

# **Azerbaijan: Justice Under Pressure**

## Independence of Lawyers and the Right to a Fair Trial

May 2026

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## **Justice Under Pressure: Independence of Lawyers and the Right to a Fair Trial in Azerbaijan**

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Published in 2026

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The ICJ acknowledges the valuable contributions of all individuals and organizations who provided information, expertise, and guidance in the preparation of this report. The ICJ is particularly grateful for the assistance with research and drafting provided by Marina Kelepesi, Jan Minksztyl, Paula Casas and Rosa Tibbetts.

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Azerbaijan

2026

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## Introduction

This report examines the state of the independence of the legal profession in Azerbaijan and its impact in relation to the enjoyment of the right to a fair trial. Where the legal profession is subordinated to executive control or there is undue influence or interference by political actors, defendants in criminal proceedings are deprived of the adversarial counterweight that the right to a fair trial requires.

The ICJ in this report treats these issues at two levels. The first is the institutional and structural level. The ICJ looks at challenges and obstacles to ensuring the professional function of lawyers, the rights of access to independent legal representation and how this directly impacts fair trial rights overall. The second is operational. The ICJ looks at how these structural deficiencies affect the conduct and fairness of criminal proceedings. Systemic deficiencies and violations are particularly visible when it concerns the most sensitive and politically charged cases, which is why the trials of former Armenian leaders of Nagorno-Karabakh were taken as a case study reflecting broader structural issues in Azerbaijan's justice system.

The lack of independent lawyers capable of challenging procedural violations, robustly defending rights of their clients, or reporting violations of the prohibition of torture and ill-treatment leaves defendants without the protections that an adversarial system of justice is designed to provide.

The ICJ in this report finds that the independence of the legal profession in Azerbaijan remains fundamentally compromised by executive control and influence over the Bar Association, discriminatory admission practices, the punitive use of disciplinary proceedings, and the harassment and prosecution of independent lawyers. These deficiencies, compounded by the lack of independence of the judiciary, deprive defendants in criminal proceedings of the substantive protections that the right to a fair trial requires. These engage Azerbaijan's legal obligations under the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR).

The ICJ report is based on research from open sources, as well as field research data, obtained through interviews with legal professionals and human rights lawyers from Azerbaijan. Sources include reports by NGO and UN bodies, decisions of the European Court of Human Rights (ECtHR) and media accounts.

With respect to the Nagorno-Karabakh trials, the report relies substantially on materials produced by the defence teams and by organizations associated with the detainees' families, as well as on reporting by Azerbaijan's State media. The criminal proceedings were conducted with no independent international observers present. These constraints limit the availability of impartial, independently verified sources on the conduct of the proceedings and are acknowledged throughout the report. While the report draws on both Azerbaijan and Armenian sources, which are not always impartial, the ICJ has endeavoured to critically assess and cross-reference information, focusing on the most reliable and verifiable elements available given the constraints of the research context.

## The ICJ's previous engagement on the legal profession in Azerbaijan

The ICJ has engaged with the independence of the legal profession in Azerbaijan over the past decade. The findings of that work are reflected in a 2016 [report \*Defenceless Defenders: Systemic Problems in the Legal Profession in Azerbaijan\*](#),<sup>1</sup> and a 2018 [Briefing Paper](#) on new legislation restricting court representation, and interventions in individual cases of harassment, disbarment, and detention of lawyers.<sup>2</sup> The present report assesses developments in the ensuing eight years,

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<sup>1</sup> International Commission of Jurists (ICJ), [Defenceless Defenders: Systemic Problems in the Legal Profession of Azerbaijan](#) (2016). (Accessed 07 May 2026).

<sup>2</sup> ICJ, [Azerbaijan: Briefing paper on new legislation restricting court representation by lawyers](#) (2018). (Accessed 08 May 2026).

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including any progress achieved or regressive tendencies, since those earlier findings and examines the extent to which the recommendations made by the ICJ and other international bodies have been implemented.

In the 2016 report, the ICJ documented persistent executive interference in the work of lawyers and in the functioning of the Azerbaijan Bar Association (ABA).<sup>3</sup> The ICJ found that disciplinary proceedings and disbarments were being used as punitive measures against lawyers who represented clients in politically sensitive cases or who criticized State authorities.<sup>4</sup>

In 2018, the ICJ issued a Briefing Paper on the Independence of the Legal Profession in Azerbaijan, which presented a pattern of arbitrary disbarments and unwarranted restrictions on the exercise by lawyers of their rights to freedom of expression and association.<sup>5</sup> Over the past decade, the ICJ has also intervened in individual cases of harassment, arbitrary disbarment and detention of individual defence lawyers.<sup>6</sup>

In the present report, the ICJ assesses whether any progress has been achieved in ensuring the independence of lawyers, and in particular the extent to which the recommendations the ICJ and other international bodies made have been implemented. This report is issued in a context of significant political and legal developments, including the aftermath of the 2023 hostilities in Nagorno-Karabakh.<sup>7</sup> These events may have directly affected key institutions, including the legal profession and the administration of justice.<sup>8</sup>

The ICJ acknowledges the valuable contributions of all individuals and organizations who provided information, expertise, and guidance in the preparation of this report.

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<sup>3</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016).

<sup>4</sup> *Ibid*, page (p.) 6.

<sup>5</sup> ICJ, [Azerbaijan: briefing paper on new legislation restricting court representation by lawyers](#) (2018) p. 3.

<sup>6</sup> ICJ, [News and Advocacy](#) (2026). (Accessed 10 April 2026).

<sup>7</sup> European Platform for Democratic Elections, [Call for the immediate and unconditional release of human rights defender Anar Mammadli and other human rights defenders, journalists, political activists, and academics detained in Azerbaijan](#) (2025) p. 1. (Accessed 10 April 2026).

<sup>8</sup> Margaret Satterthwaite, [Special Rapporteur on the independence of judges and lawyers](#), Mandate of the Special Rapporteur on the independence of judges and lawyers, OL AZE 3/2025 (2025). (Accessed 10 April 2026).

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## Historical overview of the legal profession in Azerbaijan

Following its establishment as an independent State after the break-up of the USSR in 1991, Azerbaijan's legal profession underwent significant transformation, shaped by the legacy of the Soviet legal system and the political environment under successive administrations. The Law on Advocates and Advocacy Activity (No. 783-IQ) was adopted on 28 December 1999. The Azerbaijan Bar Association (ABA) was established at a founding congress held on 3-4 November 2004. The ABA was the legal successor of the Bar Association that operated under the Regulations on the Advocacy of the Azerbaijan SSR of 1980. The establishment of an independent, self-governing bar association had been among the commitments undertaken by Azerbaijan upon its accession to the Council of Europe in January 2001.

Azerbaijan's accession to the Council of Europe in 2001 raised expectations for improving domestic State institutions in line with human rights standards. However, systemic deficiencies, including concerns about electoral integrity and lack of judicial independence, have persisted.

The Council of Europe Directorate General of Human Rights and Legal Affairs (DGHL), in its expert opinions on the draft Law on Advocates and Advocacy Activity, recommended that independent lawyers previously licensed by the Ministry of Justice - numbering over 200 - be admitted to the new association alongside members of the former bar. This recommendation was not implemented at the founding congress. Human rights lawyers, including Intigam Aliyev and Annaga Hajibeyli, were excluded from the founding process. Lawyers who did not participate in the founding congress were subsequently required to pass admission examinations, during which increasing numbers were rejected. The head of the OSCE office in Baku noted at the time that the elections for the leading posts of the Bar were "badly organised" and called on the authorities to arrange for "transparent, fair and non-bureaucratic entry to the Bar."

Under the Law on Advocates and Advocacy Activity, the Qualification Commission of the ABA controls and decides on admission to the profession. The Commission comprises 11 members: five lawyers appointed by the ABA Presidium, three judges appointed by the Plenum of the Supreme Court, and three legal scholars appointed by the relevant body of executive power. The majority of the Commission's members are not lawyers; the appointment of judicial and academic members by State bodies is inconsistent with the independence and objectivity of the admissions process. In 2017, amendments to the Law on Advocates and Advocacy Activity and related legislation restricted court representation exclusively to members of the ABA, eliminating the ability of non-member lawyers to represent clients in court proceedings.

