



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



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**Third party intervention  
by the Council of Europe Commissioner for Human Rights**

under Article 36, paragraph 3, of the European Convention on Human Rights

**Application No. 28198/15  
*Bagirov v. Azerbaijan***

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## Introduction

1. On 12 September 2016, the Council of Europe Commissioner for Human Rights (hereinafter: 'the Commissioner') informed the European Court of Human Rights (hereinafter: 'the Court') of his decision to intervene as a third party in the Court's proceedings, in accordance with Article 36, paragraph 3 of the European Convention on Human Rights (hereinafter: 'the Convention'), and to submit written observations concerning the case of *Bagirov v. Azerbaijan*. This case relates to the disbarment of the applicant, an Azerbaijani lawyer who had been actively involved in the defence of human rights, from the Azerbaijani Bar Association, following remarks he had made at a hearing before the Shaki Court of Appeal in September 2014.
2. According to his mandate, the Commissioner fosters the effective observance of human rights; assists member states in the implementation of Council of Europe human rights instruments, in particular the Convention; identifies possible shortcomings in the law and practice concerning human rights; and provides advice and information regarding the protection of human rights and the prevention of human rights violations.<sup>1</sup>
3. Moreover, the Commissioner has a specific duty concerning the protection of human rights defenders, further to the adoption by the Committee of Ministers of the Declaration on Council of Europe action to improve the protection of human rights defenders and promote their activities, on 6 February 2008. The Declaration "[i]nvites the Commissioner for Human Rights to strengthen the role and capacity of his Office in order to provide strong and effective protection for human rights defenders by [...] continuing to meet with a broad range of defenders during his country visits and to report publicly on the situation of human rights defenders." It also calls on Council of Europe member states to "co-operate with the Council of Europe human rights mechanisms and in particular [...] with the Commissioner for Human Rights by facilitating his/her visits, providing adequate responses and entering into dialogue with him/her about the situation of human rights defenders when so requested."
4. Furthermore, the Declaration recalls the UN Declaration on human rights defenders, which defines human rights defenders as "individuals, groups and associations [...] contributing to [...] the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals".<sup>2</sup> The UN Special Rapporteur on the situation of human rights defenders has also underlined that "[t]hose who contribute to assuring justice – judges, the police, lawyers and other key actors – often have a particular role to play and may come under considerable pressure to make decisions that are favourable to the State or other powerful interests, such as the leaders of organized crime. Where these actors in the judicial process make a special effort to ensure access to fair and impartial justice, and thereby to guarantee the related human rights of victims, they can be said to be acting as human rights defenders."<sup>3</sup>
5. Accordingly, the Commissioner considers the applicant an experienced human rights defender in Azerbaijan. He has acted as defence lawyer for a number of other human rights defenders, notably Leyla and Arif Yunus, Rasul Jafarov and Hilal Mammadov. He was about to proceed with the defence of Khadija Ismayilova, before his activity as advocate was suspended. These are all important partners of the Commissioner's Office on whose cases before the Court the Commissioner has intervened as a third party.

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<sup>1</sup> [Resolution \(99\)50](#) on the Council of Europe Commissioner for Human Rights, adopted by the Committee of Ministers on 7 May 1999.

<sup>2</sup> [UN Declaration](#) on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by General Assembly resolution 53/144 of 9 December 1998, fourth preambular paragraph.

<sup>3</sup> UN Special Rapporteur on the situation of human rights defenders, "[Who is a defender](#)".

6. The applicant has also been a civil society partner of the Council of Europe, providing valuable information about the human rights situation in Azerbaijan over the past years. The Commissioner met him on a number of occasions in Strasbourg and Baku to discuss human rights issues in Azerbaijan, including the issue relating to access to an independent and impartial tribunal.
7. As stressed in a number of other submissions to the Court, the situation of human rights defenders in Azerbaijan is of great concern to the Commissioner. Reprisals, including judicial harassment, against critical voices in general, and those denouncing human rights violations in the country in particular, is a widespread phenomenon in Azerbaijan, to which the Commissioner has repeatedly attempted to draw the attention of the national authorities.
8. This intervention is based on the Commissioner's visits to Azerbaijan from 5 to 8 November 2012, from 22 to 24 May 2013 and from 22 to 24 October 2014, as well as on continuous country monitoring. During his visits the Commissioner held discussions with a number of state authorities and met with representatives of non-governmental organisations (NGOs). He also met with a number of detained human rights defenders, their lawyers, journalists and other persons who had voiced dissenting views.
9. Section I of the present submission contains the Commissioner's observations on major human rights issues in Azerbaijan in particular with regard to freedom of expression and the functioning of the judiciary; Section II focuses on interferences with the work of defence lawyers in Europe; and Section III describes the pattern of impediments to the work of defence lawyers in Azerbaijan. These sections are followed by the Commissioner's conclusions.

