



Judgments and decisions of 25 June 2020

The European Court of Human Rights has today notified in writing ten judgments¹ and 14 decisions²: one Chamber judgment is summarised below;

separate press releases have been issued for five other Chamber judgments in the cases of *Miljević v. Croatia* (application no. 68317/13), *Tempel v. the Czech Republic* (no. 44151/12), *Ghoumid and Others v. France* (nos. 52273/16, 52285/16, 52290/16, 52294/16, and 52302/16), *Moustahi v. France* (no. 9347/14) and *Stavropoulos and Others v. Greece* (no. 52484/18);

four Committee judgments, concerning issues which have already been submitted to the Court, and the 14 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment below is available only in English.

Bagirov v. Azerbaijan (applications nos. 81024/12 and 28198/15)

The applicant, Khalid Zakir oglu Bagirov, is an Azerbaijani national who was born in 1976 and lives in Baku. He was a lawyer and member of the Azerbaijani Bar Association (“the ABA”).

The case concerned his complaint that he had been suspended from practising law for one year, then disbarred because of statements he had made about police brutality and the functioning of the judicial system in the country.

In February 2011 Mr Bagirov attended a meeting with other lawyers to discuss problems encountered by the legal profession in Azerbaijan when he commented on police brutality and the recent death in custody of an individual, E.A., whose mother subsequently became his client. His comments were reported in the press.

At the request of the head of the Baku City Chief Police Department, the ABA instituted disciplinary proceedings against the applicant for defamation of the police. In August 2011 the Presidium of the ABA suspended the applicant from practising law for one year because he had breached lawyer confidentiality.

He challenged this decision before the courts, arguing that he had not disclosed any confidential information as E.A.’s mother had already given a press conference alleging that the police had tortured and killed her son before the February meeting and before she had become his client. The courts did not directly address his arguments, reiterating the Presidium’s findings of a breach of confidentiality.

In 2014, further disciplinary proceedings were instituted against him for remarks that he had made while representing an opposition politician, Ilgar Eldar oglu Mammadov, at his criminal trial (see the case of [Ilgar Mammadov v. Azerbaijan \(No. 2\)](#), application no. 919/15). The Presidium referred the case to the domestic courts, which in July 2015 ordered the applicant’s disbarment. The first-

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment’s delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

instance court found in particular that his remarks about the functioning of the judicial system and about one judge in particular had “cast a shadow over our State” and “tarnished the reputation of the judiciary”. The first-instance judgment was upheld by the Baku Court of Appeal in September 2015 and by the Supreme Court in January 2016.

Relying in particular on Article 10 (freedom of expression) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights, Mr Bagirov alleged that the disciplinary sanctions had breached his right to freedom of expression and respect for private life.

Violation of Article 10 – on account of the suspension from the practice of law for a period of one year

Violation of Article 10 – on account of the disbarment

Violation of Article 8 – on account of the suspension from the practice of law for a period of one year

Violation of Article 8 – on account of the disbarment

Just satisfaction: 18,000 euros (EUR) in respect of pecuniary and non-pecuniary damage

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.