At the time of its establishment in 2004, the ABA had 370 members. By December 2025, this number had risen to approximately 2,510 – approximately 24 lawyers per 100,000 inhabitants, one of the lowest lawyers-to-population ratios in Europe.

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# Chapter I: The independence of the legal profession

## International standards on the independence of lawyers

Azerbaijan is party to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), both of which require the operation of an effective and independent legal profession to give effect to the substantive guarantees contained in those instruments. For certain rights, such as the right to liberty,<sup>9</sup> the right to a fair trial,<sup>10</sup> and the right to effective remedy for human rights violations<sup>11</sup> the role of lawyers constitutes an inherent element of the right itself.

Lawyers play an essential role in upholding the rule of law and ensuring that human rights are guaranteed.<sup>12</sup> Their ability to exercise their functions freely and independently is fundamental to a justice system capable of protecting human rights and the rule of law. According to the UN Basic Principles on the Role of Lawyers, “lawyers shall at all times maintain the honour and dignity of their profession as essential agents of the administration of justice.”<sup>13</sup> The State should guarantee the independence of lawyers as well as their ability to perform their functions accordingly through appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation.<sup>14</sup> Moreover, States, when adopting the necessary legislation, should ensure that the criteria for accessing the Bar and maintaining such membership do not undermine the independence of lawyers.<sup>15</sup> Governments shall ensure that lawyers are “able to travel and to consult with their clients freely ... and 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”.<sup>16</sup>

State authorities have the responsibility to ensure that lawyers are able to carry out their professional activities, without being subjected to “intimidation, hindrance, harassment or improper interference” or “suffer, or be threatened with, prosecution or administrative, economic or other sanctions”.<sup>17</sup> States must adopt the necessary measures to guarantee their safety and ability to carry out their professional duties.<sup>18</sup> They must also ensure that such incidents are promptly, thoroughly and impartially investigated and that those allegedly responsible are brought to justice.<sup>19</sup> A lack of effective protection measures, failure by authorities to publicly condemn these acts, or the

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<sup>9</sup> [International Covenant on Civil and Political Rights](#) (ICCPR), UNTS No. 999 (1966) article (art.) 9; [European Convention for the Protection of Human Rights and Fundamental Freedoms](#) (ECHR), ETS No. 005 (1950) art. 5.

<sup>10</sup> *Ibid*, ICCPR, art. 14; *Ibid*, ECHR, art. 6.

<sup>11</sup> *Ibid*, ICCPR, art. 2.3; *Ibid*, ECHR, art. 13.

<sup>12</sup> UN Human Rights Council Resolution, [Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers](#), A/HRC/RES/56/3 (2024) paragraph (para.) 17.

<sup>13</sup> United Nations Office on Drugs and Crime (UNODC), [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 12.

<sup>14</sup> UN Human Rights Council Resolution, [Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers](#), A/HRC/RES/56/3 (2024) para. 1.

<sup>15</sup> UN Human Rights Committee (HRC), [Consideration of Reports Submitted by State Parties Under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee](#), CCPR/CO/73/AZE (2001) para. 14; HRC, [Concluding Observations on the Fourth Periodic Report of Azerbaijan](#), CCPR/C/AZE/CO/4 (2016) para. 25.

<sup>16</sup> UNODC, [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 16.

<sup>17</sup> *Ibid*.

<sup>18</sup> *Ibid*, principles 16 and 17; Council of Europe (CoE), [Convention for the Protection of the Profession of Lawyer](#), CETS No. 226 (2025) art. 9.4.

<sup>19</sup> See Explanatory Report to the CoE Convention for the Protection of the Profession of Lawyer, CETS No. 226 (2025) para. 78.

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absence of investigations and prosecutions can foster a climate of impunity, discouraging legal professionals from defending human rights and the rule of law.<sup>20</sup>

More broadly, States should safeguard the security of lawyers whenever they face threats as a result of performing their functions.<sup>21</sup> This duty includes initiating prompt, impartial, and independent investigations into any instances of harassment or physical violence against them.<sup>22</sup> Ensuring accountability in such cases also serves an important preventive purpose.

At a European level, the European Parliament has reaffirmed “the importance of rules which are necessary to ensure the independence, competence, integrity and responsibility of members of the legal professions so as to guarantee the quality of their services, to the benefit of their clients and society in general, and in order to safeguard the public interest.”<sup>23</sup> The same protections apply under articles 19 and 22 of the ICCPR, which guarantee freedom of expression and freedom of association of all persons, including members of the legal profession, and which the European Court of Human Rights (ECtHR) and the Human Rights Committee (HRC) have read consistently in the context of the legal profession.<sup>24</sup>

Both the ICCPR and the ECHR protect the right to freedom of expression<sup>25</sup> and freedom of association<sup>26</sup> which guarantee lawyers, like other individuals, the right to hold opinions, receive and impart information and ideas freely, without interference by any public authority, and to associate freely with others for the protection of their interests. These rights are only subject to limitation when any restrictive measure is provided for in law; is strictly necessary in a democratic society for a legitimate purpose identified in the ICCPR or ECHR, such as national security, public health, or public order and are the least restrictive means of achieving that purpose.<sup>27</sup> Governments and professional associations should not discriminate against a person in practice within the legal profession on any grounds, on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement that a lawyer must be a national of the country concerned shall not be considered discrimination.<sup>28</sup> Disciplinary processes should comply with the rights of the lawyers concerned to a fair hearing and should not lead to sanctions in violation of the lawyer’s human rights, including freedom of expression and respect for private life.<sup>29</sup>

In order to ensure the independence of lawyers in the exercise of their professional duties, States should refrain from engaging in conduct that may undermine this independence, including making public statements that associate lawyers with their clients or the causes they represent.<sup>30</sup> Furthermore, lawyers should benefit from civil and criminal immunity for statements made in good faith in the course of written or oral pleadings, as well as during their professional appearances before

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<sup>20</sup> See *inter alia*: *Judgment of 27 November 2008*, Inter-American Court of Human Rights Valle-Jaramillo et al. v. Colombia, paras. 82-89; *Third Report on the Situation of Human Rights Defenders in the Americas of 15 April 2015*, Inter-American Commission on Human Rights, paras. 106-120.

<sup>21</sup> UNODC, [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 17; African Commission on Human and Peoples’ Rights (ACHPR), *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa* (2003) principle I.b.

<sup>22</sup> Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, [Independence of judges and lawyers](#), A/64/181 (2009) para. 69; see also para. 108.b, in which, the Special Rapporteur recalls that “[a]cts of harassment, threats or physical assaults against lawyers should be promptly investigated by an impartial and independent body”.

<sup>23</sup> European Parliament, [Resolution on the legal professions and the general interest in the functioning of legal systems](#), OJ 292 E (2006) para. 4.

<sup>24</sup> [ICCPR](#), UNTS No. 999 (1976), arts. 19 and 22, which protect the rights to freedom of expression and freedom of association of all persons, including members of the legal profession; see also HRC, [General Comment No. 34 on article 19: Freedoms of opinion and expression](#), CCPR/C/GC/34 (2011), para. 23.

<sup>25</sup> [ECHR](#), ETS No. 005 (1950) art. 10.

<sup>26</sup> *Ibid*, art. 11.

<sup>27</sup> *Ibid*, arts. 10.2 and 11.2.

<sup>28</sup> UNODC, [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 10.

<sup>29</sup> *Ibid*, principles 26-29.

<sup>30</sup> Mónica Pinto, Special Rapporteur on the independence of judges and lawyers, [Independence of judges and lawyers](#), A/71/348 (2016) para. 42.

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judicial, administrative, or other competent authorities.<sup>31</sup> Sanctions may only be imposed on lawyers following procedures that are conducted in accordance with the requirements of a right to a fair hearing, including that they are conducted without undue delay, and that the accused has access to legal representation of their own choosing.<sup>32</sup>

In addition, any such proceedings should be examined by an impartial disciplinary body within the legal profession, an independent statutory authority, or a court, and should allow for the possibility of independent judicial review.<sup>33</sup> Disciplinary action may not be based solely on the legitimate exercise of professional duties, such as representing a client or making statements in court.