**I. Major human rights issues in Azerbaijan with regard to freedom of expression and the functioning of the judiciary**

10. Through his visits to Azerbaijan and continuous monitoring, the Commissioner has identified a number of deficiencies in the protection of human rights in Azerbaijan. The Commissioner has had to conclude that Azerbaijan was failing to comply with its international obligations which require safeguarding these rights. Given the background of the applicant as a lawyer and the fact that proceedings were initiated against him after statements he made in a courtroom, calling into question the independence of the judiciary in Azerbaijan, the Commissioner considers that the applicant's case provides an important illustration of the shortcomings existing in the area of both freedom of expression and the functioning of the judiciary.

**Freedom of expression**

11. The Commissioner has repeatedly called on the Azerbaijani authorities to improve the respect for the right to freedom of expression and to release all persons who are detained because of the views they have expressed.
12. In his report following his May 2013 visit to Azerbaijan,<sup>4</sup> the Commissioner expressed serious concerns at the apparent intensification of the practice of the unjustified or selective criminal prosecution of journalists and others who express critical opinions. He noted that several media workers had recently been prosecuted and/or sentenced for incitement to national, racial or religious hatred and in some instances terrorism, as well as for hooliganism, tax evasion, drug possession and illegal possession of weapons, with the credibility of the relevant charges being widely challenged. As a result, a number of journalists had to serve long prison terms or carry out corrective labour and/or pay heavy fines.

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<sup>4</sup> Commissioner for Human Rights, Report on Azerbaijan, 6 August 2013, [CommDH\(2013\)14](#).

13. In an update to the report published in April 2014, the Commissioner stressed that the situation with regard to freedom of expression in Azerbaijan had deteriorated.<sup>5</sup> He noted that in the comments they had submitted in response to his 2013 report, the Azerbaijani authorities had stated that the journalists referred to in his report had not been prosecuted for their professional activity. However, the Commissioner pointed to consistent reports according to which these cases are based on charges which lack credibility and often follow critical reporting or posts on the Internet. The Commissioner also reiterated that steps should be taken urgently to address the above concerns and called once more on the authorities to immediately release all persons imprisoned because of views or opinions expressed.
14. The Commissioner's findings and conclusions were echoed by a number of other international bodies. In an interim resolution adopted in 2014, the Committee of Ministers of the Council of Europe, supervising the execution of the judgments adopted by the European Court of Human Rights in the cases of *Mahmudov and Agazade v. Azerbaijan* and *Fatullayev v. Azerbaijan*, considered that, as regards the arbitrary application of criminal legislation to limit freedom of expression, "the present situation raises serious concerns, in particular on account of the reported recent use of different criminal laws - similar to the ones used in the present group of cases (accusations of illegal activities, abuse of authority, treason, hooliganism or other crimes which can have close links to the legitimate exercise of the freedom of expression) - against journalists, bloggers, lawyers and members of NGOs."<sup>6</sup> In an interim resolution adopted in December 2015 relating to the execution of the same judgments, the Committee of Ministers "[e]xpressed anew its deepest concern in respect of the absence of any adequate response to the problem of the arbitrary application of the criminal law to restrict this fundamental freedom" and exhorted the Azerbaijani authorities "to adopt without further delay measures demonstrating their determination to solve the problems revealed."<sup>7</sup>

