaijani courts, Mr Tagi's wife, Mayila Tagiyeva applied to the European Court of Human Rights. She is represented by EHRAC and lawyers from the Media Rights Institute, a Baku-based NGO which was forced to close after the crackdown on the civil society in 2014.<sup>11</sup>
13. On 16 June 2017, the internationally acclaimed investigative journalist Khadija Ismayilova challenged at the European Court of Human Rights the travel ban imposed on her by the Azerbaijani Government. She argues that the travel ban following her conditional release from prison in May 2016 is intended to hinder and punish her for her high-profile journalism (which in the past has included cross-border investigations into the Azerbaijani president and his family) and is part of her systematic persecution by the authorities. The case was rapidly communicated by the European Court on 11 September 2017, highlighting the systemic nature of the repressions faced by journalists. Khadija is jointly represented by Azerbaijani lawyer Fariz Namazli and by EHRAC.<sup>12</sup>
14. On 11 September 2017 EHRAC announced that students from the Lowenstein International Human Rights Clinic at Yale Law School are collaborating with EHRAC lawyers on a case before the European Court of Human Rights challenging a block the government of Azerbaijan has placed on four news websites in Azerbaijan. EHRAC is representing them, and argues that the ban restricts the websites' freedom of expression and is politically motivated, and that they did not have any effective means of challenging the decision domestically.<sup>13</sup>

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<sup>11</sup> <http://ehrac.org.uk/news/murder-critical-journalist-rafiq-tagii/>

<sup>12</sup> <http://ehrac.org.uk/news/khadija-ismayilova-challenges-travel-ban/>

<sup>13</sup> <http://ehrac.org.uk/news/yale-students-conduct-research-ehrac-case-internet-restrictions-azerbaijan/>

15. On 18 September 2017 the European Court of Human Rights (ECtHR) asked the Azerbaijani Government to account for a serious physical and verbal assault on journalist Idrak Abbasov by SOCAR security officers in April 2012. Mr Abbasov had been recording a protest against SOCAR's demolition of houses on the outskirts of Baku. He is represented by the Media Rights Institute and EHRAC.<sup>14</sup>
16. On 21 September 2017, the Council of Europe's Committee of Ministers called on the Azerbaijani authorities to reopen the proceedings into Rasul Jafarov's criminal conviction in April 2015. This is an important precedent, in which the Committee has urged the re-opening of a conviction resulting from a 'political prosecution'.<sup>15</sup>
17. On 25 September 2017 EHRAC and the International Commission of Jurists (ICJ) submitted an urgent appeal to three UN Special Rapporteurs on behalf of Azerbaijani human rights lawyer Yalchin Imanov. Mr Imanov is facing disciplinary proceedings and possible disbarment for publicising the ill-treatment and torture reported to have been endured by one of his clients in prison.<sup>16</sup>
18. EHRAC has continued to take many cases to the ECtHR, the most recent report dated 25 June 2020.<sup>17</sup>
19. I am in close contact with various interlocutors in Azerbaijan, and keep myself informed as to the situation there.
20. Azerbaijan interlocutors include:
  - Eldar Zeynalov, İnsan Hüquqların Müdafiə Mərkəzi İB (Center for Protection of Human Rights),
  - Ruslan Mustafazade: practising lawyer, co-founder and Vice President of the Public Union of Democracy and Human Rights Resource Centre (Demokratiya ve İnsan Huquqlari Resur Merkezi) in Sumgait.

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<sup>14</sup> <http://ehrac.org.uk/news/court-questions-socar-violent-attack-journalist/>

<sup>15</sup> <http://ehrac.org.uk/news/azerbaijani-authorities-urged-re-open-rasul-jafarovs-criminal-conviction/>

<sup>16</sup>

<http://ehrac.org.uk/news/ehrac-icj-urge-un-special-rapporteurs-prevent-disbarment-azerbaijani-human-rights-lawyer-valchin-imanov/>

<sup>17</sup> <https://ehrac.org.uk/sitewidetag/azerbaijan/>

Sumqayıt şəhəri, 1-ci mikrorayon, N.Nərimanov küçəsi, bina 45 b AZ 5004.. Mr Mustafasade's organisation has submitted a large number applications to the ECtHR of which 17 have been communicated. He has personally prepared more than 10 applications himself as well as working in collaboration on a number of others.

- Tural Hajibeyli (Tural Hacibeyli): a lawyer previously with the Azerbaijani Association of Lawyers (Azərbaycan Həqiqətşünaslar Assosiasiyası) which predominantly specialises in litigating human rights cases in the domestic courts and ECtHR, and monitoring court proceedings and mass protests. Mr Hajibeyli has worked on a large number of domestic court cases, including human rights cases concerning violations of the right to freedom of assembly and association (such as the refusal to register an NGO, or mass arrests of protesters), and the prohibition of discrimination. Mr Hajibeyli has also submitted many applications to the ECtHR on matters ranging from Articles 6, 11, 13, 14 to Article 1 of Protocol 1.

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