The principle that lawyers should not be identified with their clients or the causes they represent is well established in international law and standards, as well as in the statutes of bar associations worldwide.<sup>34</sup>

## The legal profession in Azerbaijan: assessment by international bodies

UN and European institutions have closely examined the situation of the legal profession in Azerbaijan, drawing attention to persistent interference with its independence and the arbitrary use of disciplinary measures.<sup>35</sup> Their findings show a continued pattern of pressure on lawyers that undermines access to justice and the right to a fair trial.<sup>36</sup>

In January 2024, the Parliamentary Assembly of the Council of Europe (PACE) declined to ratify the credentials of the Azerbaijan delegation.<sup>37</sup> The reasons included the imprisonment for political reasons; the inability of the Assembly's Monitoring Committee rapporteurs to meet with detainees, the absence of free and safe access through the Lachin Corridor; credible allegations of "ethnic cleansing"<sup>38</sup> and Azerbaijan's lack of cooperation with Council of Europe (CoE) monitoring mechanisms.<sup>39</sup> In its resolution, PACE reiterated its concern about the lack of separation of powers in the country, the erosion of independence of the judiciary and the deterioration of the overall human rights situation.<sup>40</sup> Of particular concern was the low rate of implementation of ECtHR judgments, including leading judgments regarding independence of lawyers.<sup>41</sup>

### ***Institutional independence***

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<sup>31</sup> UNODC, [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 20; L.M. Singhvi, Special Rapporteur on the impartiality and independence of the judiciary, Draft Universal Declaration on the Independence of Justice, E/CN.4/Sub.2 (1987) (Singhvi Declaration) article 83; ACHPR, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003) principle I.e; International Bar Association (IBA), Standards for the Independence of the Legal Profession of the International Bar Association (1990) principle 11.

<sup>32</sup> *Ibid*, principle 27.

<sup>33</sup> *Ibid*, principle 28.

<sup>34</sup> See *inter alia*: *Ibid*, principle 18; ACHPR, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003) principle I.g; IBA, Standards for the Independence of the Legal Profession of the International Bar Association (1990) principle 7.

<sup>35</sup> Margaret Satterthwaite, [Special Rapporteur on the independence of judges and lawyers, Mandate of the Special Rapporteur on the independence of judges and lawyers](#), OL AZE 3/2025 (2025) p. 3. See also, Michael O'Flaherty, "[Azerbaijan: the Commissioner reiterates his call for the release of imprisoned human rights defenders, journalists and civil society actors](#)" in *Council of Europe (CoE) Commissioner for Human Rights* (2025). (Accessed 10 April 2026).

<sup>36</sup> Michael O'Flaherty, CoE Commissioner for Human Rights, [Third party intervention by the CoE Commissioner for Human Rights: Application No. 28198/15 Bagirov v. Azerbaijan](#), CommDH(2016)42 (2016) paras. 27 and 38. (Accessed 07 May 2026).

<sup>37</sup> Parliamentary Assembly of the CoE (PACE), [Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan](#), Resolution 2527 (2024) para. 7. (Accessed 10 April 2026).

<sup>38</sup> *Ibid*, para. 1.

<sup>39</sup> *Ibid*, para. 7.

<sup>40</sup> *Ibid*, para. 2.

<sup>41</sup> CoE, [Azerbaijan: Execution of judgments](#) (2026). (Accessed 10 April 2026); European Implementation Network, [Azerbaijan](#) (2025). (Accessed 10 April 2026).

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In its 2016 report, the ICJ underlined that structural and procedural obstacles undermine the independence of the legal profession: "... in practice the Bar Association of Azerbaijan suffers from significant institutional weaknesses which prevent it from adequately discharging these functions. Bodies of the Bar Association seem not to have sufficient leeway to carry out their functions in an independent manner."<sup>42</sup> The report went on to conclude that "[i]n general, the role of the Bar Association as an independent self-governing institution of lawyers who establish it to protect the independence of their profession and uphold high ethical standards, is not currently fulfilled. The current Bar Association too often acts as a top-down bureaucracy whose interests are not those of its members. There are serious failings in regard to transparency of the budget, accountability before its members, democratic participation of lawyers and their protection in instances of harassment and persecution of lawyers. In this environment, the Bar Association tends to function, in practice, to repress the independence of lawyers rather than to defend it."<sup>43</sup>

The research conducted for this report indicates that many of the structural concerns remain valid today including the use of disciplinary proceedings and regulatory practices that may be used in a punitive manner against lawyers, including in contexts linked to human rights work or criticism of State authorities.<sup>44</sup>

The CoE has itself identified the independence of the Bar Association as requiring reform. Its Action Plan for Azerbaijan 2022–2026, aims to "ensure successful reforms in Azerbaijan which will bring its legislation, institutions and practice further into line with Council of Europe standards in the areas of human rights, the rule of law and democracy."<sup>45</sup> This includes improvement in the independence of the Azerbaijan Bar Association, the reform of the Bar Association's regulatory framework and the strengthening of its capacity to ensure smooth entry into profession.<sup>46</sup> While the implementation of the Action Plan has not yet been formally assessed, numerous CoE authorities indicate growing concerns regarding the independence of lawyers in Azerbaijan.<sup>47</sup>

In December 2025, the UN Special Rapporteur on the independence of judges and lawyers asserted that several new amendments to the Law on Advocates and Advocacy Activity affect lawyers' professional obligations towards their clients, shifting their duties towards protecting State bodies. In particular, the amendments weaken existing safeguards by removing normative language.<sup>48</sup> These concerns were subsequently challenged by the Azerbaijan authorities in a formal response submitted in February 2026.<sup>49</sup> The amendments, as enacted, serve to undermine the role and professional responsibilities of lawyers.

The ICJ conducted interviews with Azerbaijan lawyers during the first half of 2025, some of whom now live in exile, confirming recurring patterns of exclusion, harassment, and systemic barriers created through or by the Bar Association that prevent lawyers from performing their professional duties independently.<sup>50</sup>

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<sup>42</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) p. 13.

<sup>43</sup> *Ibid*, p. 40.

<sup>44</sup> See *inter alia*: The Law Society of England and Wales, 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) (2024) section 3.3; "[UIA-IROL Expresses Deep Concern over the Detention and Criminal Prosecution of Azerbaijani Lawyer and Human Rights Defender Zabil Gahramanov](#)" in *UIAIROL*, 17 February 2026. (Accessed 08 May 2026).

<sup>45</sup> CoE, [Action Plan for Azerbaijan 2022-2026](#), CM(2022)21 (2022) p. 34.

<sup>46</sup> *Ibid*, p. 35.

<sup>47</sup> Michael O'Flaherty, CoE Commissioner for Human Rights, [Third party intervention by the CoE Commissioner for Human Rights: Application No. 28198/15 Bagirov v. Azerbaijan](#), CommDH(2016)42 (2016) para. 10. (Accessed 10 April 2026).

<sup>48</sup> Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers, [Mandate of the Special Rapporteur on the independence of judges and lawyers](#), OL AZE 3/2025 (2025) p. 3. (Accessed 10 April 2026).

<sup>49</sup> Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations, [Information submitted by the Government of Azerbaijan in response to the communication of the Special Rapporteur on the independence of judges and lawyers](#), 0151/12/26/44 (2026). (Accessed 10 April 2026).

<sup>50</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

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## **Legal training**

The development of a strong and independent legal profession is impeded by significant and undue State control<sup>51</sup> over curricula, admissions and academic governance, as the system retains elements of the Soviet-era model.<sup>52</sup>

## **Admission to the legal profession**

The Bar Association exercises exclusive control over admission to practice law,<sup>53</sup> and it exercises its supervisory functions with a lack of transparency, applying political considerations rather than objective legal standards.<sup>54</sup>

In its 2016 report, the ICJ noted in regard to the qualification procedure:

"The ICJ heard complaints from a number of lawyers that the process of qualification is not well organized and allows for arbitrary decisions to be taken when examining candidates. For example, no guidelines exist providing the criteria which the panel of examinations should use to objectively assess the knowledge and skills of the person whose qualification is being checked...