### **Functioning of the judiciary**

15. Emphasising the structural dimension of the aforementioned shortcomings, the Commissioner has also repeatedly stressed the need to take measures to ensure a genuinely independent and impartial review by the judiciary of cases involving journalists and others expressing critical voices.
16. The Commissioner and his predecessor have highlighted the persistent patterns of violations of the right to a fair trial in the country, having regard to the fact that the Court has found several violations of Article 6 of the Convention in respect of Azerbaijan, in cases relating to lack of access to court, non-respect of the principle of equality of arms or excessive length of certain civil or criminal proceedings.
17. In a 2010 report, the Commissioner's predecessor addressed issues relating to the administration of justice. The report welcomed the establishment of an Academy of Justice to improve training of judges, prosecutors and lawyers, but regretted that the problem of lack of independence of the judiciary from the executive branch and its susceptibility to political pressure, which was already pointed out in his 2008 report, had yet to be resolved in Azerbaijan. Some interlocutors indicated that the number of acquittals was quite low and that

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<sup>5</sup> Commissioner for Human Rights, Observations on the human rights situation in Azerbaijan: An update on freedom of expression, freedom of association, freedom of assembly, and the right to property, 23 April 2014, [CommDH\(2014\)10](#).

<sup>6</sup> [Interim Resolution](#) CM/ResDH(2014)183, adopted by the Committee of Ministers of the Council of Europe on 25 September 2014.

<sup>7</sup> [Interim Resolution](#) CM/ResDH(2015)250, adopted by the Committee of Ministers of the Council of Europe adopted on 9 December 2015.

the courts had the tendency to impose systematically the sentences requested by the prosecutor.<sup>8</sup>

18. The Commissioner has also received reports documenting how criminal law is misused, particularly for those expressing critical views, and how the lack of independence has led in recent years to arbitrary arrests and detention.
19. Other international institutions have expressed concerns over the absence of independence of the judiciary in Azerbaijan. The UN Committee against torture for instance, in its last concluding observations regarding Azerbaijan, stated that it “remains concerned at the lack of independence of the judiciary vis-à-vis the executive branch” and reiterated its previous recommendation that Azerbaijan “should guarantee the full independence and impartiality of the judiciary, give practical effect to the guarantees for judicial independence laid down in its legislation and review the regime of appointment, promotion and dismissal of judges in line with the relevant international standards.”<sup>9</sup>
20. In a resolution adopted in June 2015, the Parliamentary Assembly of the Council of Europe underlined that “the lack of independence of the judiciary remains a concern in Azerbaijan, where the executive branch is alleged to continue to exert undue influence. Dubiously motivated criminal prosecutions and disproportionate sentences remain a concern. Fairness of trials, equality of arms and respect for the presumption of innocence are other major concerns.”<sup>10</sup>
21. The Commissioner notes that the judgment of the European Court of Human Rights in the case of *Ilgar Mammadov*,<sup>11</sup> brings the broader issue of selective justice in Azerbaijan to the forefront. In this judgment, the Court found that the applicant had been detained for purposes other than having committed an offence, and that there had accordingly been a violation of Article 18 of the Convention (limitation on use of restrictions on rights) taken in conjunction with Article 5 (right to liberty and security). The Court stressed that the circumstances of the case “indicate that the actual purpose of the impugned measures was to silence or punish the applicant for criticising the Government and attempting to disseminate what he believed was the true information that the Government were trying to hide.”<sup>12</sup> In a recent judgment, the Court found again a violation of Article 18 with respect to the arrest and detention of human rights defender Rasul Jafarov.<sup>13</sup> In this case, in respect of which the Commissioner also submitted written observations,<sup>14</sup> the Court ruled that Mr Jafarov’s arrest and detention were intended to silence and punish him for his activities in the area of human rights.
22. On the basis of his work on Azerbaijan, the Commissioner believes that similar issues arise with respect to the detention and conviction of a number of other individuals who have voiced critical views, including human rights defenders and lawyers.

## II. Interferences with the work of defence lawyers in Europe

23. On numerous occasions, the Commissioner and his predecessor have stressed the important role lawyers play in serving the cause of justice. The Commissioner’s predecessor has notably recalled that the role of defence lawyers is crucial for the protection of human rights in

<sup>8</sup> Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Azerbaijan (1-5 March 2010), [CommDH\(2010\)21](#), 29 June 2010.

<sup>9</sup> UN Committee against torture, Concluding observations on the fourth periodic report of Azerbaijan, adopted on 26 November 2015, [CAT/C/AZE/CO/4](#), para. 14-15.

<sup>10</sup> [Resolution 2062 \(2015\)](#), *The functioning of democratic institutions in Azerbaijan*, para. 6.

<sup>11</sup> *Ilgar Mammadov v. Azerbaijan*, application no. 15172/13, judgment of 22 May 2014.