Particular concerns were expressed by lawyers about the oral examination, which is provided for by law. It was said that the questions asked at this stage of the exam may be arbitrary and may depend on the preferences of an individual examiner. The panel is not limited in asking questions by prescribed standards or by transparent, fair rules of examination. It was reported that the panel can and do in practice ask questions which sometimes may be only loosely related to questions of law. No guidelines on how to conduct an assessment of the examinees are provided. The process of examination therefore lacks clear methodology and is unsystematic

... the ICJ was told that certain professional backgrounds may automatically bar a person from qualifying, including work with NGOs or with lawyers who are identified with political groups opposed to the government (sometimes referred to as 'opposition lawyers')"<sup>55</sup>

More recent evidence confirms that admission to the legal profession is among the earliest and most restrictive points of control. Candidates who are or who are perceived to be human rights defenders continue to face discriminatory obstacles at the oral stage of the ABA's qualification process despite having successfully passed the written examination.<sup>56</sup> One lawyer described the experience as follows: "There's no recording or transcript. You enter a room with about ten people, and they just decide. You never know why."<sup>57</sup> Attempts to challenge such decisions before administrative courts have consistently failed as the Bar Association enjoys broad discretionary powers.<sup>58</sup>

Rejection disproportionately affects lawyers with a record of accessing international remedies in the service of their clients.<sup>59</sup> One lawyer explained: "I was told informally that my cases before the European Court of Human Rights were the real reason behind the rejection. They see these victories

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<sup>51</sup> Bertelsmann Stiftung, BTI Azerbaijan Country Report 2024 (2024) p. 11; see also International Bar Association's Human Rights Institute, (IBAHRI) [The Bar and Lawyers in Azerbaijan](#) (2021) p. 8. (Accessed 07 May 2026).

<sup>52</sup> *Ibid*, IBAHRI, p. 8.

<sup>53</sup> *Ibid*, p. 7.

<sup>54</sup> *Ibid*, p. 7.

<sup>55</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) p. 22.

<sup>56</sup> Kamran Mahmudov, "Left without a defence: Azerbaijan's purge of human rights lawyers" in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>57</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

<sup>58</sup> Kamran Mahmudov, "Left without a defence: Azerbaijan's purge of human rights lawyers" in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>59</sup> European Human Rights Advocacy Centre (EHRAC), [Disbarred, suspended, or criminally prosecuted: Azerbaijani human rights lawyers](#) (2021). Documenting retaliation against lawyers who represented clients in politically sensitive cases and before the ECtHR. See also *Namazov v. Azerbaijan*, ECtHR, Application Number (No.). 74354/13, Judgment of 30 January 2020 (noting that the disbarment was "capable of having a chilling effect on the performance by lawyers of their duties as defence counsel") para. 50; *Bagirov v. Azerbaijan*, ECtHR, Application Nos. 81024/12 and 28198/15, Judgment of 25 June 2020, para. 83; Dunja Mijatović, CoE Commissioner for Human Rights, [Report following her visit to Azerbaijan from 8 to 12 July 2019](#), CommDH(2019)27 (2019) para. 62.

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as a sign of my opposition".<sup>60</sup> In such cases, the use of admission procedures to exclude lawyers who have accessed international remedies or mechanisms on behalf of their clients functions as a means through which the State penalizes effective human rights advocacy and reduces the number of lawyers with the expertise and willingness to represent defendants in proceedings before the ECtHR or other international bodies.

### ***Use of disciplinary proceedings as reprisals***

In its 2016 Defenceless Defenders report, the ICJ observed:

"The disciplinary procedure is a particularly weak point for the legal profession. Many recent disciplinary cases against advocates raise serious concerns of lack of independence or due process, and the disciplinary process appears to be abused as a means of harassment of lawyers, in particular of human rights lawyers and lawyers who undertake sensitive political cases. The cases raise doubts in regard to what the real life Code of Ethics is being imposed on independent advocates: whether the Code is enforced to ensure a zealous, honest and principled position in regard to their clients' cause and remedying violations of human rights of their clients, including through making those violations known to the public; or rather whether the de facto utility of the Code is to serve as an instrument against those advocates who meet internationally recognized standards of lawyers' ethics."<sup>61</sup>

Among those lawyers who have been admitted to the ABA, the threat of disciplinary sanctions has a significant chilling effect against independent work or an active position in defending the human rights of their clients.<sup>62</sup> The ABA's disciplinary practice contributes to a climate of fear of potential retaliation for independent work.<sup>63</sup> As one lawyer observed: "The rules are deliberately vague. You don't get access to the complaints or files against you. Disciplinary hearings happen behind closed doors, and once disbarred, there's effectively no appeal."<sup>64</sup> This repressive environment has led many lawyers to self-censor, avoiding public comments about human rights violations of their clients or engagement with the media to avoid becoming targets themselves.

The chilling effect extends beyond the individual lawyers subjected to disciplinary proceedings. It operates to undermine the profession as a whole, deterring lawyers from accepting politically sensitive cases and thereby reducing the pool of available counsel for defendants in such proceedings.<sup>65</sup>

Interviews with lawyers reveal a continuing widespread climate of fear resulting from harassment and arbitrary disciplinary measures against lawyers who represent clients in politically sensitive cases. Lawyers report self-censorship to ensure their personal safety and membership at the ABA.

A consistent pattern of reprisals includes politically motivated disbarments, criminal prosecutions and administrative harassment.<sup>66</sup> Many of these cases have been brought before the ECtHR, which has found violations of fair trial rights and freedom of expression.<sup>67</sup> These include violations of the rights

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<sup>60</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

<sup>61</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) pp. 40-41.

<sup>62</sup> *Namazov v. Azerbaijan*, ECtHR, Application No. 74354/13, Judgment of 30 January 2020, para. 50. See also Dunja Mijatović, CoE Commissioner for Human Rights, [Report following her visit to Azerbaijan from 8 to 12 July 2019](#), CommDH(2019)27 (2019) para. 56; EHRAC, [Disbarred, suspended, or criminally prosecuted: Azerbaijani human rights lawyers](#) (2021).

<sup>63</sup> *Ibid*, Mijatović, para. 50. See also ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) pp. 40-41; Michael O'Flaherty, CoE Commissioner for Human Rights, [Third party intervention by the CoE Commissioner for Human Rights: Application No. 28198/15 Bagirov v. Azerbaijan](#), CommDH(2016)42 (2016) para. 38.

<sup>64</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

<sup>65</sup> Kamran Mahmudov, ["Left without a defence: Azerbaijan's purge of human rights lawyers"](#) in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>66</sup> EHRAC, [Disbarred, suspended, or criminally prosecuted: Azerbaijani human rights lawyers](#) (2021) Michel Forst, Special Rapporteur on the situation of human rights defenders, [Report of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan](#), A/HRC/34/52/Add.3 (2017) para. 79; ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) p. 16.

<sup>67</sup> For example: *Aslan Ismayilov v. Azerbaijan*, ECtHR, Application No. 18498/15, Judgment of 12 March 2020, paras. 48-49, *Bagirov v. Azerbaijan*, ECtHR, Application Nos. 81024/12 and 28198/15, Judgment of 25 June 2020, paras. 59-60; *Hajibeyli and Aliyev v. Azerbaijan*, Application Nos. 477/08 and 10414/08, Judgment of 19 April 2018, paras. 51-60.

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of Intigam Aliyev,<sup>68</sup> Khalid Bagirov,<sup>69</sup> Aslan Ismayilov,<sup>70</sup> whose disbarments were clearly retaliatory.<sup>71</sup> Despite these judgments, implementation remains limited<sup>72</sup> while disbarred lawyers have not been reinstated.

According to former member of the Bar Association Yalchin Imanov, who was disbarred in connection with his human rights work, the ABA's 2018 Charter is used to justify disciplinary proceedings against independent lawyers.<sup>73</sup> Although formal institutions governing the legal profession, such as the Bar Association and its governing and disciplinary bodies, have been developed, the profession continues to operate in a restrictive and politicized environment, undermining the rule of law and access to justice.<sup>74</sup> As a result, only a small number of lawyers, at times fewer than a dozen, have been willing or able to represent clients in politically sensitive cases.<sup>75</sup>

## Attacks on lawyers

In its 2016 report, the ICJ documented a pattern of harassment of lawyers through criminal prosecutions, disciplinary proceedings, and administrative measures such as asset freezes and travel bans, directed in particular against lawyers who represented clients in politically charged cases or who accessed international remedies on behalf of their clients.<sup>76</sup>

The UN Special Rapporteur on the situation of human rights defenders, following a country visit to Azerbaijan from 14 to 22 September 2016<sup>77</sup> identified severe failures in the protection of lawyers, journalists and whistleblowers, who face increasing stigmatization and multiple forms of harassment and violence, both overt and covert.<sup>78</sup> Human rights lawyers, in particular, were found to be targeted through criminal prosecutions, asset freezes and politically motivated disciplinary proceedings.<sup>79</sup>

The deteriorating situation of lawyers and other human rights defenders in Azerbaijan, has prompted continued attention by the CoE Commissioner for Human Rights.<sup>80</sup> In her statement of 2024, the Commissioner raised concerns regarding the treatment and detention of human rights defenders, including the case of Alasgar Mammadli who was detained following the March 2024 raid on the offices of the independent online television station Toplum TV, where he was co-founder and legal adviser.<sup>81</sup>

In 2020, PACE adopted Resolution 2322 (2020) on political prisoners in Azerbaijan, calling on the Azerbaijan authorities to ensure that Rasul Jafarov could resume his professional activities as a lawyer.<sup>82</sup> In 2023, the UN High Commissioner for Human Rights emphasized that despite the adoption of provisions in Azerbaijan's legal framework on anti-discrimination, those provisions had not been effectively implemented, undermining equality before the law and judicial independence.<sup>83</sup>

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<sup>68</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) p. 32.

<sup>69</sup> *Ibid*, p. 34.

<sup>70</sup> *Ibid*, p. 34.

<sup>71</sup> Campaign to End Repression in Azerbaijan and International Partnership for Human Rights (IPHR), [Azerbaijan's Defiance: A Decade of Contempt for the Council of Europe](#) (2024) p. 11.

<sup>72</sup> *Ibid*, p. 14; CoE, [Azerbaijan: Execution of judgments](#) (2026). (Accessed 10 April 2026).

<sup>73</sup> Kamran Mahmudov, "Left without a defence: Azerbaijan's purge of human rights lawyers" in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>74</sup> Margaret Satterthwaite, Special Rapporteur on the independence of judges and lawyers, [Mandate of the Special Rapporteur on the independence of judges and lawyers](#), OL AZE 3/2025 (2025) p. 5. (Accessed 10 April 2026).

<sup>75</sup> Kamran Mahmudov, "Left without a defence: Azerbaijan's purge of human rights lawyers" in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>76</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) pp. 30-36.

<sup>77</sup> Michel Forst, Special Rapporteur on the situation of human rights defenders, [Report of the Special Rapporteur on the situation of human rights defenders on his mission to Azerbaijan](#), A/HRC/34/52/Add.3 (2017).

<sup>78</sup> *Ibid*, pp. 10-17.

<sup>79</sup> *Ibid*, paras. 79-80.

<sup>80</sup> Michael O'Flaherty, "Azerbaijan: Commissioner asks for release of human rights defenders, journalists and civil society activists" in *CoE Commissioner for Human Rights*, 18 November 2024. (Accessed 10 April 2026).

<sup>81</sup> Dunja Mijatović, "Azerbaijan should end the intimidation and harassment of journalists and civil society activists" in *CoE Commissioner for Human Rights*, 25 March 2024. (Accessed 08 May 2026).

<sup>82</sup> PACE, [Reported cases of political prisoners in Azerbaijan](#), Resolution 2322 (2020) para. 11.4.3. (Accessed 07 May 2026).

<sup>83</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights](#), A/HRC/WG.6/44/AZE/2 (2023) para. 17.

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The ECtHR has ruled on a number of cases concerning violations of the right to a fair trial, the right to a private life<sup>84</sup> and the right to freedom of expression<sup>85</sup> in the cases concerning lawyers in Azerbaijan.<sup>86</sup>

In recent years, the Court has issued several judgments finding such violations as arbitrary arrests and detention of politicians, civil society activists, human rights defenders and journalists.<sup>87</sup> In a significant number of these judgements, the Court has found violations of article 18 of the Convention, establishing a pattern of arbitrary arrests and detentions of government critics, civil society activists and human rights defenders through prosecutions and a misuse of criminal law.<sup>88</sup> In *Ilgar Mammadov v. Azerbaijan*, the Court found that the applicant's arrest and detention had been undertaken with the ulterior purpose of silencing him as a government critic.<sup>89</sup> In *Rasul Jafarov v. Azerbaijan*, *Intigam Aliyev v. Azerbaijan*, and *Rashad Hasanov and Others v. Azerbaijan*, the Court reached the same conclusion in respect of civil society activists and human rights defenders.<sup>90</sup> These judgments establish that the prosecution of lawyers, human rights defenders and government critics in Azerbaijan is used as an instrument of executive control.

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<sup>84</sup> *Imanov v. Azerbaijan*, ECtHR, Application No. 62/20, Judgment of 07 January 2026, paras. 67-69.

<sup>85</sup> *Bagirov v. Azerbaijan*, ECtHR, Application Nos. 81024/12 and 28198/15, Judgment of 25 June 2020, paras. 78-103 (violations of articles 8 and 10 in respect of the disbarment and suspension of a lawyer for criticism of judicial conduct and ill-treatment); *Aliyev v. Azerbaijan*, ECtHR, Application Nos. 68762/14 and 71200/14, Judgment of 20 September 2018, paras. 175-227 (violations of articles 5 § 1, 5 § 4, 8 and 18 in respect of the prosecution and detention of a human rights lawyer); *Hajibeyli and Aliyev v. Azerbaijan*, ECtHR, Application Nos. 6477/08 and 10414/08, Judgment of 19 April 2018, paras. 56-72 (a violation of article 8 in respect of searches of lawyers' offices and seizure of client files); *Aslan Ismayilov v. Azerbaijan*, ECtHR, Application No. 18498/15, Judgment of 12 March 2020, paras. 41-58 (a violation of article 8 in respect of disciplinary action taken against a lawyer).

<sup>86</sup> For example, *Guliyev and Safarov v. Azerbaijan*, ECtHR, Application Nos. 5878/17 and 82482/17, Judgment of 17 February 2026, paras. 23-24; *Imanov v. Azerbaijan*, ECtHR, Application No. 62/20, Judgment of 07 January 2026, paras. 67-69; *Afgan Mammadov v. Azerbaijan*, ECtHR, Application No. 43327/14, ECtHR, Judgment of 14 November 2024, paras. 61-67 and 69-81.

<sup>87</sup> PACE, [Reported cases of political prisoners in Azerbaijan](#), Resolution 2322 (2020) para. 2. (Accessed 07 April 2026).

<sup>88</sup> *Ilgar Mammadov v. Azerbaijan*, ECtHR, Application No. 15172/13, Judgment of 22 May 2014, para. 143; *Rasul Jafarov v. Azerbaijan*, ECtHR, Application No. 69981/14, Judgment of 17 March 2016, para. 178; *Aliyev v. Azerbaijan*, ECtHR, Application Nos. 68762/14 and 71200/14, Judgment of 20 September 2018, para. 223; *Rashad Hasanov and Others v. Azerbaijan*, ECtHR, Application No. 48653/13, Judgment of 7 June 2018, para. 125.

<sup>89</sup> *Ilgar Mammadov v. Azerbaijan*, ECtHR, Application No. 15172/13, Judgment of 22 May 2014, para. 143.

<sup>90</sup> *Rasul Jafarov v. Azerbaijan*, ECtHR, Application No. 69981/14, Judgment of 17 March 2016, para. 178; *Aliyev v. Azerbaijan*, ECtHR, Application Nos. 68762/14 and 71200/14, Judgment of 20 September 2018, para. 223; *Rashad Hasanov and Others v. Azerbaijan*, ECtHR, Application No. 48653/13, Judgment of 7 June 2018, para. 125.