<sup>12</sup> *Ibid.*, para. 143.

<sup>13</sup> *Rasul Jafarov v. Azerbaijan*, application no. 69981/14, judgment of 17 March 2016, para. 162.

<sup>14</sup> [Third party intervention](#) by the Commissioner in the case of *Rasul Jafarov v. Azerbaijan*, 30 March 2015.

the criminal justice system.<sup>15</sup> In accordance with the well-established position of the Court, the right of everyone charged with a criminal offence to be effectively defended by a lawyer, assigned officially if need be, is one of the fundamental features of a fair trial.<sup>16</sup>

24. In a number of country reports, the Commissioner and his predecessor have expressed concerns about reports of harassment, abusive prosecutions and other forms of pressure on lawyers - including threats of criminal proceedings - who have defended sensitive cases, as well as reports of impediments that lawyers had encountered in exercising freely their profession, such as difficulties in accessing penitentiary establishments and meeting their detained clients, violation of the lawyer-client confidentiality principle in such cases, or difficulties in obtaining access to detainees' medical and other files.
25. The Commissioner also received information underlying some rather specific impediments in Eastern Europe and Caucasus, such as the use of criminal charges against lawyers or the non-respect of the immunity of lawyers for oral and written pleadings. According to the UN Special Rapporteur on the independence of judges and lawyers, Mónica Pinto, this is one of the regions in the world that has the highest fear of disbarment of lawyers.<sup>17</sup>
26. In the course of ongoing discussions with human rights defenders, the Commissioner's attention has also been drawn to the obstacles that human rights defenders and lawyers face while carrying out their work in specific areas, such as promoting and protecting the human rights of migrants.<sup>18</sup> These obstacles range from defamation campaigns, verbal and physical attacks, on-line threats, legal restrictions and administrative sanctions to judicial harassment.
27. The Commissioner is concerned by the reports of harassment and other forms of pressure on lawyers in Council of Europe member states. Such pressure seriously impairs defence rights and prevents lawyers from effectively serving the cause of justice. It is crucial that defence lawyers can operate without impediments and in full confidentiality when providing legal assistance to their clients. Moreover, they should have free and unimpeded access to their clients in prison in order to ensure that the right to defence is fully implemented in practice.

### **International and European standards**

28. Under Principle 16 of the UN Basic Principles on the Role of Lawyers, adopted in 1990, governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.
29. The UN Basic Principles also provide that lawyers "shall not be identified with their clients or their clients' causes as a result of discharging their functions" (Principle 18). This safeguard, which underpins the principle of independence of the legal profession, aims at enabling lawyers to perform their professional duties freely, independently and without any fear of reprisal.<sup>19</sup>

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<sup>15</sup> Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Ukraine (19-26 November 2011), [CommDH\(2012\)10](#), 23 February 2012.

<sup>16</sup> *Krombach v. France*, application no. 29731/96, judgment of 13 February 2001.

<sup>17</sup> [Recommendations](#) from expert consultations with Mónica Pinto, United Nations Special Rapporteur on the independence of judges and lawyers, 11-12 June 2016.

<sup>18</sup> See *The protection of migrant rights in Europe*, [Report](#) of the round-table with human rights defenders, organised by the Office of the Council of Europe Commissioner for Human Rights (Paris, 5 October 2012).

<sup>19</sup> See the [report](#) of the UN Special Rapporteur on the independence of judges and lawyers, Mónica Pinto, on the independence of lawyers and the legal profession, 22 August 2016, A/71/348, para. 41.



30. Moreover, lawyers, like any other individuals, are entitled to freedom of expression. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights (Principle 23 of the UN Basic Principles). However, this right is not absolute and lawyers should always conduct themselves “in accordance with the law and the recognized standards and ethics of the legal profession”. This is reiterated in Recommendation R(2000)21 of the Committee of Ministers,<sup>20</sup> which provides that lawyers “should enjoy freedom of belief, expression (...) and in particular should have the right to take part in public discussion on matters concerning the law and the administration of justice and suggest legislative reforms.”
31. Lastly, Principles 27 to 29 of the UN Basic Principles set forth rules for the conduct of disciplinary proceedings against lawyers. The UN Special Rapporteur on the independence of judges and lawyers has stressed in this regard that “disbarment should only be imposed in the most serious cases of misconduct, as provided in the professional code of conduct, and only after a due process in front of an independent and impartial body granting all guarantees to the accused lawyer.”<sup>21</sup>
32. In addition, when defending the human rights of their clients, lawyers are benefitting from a specific protection in their capacity as human rights defenders. In this regard, the Commissioner would like to draw attention to the OSCE Guidelines on the Protection of Human Rights Defenders,<sup>22</sup> which provide that lawyers engaged in human rights work should not face intimidation or reprisals, such as the threat of disbarment, for their defence of human rights or of other human rights defenders.