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## Chapter II: Legal representation and access to lawyers

### Obstruction in criminal defence: Access to legal representatives

As of April 2026, approximately 2,828 lawyers were registered with the Bar Association.<sup>91</sup> While this represents an increase compared to previous years, it remains a relatively low number of lawyers in proportion to the needs of the population. According to the 2024 evaluation report of the European Commission for the Efficiency of Justice (CEPEJ), Azerbaijan exhibits the lowest number of lawyers per capita among the countries assessed in 2022.<sup>92</sup> This limited pool of officially registered lawyers is further constrained by uneven geographic distribution.<sup>93</sup> The vast majority of lawyers are concentrated in Baku, the capital, where 83 out of the 122 law offices are located, leaving many regions without adequate access to legal services.<sup>94</sup>

The limited availability of lawyers carries particularly serious consequences in criminal and politically sensitive cases.<sup>95</sup> As noted above, lawyers representing defendants in such proceedings face great professional and personal risks unless they follow strict protocols of self-censorship.<sup>96</sup> As one lawyer expressed during an interview it feels like “a sword is hanging above our heads when we take on politically sensitive cases of our own will, we have to walk on eggshells while representing our clients.”<sup>97</sup>

### Pre-trial restrictions and prosecutorial control

Defence lawyers in Azerbaijan face serious procedural obstacles, particularly during the pre-trial phase of criminal proceedings.<sup>98</sup> Interviewees reported that access to clients in detention is routinely denied from the moment of arrest, unless explicitly authorized by the investigator or prosecutor, despite the absence of any legal provision requiring such approval, in violation of international human rights law and standards.<sup>99</sup> The denial of access to a lawyer during the initial period of detention is of particular concern given that this is the period during which coerced “confessions” and ill-treatment are most likely to happen.<sup>100</sup>

Even when lawyers possess a valid power of attorney, it often fails to guarantee access to clients in detention.<sup>101</sup> “Police and prosecutors delay meetings until the detainee has signed self-incriminating statements” a defence lawyer explained.<sup>102</sup>

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<sup>91</sup> [The Bar Association of the Republic of Azerbaijan](#) (2026). (Accessed 08 April 2026).

<sup>92</sup> European Commission for the Efficiency of Justice, [European Judicial Systems](#) (2024) p. 26. (Accessed 10 April 2026).

<sup>93</sup> *Ibid.*

<sup>94</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) p. 7.

<sup>95</sup> Kamran Mahmudov, “Left without a defence: Azerbaijan’s purge of human rights lawyers” in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>96</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016), pp. 6 and 30-31; Dunja Mijatović, CoE Commissioner for Human Rights, [Report following her visit to Azerbaijan from 8 to 12 July 2019](#), CommDH(2019)27 (2019) para. 56. (Accessed 10 April 2026).

<sup>97</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

<sup>98</sup> Kamran Mahmudov, “Left without a defence: Azerbaijan’s purge of human rights lawyers” in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>99</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

<sup>100</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) pp. 17-18. (Accessed 07 May 2026).

<sup>101</sup> IBAHRI, [The Bar and Lawyers in Azerbaijan](#) (2021) p. 24; *Ibid.*, CPT, pp. 17-18; Dunja Mijatović, CoE Commissioner for Human Rights, [Report following her visit to Azerbaijan from 8 to 12 July 2019](#), CommDH(2019)27 (2019) para. 56.

<sup>102</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

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As mentioned above, pressure and retaliatory disciplinary proceedings by the Bar Association, including threats of license suspension or revocation, further deter lawyers from engaging in such cases, leaving persons detained for political reasons especially short of available legal representatives of their choice.<sup>103</sup> In practice, legal representation in these proceedings often becomes largely formalistic rather than substantial, in contravention of the requirement under international law that legal assistance be practical and effective, not merely nominal or theoretical.<sup>104</sup>

Even where an accused succeeds in finding a lawyer of their choice, prosecutors or courts may disregard the power of attorney and impose representation by a State-appointed lawyer.<sup>105</sup> The European Committee on the Prevention of Torture has reported that State-appointed lawyers often refuse to speak to their clients or attempt to dissuade them from making complaints.<sup>106</sup>

## Access to lawyers in recent high-profile cases

The ICJ has received information according to which at the pre-trial stage of criminal proceedings the rights of detainees are frequently violated.<sup>107</sup> The access of lawyers to clients in detention is typically subject to numerous restrictions.<sup>108</sup> Detainees commonly lack access to their lawyer during the initial stages of interrogation and pre-trial detention.<sup>109</sup>

The conditions in detention facilities frequently fail to ensure confidentiality of lawyer-client communication.<sup>110</sup> Most detention facilities lack dedicated rooms for confidential lawyer-client meetings, and consultations commonly take place in the presence of police or penitentiary staff,<sup>111</sup> in violation of the principle of lawyer-client confidentiality.<sup>112</sup> Where a language barrier exists between lawyer and client, the provision of interpreters or translated materials is not always facilitated,<sup>113</sup> undermining effective communication. During trial hearings, defendants inside glass enclosures may be denied the possibility to confer with their defence,<sup>114</sup> limiting the right to confidential communication.

The proceedings against the former Nagorno-Karabakh officials illustrate these concerns in their most acute form.

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<sup>103</sup> "Independent journalists and opposition politicians say they are being left defenceless against political prosecutions, with one prominent human rights defender claiming just six lawyers now represent 150 political prisoners... Freelance journalist Aynur Elgunash sued Azerbaijan's Bar Association after they expelled her lawyer, Yalchin Imanov... Before being disbarred, Imanov defended her both in interviews with police and in the courts. Now, the journalist has been left without a lawyer. Elgunash said the Bar Association offered her another lawyer. 'I didn't want that', she said, 'because I don't trust any other lawyers. In today's situation, the number of attorneys in the political process is minimal'. Kamran Mahmudov, "[Left without a defence: Azerbaijan's purge of human rights lawyers](#)" in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>104</sup> CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) p. 18. (Accessed 07 May 2026).

<sup>105</sup> IBAHRI, [The Bar and Lawyers in Azerbaijan](#) (2021) p. 25.

<sup>106</sup> CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) p. 18. (Accessed 07 May 2026).

<sup>107</sup> *Ibid*, p. 17.

<sup>108</sup> *Ibid*.

<sup>109</sup> *Ibid*, pp. 17-18.

<sup>110</sup> Michael O'Flaherty, CoE Commissioner for Human Rights, [Third party intervention by the Council of Europe Commissioner for Human Rights: Application No. 28198/15 Bagirov v. Azerbaijan](#), CommDH(2016)42 (2016) para. 24. (Accessed 10 April 2026).

<sup>111</sup> CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) p. 19. (Accessed 07 May 2026).

<sup>112</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 34.

<sup>113</sup> Siranush Sahakyan, "[Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights](#)" in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>114</sup> "[Azerbaijan: Ailing Rights Defenders Convicted in Political Trial](#)" in *Human Rights Watch*, 13 August 2015. (Accessed 10 April 2026); "[Meydan TV Case in Azerbaijan: 'Ilham Aliyev couldn't silence us - can you?'](#)" in *JAMnews*, 16 February 2026. (Accessed 10 April 2026).

## Nagorno-Karabakh trials

The Nagorno-Karabakh Autonomous Oblast was established in 1923, within the Azerbaijan Soviet Socialist Republic, and inhabited by a majority of persons of Armenian descent. In 1988, the regional legislature declared its intention to join the Republic of Armenia. Following the dissolution of the Soviet Union in 1991, the region declared independence, further escalating a full-scale armed conflict between Armenia and Azerbaijan that had begun in 1988.

By 1993, Armenian forces had gained control of most of Nagorno-Karabakh. A ceasefire brokered with the assistance of the Russian Federation entered into force in 1994, through an agreement, known as the Bishkek Protocol. Under the agreement, Nagorno-Karabakh functioned as de facto independent with its administrative centre in Stepanakert and maintained close economic, political and military ties with Armenia. The ceasefire broadly held, despite periodic escalations and the absence of an international peacekeeping presence, until 2020.

Between September and November 2020, renewed hostilities – referred to as the six-week war in Nagorno-Karabakh - resulted in Azerbaijan regaining control over most of the territory lost in the early 1990s. The ceasefire agreement, brokered by the Russian Federation, established the Lachin Corridor, a route connecting Armenia to the remaining Armenian-inhabited areas of Nagorno-Karabakh, monitored by Russian peacekeepers.