### III. Impediments to the work of defence lawyers in Azerbaijan

33. In the course of his work on Azerbaijan, the Commissioner has had to conclude that practices described above are not uncommon in the country. He sees the disbarment of the applicant in July 2015 as part of a more general practice which prevents lawyers from pursuing their human rights defence work. Lawyers defending prominent human rights defenders have been particularly targeted. In this regard, the Commissioner shares the view of the UN Special Rapporteur on the situation of human rights defenders, who recently underlined that “disbarments of human rights lawyers, together with criminal prosecutions, searches and freezing of their assets are part of the broader harassment facing human rights defenders in the country.”<sup>23</sup>
34. Impediments to the work of defence lawyers can take various forms. After his visit to Azerbaijan in October 2014, the Commissioner noted with serious concern reports that the authorities had seized the files of cases pending before the Court in their investigations of well-known lawyer Intigam Aliyev.<sup>24</sup> The case of Intigam Aliyev, who was arrested in August 2014 and sentenced to seven and a half years in prison on charges of tax evasion, illegal entrepreneurship and abuse of power in April 2015 before being released a year later, is also illustrative of the most severe form of harassment of lawyers. The Commissioner expressed

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<sup>20</sup> Recommendation No. R(2000)21 of the Committee of Ministers of the Council of Europe to member States on the freedom of exercise of the profession of lawyer, adopted on 25 October 2000, Principle I, article 3.

<sup>21</sup> [Report](#) of the UN Special Rapporteur on the independence of judges and lawyers, above, para. 96.

<sup>22</sup> OSCE/ODIHR [Guidelines](#) on the Protection of Human Rights Defenders, 10 June 2014 (Protection from judicial harassment, criminalization, arbitrary arrest and detention).

<sup>23</sup> [End of mission statement by Special Rapporteur on the situation of human rights defenders](#), 22 September 2016.

<sup>24</sup> [Press release](#), Azerbaijan: Stop reprisals against human rights defenders, 24 October 2014.

the view that his arrest and detention was aiming to prevent him from continuing his work as human rights lawyer.<sup>25</sup>

35. Moreover, the Commissioner has been informed of a number of instances in which lawyers were called as witnesses in the criminal proceedings against their clients and hence prevented from acting as their defendants. For example, four of the five lawyers who were representing Intigam Aliyev since his arrest on 8 August 2014, were summoned as witnesses by the prosecution and informed that they would be removed from the case due to the ensuing conflict of interest on 30 September 2014.
36. According to information available to the Commissioner, intimidation of lawyers through lawsuits and disciplinary proceedings has also occurred. The Human Rights House Foundation reported the case of Alaif Hasanov, a lawyer who was sentenced to 240 hours of public service for defamation in November 2014, after unveiling details of physical pressure exerted against his client, human rights defender Leyla Yunus, by her cellmate in September 2014. The UN Special Rapporteur on the situation of human rights defenders, Michel Forst, also stressed that, for “lawyers who are members of the Bar Association, disciplinary proceedings have been one of the main means of retaliation for their human rights or professional activities”, adding that “in practice, the Bar Association suffers from significant institutional weaknesses, which raise serious questions about its legitimacy and puts the ability of the body to effectively regulate the profession in severe doubt.”<sup>26</sup> In this connection, the Commissioner notes that at least two cases concerning decisions of the Azerbaijani Bar Association to dismiss applications for admission to the Bar are pending before the Court and were recently communicated to the authorities.<sup>27</sup>
37. A number of the Commissioner’s interlocutors have also expressed serious concern about threats of disbarment or suspension, used to discourage lawyers from taking on sensitive cases or from filing appeals in these cases. Once disbarred, lawyers are unable to represent clients in criminal cases domestically.
38. The applicant’s case is emblematic of the harassment against human rights lawyers working on sensitive cases. After disciplinary proceedings were initiated against him, the former President of the Parliamentary Assembly of the Council of Europe, Anne Brasseur, expressed concern over the suspension of the applicant’s licence to practice, adding that, “against the background of increasing intimidation of human rights defenders in Azerbaijan, such clear pressure on independent lawyers defending civil society activists is unacceptable.”<sup>28</sup>
39. In September 2015, the Committee of Ministers of the Council of Europe, following their examination of the execution by Azerbaijan of the Court’s judgment in the case of Ilgar Mammadov, also expressed concerns about the current situation of the applicant, who was representing Ilgar Mammadov until his licence was suspended.<sup>29</sup>
40. The Commissioner was subsequently informed about further restrictions to the applicant’s activity. Following the suspension of his licence to practice, the domestic authorities no longer allowed him to meet his clients in prison. In a judgment of January 2016, the Court examined the consequences of the suspension of the applicant’s licence on the right of individual petition of Hilal Mammadov,<sup>30</sup> a journalist and minority rights defender also represented by