In December 2022, groups described by the authorities as Azerbaijani environmental activists blocked the Lachin Corridor, which resulted in severe shortages of food, fuel and medicine in Nagorno-Karabakh. Although an agreement to reopen the corridor for humanitarian deliveries was reached in September 2023, days later, on 19 September 2023, Azerbaijan launched what it called an “anti-terrorist operation” against Armenian military installations. Within two days, Azerbaijan established full control over Nagorno-Karabakh. The brief escalation resulted in the deaths of at least 200 persons and numerous detentions of ethnic Armenians, including individuals now facing trial in Azerbaijan. Following the September 2023 offensive, virtually the entire ethnic Armenian population of Nagorno-Karabakh - more than 100,000 persons - fled to Armenia. (UNHCR Emergency Update, Armenia [UNHCR](#))

In the aftermath of Azerbaijan’s September 2023 offensive in Nagorno-Karabakh, Azerbaijan authorities detained several high-ranking former officials.<sup>115</sup> In total, 23 Armenian persons were held by Azerbaijan, including former political and military leaders.<sup>116</sup> Fifteen of the former officials were tried jointly in one case before the Baku Military Court, while the case of Ruben Vardanyan<sup>117</sup> former de facto State Minister of Nagorno-Karabakh from November 2022 until February 2023, was tried separately.

Over the course of the proceedings, the ICJ received reliable information indicating that the right to be represented by a lawyer of one’s choosing was not respected.<sup>118</sup> In the trial of Vardanyan, his

<sup>115</sup> “[Azerbaijan arrests former top Karabakh minister as exodus tops 50,000](#)” in *Aljazeera*, 27 September 2023. (Accessed 10 April 2026).

<sup>116</sup> The 23 persons comprised three categories. Five were detained during or after the 2020 hostilities: Alyosha Khosrovyan, Lyudvig Mkrtychyan, Vigen Euljekjian, Davit Davtyan and Gevorg Sujyan. Two were detained during the 2022-2023 blockade of Nagorno-Karabakh: Rashid Beglaryan and Vagif Khachatryan. Sixteen were detained following the September 2023 offensive, of whom eight held political or military positions in the former de facto administration: former Presidents Arkadi Ghukasyan, Bako Sahakyan and Arayik Harutyunyan; former Speaker of the National Assembly Davit Ishkhanyan; former Foreign Minister Davit Babayan; former Commander of the Defence Army Levon Mnatsakanyan; former Deputy Commander Davit Manukyan; and former State Minister Ruben Vardanyan; together with eight other persons: Madat Babayan, Garik Martirosyan, Davit Allahverdyan, Melikset Pashayan, Levon Balayan, Vasili Beglaryan, Gurgun Stepanyan and Erik Ghazaryan.

<sup>117</sup> “[Key points about the sentences of former Nagorno-Karabakh leaders](#)” in *Caucasian Knot*, 06 February 2026. (Accessed 10 April 2026).

<sup>118</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

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international counsel was denied entry into Azerbaijan, apparently arbitrarily, depriving him of the right to a lawyer of his choice.<sup>119</sup>

On 16 January 2025, the eve of the trial, Vardanyan alleged through family members that since the day of his arrest he had never testified, that all documents bearing his signature had been forged, and that both his State-appointed lawyer and translator had been forced to sign those documents.<sup>120</sup> The formal trial commenced on 17 January 2025. Charges were formally presented in February 2025.<sup>121</sup> The witness examination phase began in the spring of 2025.

On 21 October 2025, Vardanyan dismissed his chosen defence lawyer, Avraham Berman, who had represented him since the beginning of the trial.<sup>122</sup> In a statement issued the following day, Vardanyan described the decision as “forced,” stating that “gross violations of international and Azerbaijani judicial law” had reduced the proceedings to “an outright farce” in which “all procedural defence opportunities have been exhausted.”<sup>123</sup> He stated that he and his lawyer had filed more than 60 motions challenging violations of his procedural rights, none of which had been granted, and that over 60 per cent were not addressed by the court at all.<sup>124</sup> Among the specific grounds cited were the inability to exchange documents with his lawyer freely and without prior inspection, the denial of access to audio and video evidence, and the court’s refusal to summon defence witnesses.<sup>125</sup> Vardanyan asserted that under these conditions, “the role of a lawyer, regardless of their desires and efforts, is reduced to maintaining the appearance of legality in the trial.” He stated: “I refuse to participate in this farce. I do not need the illusion of a defence - I demand genuine respect for my procedural rights.”<sup>126</sup>

On 28 October 2025, the court appointed Emil Babishov, a member of the ABA, as Vardanyan’s new defence lawyer.<sup>127</sup> Vardanyan refused Babishov’s services as well.<sup>128</sup> The judicial investigation concluded on 16 December 2025.<sup>129</sup> In his closing statement on 10 February 2026, Vardanyan instructed his lawyer not to present any defence arguments, stating: “I consider what is taking place not a real trial, but a judicial farce, since there was no possibility for a normal judicial process.”<sup>130</sup>

## Chapter III. Alleged violations arising at the pre-trial stage

### International standards

Under international human rights law, pre-trial detention must be an exceptional measure rather than the general rule.<sup>131</sup> Alternative arrangements such as bail must be available, while pre-trial

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<sup>119</sup> Siranush Sahakyan, “[Facts that cannot be ignored: Gross violations of Ruben Vardanyan’s rights](#)” in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>120</sup> “[Ruben Vardanyan’s Trial Tomorrow: Read His Full Statement](#)” in *Free Armenian Prisoners*, 16 January 2025. (Accessed 10 April 2026); “[Azerbaijan: Authorities must ensure fair trial rights of Ruben Vardanyan and investigate claims of rights violations](#)” in *Amnesty International*, 17 January 2026. (Accessed 20 April 2026).

<sup>121</sup> Akbar Novruz, “[Court hearing on Ruben Vardanyan’s criminal case continues in Baku](#)” in *Azernews*, 25 February 2025. (Accessed 10 April 2026).

<sup>122</sup> “[Ruben Vardanyan refused the services of a lawyer](#)” in *Caucasian Knot*, 21 October 2025. (Accessed 10 April 2026).

<sup>123</sup> *Ibid.*

<sup>124</sup> “[Ruben Vardanyan Conveyed a Statement Through His Family Regarding His Decision to Dismiss His Attorney](#)” in *Free Armenian Prisoners*, 22 October 2025. (Accessed 10 April 2026).

<sup>125</sup> *Ibid.*

<sup>126</sup> “[Ruben Vardanyan explained his refusal to hire a lawyer under an agreement](#)” in *Caucasian Knot*, 23 October 2025. (Accessed 19 May 2026).

<sup>127</sup> Ingilab Mammadov, “[Next session of Ruben Vardanyan’s trial scheduled](#)” in *Trend*, 28 October 2025. (Accessed 10 April 2026).

<sup>128</sup> Alexander Pracht, “[Ruben Vardanyan drops second lawyer in two weeks at Baku trial](#)” in *CivilNet*, 05 November 2025. (Accessed 10 April 2026).

<sup>129</sup> “[Judicial investigation into Ruben Vardanyan case concludes](#)” in *APA*, 16 December 2025. (Accessed 10 April 2026); “[The prosecution requested a life sentence for Vardanyan](#)” in *Caucasian Knot*, 18 December 2025. (Accessed 10 April 2026).

<sup>130</sup> “[What Ruben Vardanyan Actually Said During the Farcical Trial in Baku](#)” in *Free Armenian Prisoners*, February 2026. (Accessed 10 April 2026).

<sup>131</sup> ICCPR, UNTS No. 999 (1966), art. 9.3; HRC, [General Comment 35: Article 9 \(Liberty and Security of Person\)](#), CCPR/C/GC/35 (2014) para. 38.