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<sup>25</sup> [Third party intervention](#) by the Commissioner in the case of *Intigam Aliyev v. Azerbaijan*, 16 March 2015, para. 33.

<sup>26</sup> End of mission statement, above.

<sup>27</sup> *Intigam Aliyev v. Azerbaijan*, application no.10414/08, communicated on 24 June 2016, and *Annagi Hajibeyli v. Azerbaijan*, application no. 6477/08, communicated on 23 June 2016.

<sup>28</sup> [Press release](#), Pressure on Ilgar Mammadov’s lawyer is unacceptable, 10 December 2014.

<sup>29</sup> Interim Resolution [CM/ResDH\(2015\)156](#), adopted by the Committee of Ministers of the Council of Europe on 24 September 2015.

<sup>30</sup> *Hilal Mammadov v. Azerbaijan*, application no. 81553/12, judgment of 4 February 2016.



the applicant in proceedings before the Court since November 2012. The Court concluded that the impediments to communication between Hilal Mammadov and his representative placed by the prison authorities, on the grounds that Mr Bagirov's licence to practise had been suspended, amounted to a failure to comply with the respondent State's obligation not to hinder the effective exercise of the right of petition under Article 34 of the Convention.

41. The Commissioner is of the opinion that the hindrances imposed on the applicant are closely linked to his involvement in the protection of human rights as a lawyer. He shares the concern expressed by many of his interlocutors that the disbarment of the applicant is part of a general crackdown against human rights lawyers and defenders. The Commissioner also notes that the opening of disciplinary proceedings against the applicant took place in the context of a prominent case, which eventually led to a judgment of the Court that the Azerbaijani authorities have so far been unwilling to execute.
42. Finally, the Commissioner notes that the disbarment of the applicant has in practice prevented him from defending a number of clients domestically, notably well-known human rights defenders. Consequently, access to justice is undermined as there are only a small number of lawyers in Azerbaijan, and an even smaller number ready to represent defendants in sensitive cases.

### **Conclusions**

43. The Commissioner points out that the disbarment of the applicant should not be viewed in isolation but as part of a broader pattern of intimidation of human rights lawyers in Azerbaijan.
44. In conclusion, the Commissioner is of the opinion that:
  - There is a clear pattern of repression in Azerbaijan against those expressing dissent or criticism of the authorities. This concerns human rights defenders, but also their lawyers, as well as journalists, bloggers and other activists. These persons may notably face a variety of criminal charges which defy credibility as a result of the legitimate exercise by them of their right to freedom of expression.
  - In the case of defence lawyers, disbarment or threat of disbarment may in particular be used as a tool for punishing lawyers who take on sensitive cases or for preventing them from doing so. The disbarment in these cases therefore constitutes a retaliation for activities a lawyer may have carried out in the legitimate exercise of his or her professional responsibilities.
  - The fact that lawyers working on human rights and defending prominent human rights defenders are particularly affected reinforces the belief that they are being deliberately targeted with disciplinary proceedings as a result of their engagement in activities that should be perfectly legal in a well-functioning democracy.
45. Lastly, the Commissioner would like to stress that reprisals against the civil society partners of his Office make it increasingly difficult to work on human rights issues in Azerbaijan. These reprisals should immediately stop.