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detention may be justified only where necessary to prevent flight, interference with evidence or the recurrence of crime, and must be based on an individual assessment of each case.<sup>132</sup> The relevant factors for detention should be defined in law.<sup>133</sup> Courts are required to examine alternatives to pre-trial detention such as bail, electronic bracelets or other conditions.<sup>134</sup> Moreover, the nationality of the defendant must not be treated as a sufficient fact to establish a risk of flight.<sup>135</sup> Consideration must be given to the circumstances of the case and of the individual.<sup>136</sup> There must be a continuous examination of the lawfulness and necessity of detention in each individual case.<sup>137</sup>

Everyone facing a criminal charge has the right to be assisted by legal counsel at all stages, including in the investigation stage.<sup>138</sup> This right is required as part of the procedural safeguards in order to ensure the meaningful exercise of the right to a fair trial and the right of the accused not to incriminate themselves.<sup>139</sup> The right to legal counsel in the pre-trial stage includes the right to access to a lawyer, confidentiality of communications and the presence of the lawyer during questioning.<sup>140</sup> Lawyers must be able to advise and represent the accused in accordance with generally recognized professional ethics without restrictions, influence, pressure or undue interference from any quarter.<sup>141</sup> Access to a lawyer must be provided from the first interrogation of a suspect by the police.<sup>142</sup>

Individuals charged with a criminal offence have the right to adequate time and facilities to prepare a defence without delay, interception or censorship and in full confidentiality.<sup>143</sup> Authorities must respect confidentiality of communications and consultations.<sup>144</sup> Furthermore, detainees must have unhindered access to case files.<sup>145</sup> Individuals who are unable to communicate in the language of proceedings are entitled to an interpreter<sup>146</sup> and case files must be provided in a language they understand if the legal counsel is not familiar with the original language.<sup>147</sup>

All people deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person. In addition, the right to the highest attainable standard of physical and mental health is recognized for everyone, including those in detention.<sup>148</sup> Failure to provide adequate health care violates the right to freedom from inhuman or degrading treatment.<sup>149</sup> No detained person shall be subject to violence, threats or methods of interrogation which impair their capacity

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<sup>132</sup> CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) p. 9; see also HRC, [General Comment 35: Article 9 \(Liberty and Security of Person\)](#), CCPR/C/GC/35 (2014) para. 38.

<sup>133</sup> Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Ganna Yudkivska, Vice-Chair on communications of the Working Group on Arbitrary Detention and Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, [Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#), AL AZE 1/2025 (27 February 2025) p. 7. (Accessed 08 May 2026); HRC, [General Comment 35: Article 9 \(Liberty and Security of Person\)](#), CCPR/C/GC/35 (2014) para. 22.

<sup>134</sup> *Ibid*, HRC, para. 38.

<sup>135</sup> HRC, [General Comment 35: Article 9 \(Liberty and Security of Person\)](#), CCPR/C/GC/35 (2014) para. 38.

<sup>136</sup> *Ibid*.

<sup>137</sup> *McKay v. United Kingdom*, ECtHR, Application No. 543/03, Judgment of 03 October 2006, paras. 41-47.

<sup>138</sup> HRC, [General Comment 35: Article 9 \(Liberty and Security of Person\)](#), CCPR/C/GC/35 (2014) para. 34. See also *Salduz v. Turkey*, ECtHR, Application No. 36391/02, Judgment of 27 November 2008, paras. 54-55.

<sup>139</sup> *Ibid*, paras. 54-55.

<sup>140</sup> *Ibid*, para. 34.

<sup>141</sup> *Ibid*, para. 23.

<sup>142</sup> *Salduz v. Turkey*, ECtHR, Application No. 36391/02, Judgment of 27 November 2008, para. 55. See also *Dayanan v. Turkey*, ECtHR, Application No. 7377/03, Judgment of 13 October 2009, paras. 31-33.

<sup>143</sup> ECHR, ETS No. 005 (1950) art. 6.3.b. See also UNODC, [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 8.

<sup>144</sup> *Ibid*, principle 22. See also UN, [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#) (adopted by UN General Assembly Resolution 43/173 of 9 December 1988) principle 14.

<sup>145</sup> UN, [Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#), A/RES/67/187 (2013) principle 7.28.

<sup>146</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 32.

<sup>147</sup> *Ibid*, para. 33.

<sup>148</sup> [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), UNTS No. 993 (1966) art. 12.

<sup>149</sup> *Aleksanyan v. Russia*, ECtHR, Application No. 46468/06, Judgment of 22 December 2008, para. 158.

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of decision or judgment.<sup>150</sup> Any statement or other information obtained as a result of torture or ill-treatment must be excluded from evidence.<sup>151</sup>

## Conditions of detention

In Azerbaijan, torture or other cruel, inhuman or degrading treatment during the pre-trial detention period remains widespread.<sup>152</sup> The CoE's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) findings following its 2022 *ad hoc* visit confirmed the persistence of systemic shortcomings previously documented in its 2020 periodic visit.<sup>153</sup> The Committee noted that procedural guarantees during pre-trial detention such as the obligation of notification of custody, access to a lawyer, access to a doctor and information on rights, remained largely a dead letter and were mostly without effect in practice.<sup>154</sup> In some cases, these measures appeared to be used as a mechanism to protect law enforcement officers from accountability, rather than as safeguards to ensure the protection of the rights of detainees.<sup>155</sup>

In its recent Concluding Observations, the UN Committee against Torture expressed concern at widespread and persistent reports of the routine use of torture and ill-treatment in the State party.<sup>156</sup> It further noted that:

“detained individuals appear to be frequently beaten by law enforcement officials with the aim of extracting confessions. In more harrowing cases, allegations include the use of electric shocks, beatings on the soles of the feet (*falaka*), binding with ropes in contorted positions, simulated suffocation, extraction of fingernails and sexual violence as a means of torture.”<sup>157</sup>

The CPT has documented cases in which police subjected detainees to physical violence, sometimes amounting to torture, threats and attempts of extortion, in order to extract false video-recorded confessions.<sup>158</sup> Detainees were reportedly instructed which offences to confess to and how to explain the origin of injuries inflicted by the police.<sup>159</sup>

State-appointed lawyers, on occasion, reportedly witness incidents of ill-treatment and physical violence against their clients, but fail to file any complaint before the court seeking remedies for these violations.<sup>160</sup> The failure of State-appointed lawyers to act on evidence of ill-treatment that they directly observed is among the most consequential manifestations of the lack of professional independence.<sup>161</sup> Under international law, a lawyer has an obligation to act in the best interests of the client, which includes reporting allegations of torture and ill-treatment and seeking remedies before a court.<sup>162</sup> The failure to do so eliminates the primary procedural safeguard against torture and ill-treatment during detention: the presence of a lawyer who is able and willing to document violations and hold the authorities accountable.

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<sup>150</sup> UN, [Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment](#) (adopted by UN General Assembly Resolution 43/173 of 9 December 1988) principle 21.

<sup>151</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) paras. 6, 41 and 60.

<sup>152</sup> UN Committee against Torture (CAT), [Concluding observations on the 5th periodic report of Azerbaijan](#), CAT/C/AZE/CO/5 (2024) para. 16.

<sup>153</sup> CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) paras. 12-15.

<sup>154</sup> *Ibid*, para. 24.

<sup>155</sup> *Ibid*, para. 24.

<sup>156</sup> CAT, [Concluding observations on the 5th periodic report of Azerbaijan](#), CAT/C/AZE/CO/5 (2024) para. 16.

<sup>157</sup> *Ibid*, para. 16.

<sup>158</sup> CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) para. 24.

<sup>159</sup> *Ibid*, para. 21.

<sup>160</sup> *Ibid*, para. 18.

<sup>161</sup> *Ibid*, para. 22.

<sup>162</sup> UNODC, [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 13.

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The CoE Commissioner for Human Rights noted that several Armenian nationals had been detained by Azerbaijan military forces on charges of alleged illegal border crossings.<sup>163</sup> In subsequent communications in 2024, the Commissioner described the continuing disagreement between the two States regarding the status of these detainees: Armenia considers them prisoners of war whose release is required under the trilateral ceasefire agreement of 2020, while Azerbaijan maintains that their acts constitute criminal offences and are not therefore covered by the agreement.<sup>164</sup>

The Commissioner stressed the need to ensure that all persons deprived of liberty in connection with the conflict are protected by international humanitarian law, recalling that those meeting the criteria for prisoners-of-war status must be treated humanely and allowed to correspond with their families.<sup>165</sup> The Commissioner further recalled the obligation to release and repatriate prisoners of war without delay after the cessation of active hostilities under the Third Geneva Convention.<sup>166</sup> She highlighted the importance of International Committee of the Red Cross (ICRC) visits to prisoners of war and the protection of civilians in accordance with the Geneva Conventions.<sup>167</sup>

On 3 September 2025, the ICRC closed its delegation in Azerbaijan following a decision by the Azerbaijan government, removing the only international organization with regular access to Armenian detainees.<sup>168</sup> The United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees were also required to leave the country in the same period.<sup>169</sup>

It has been reported that Armenian detainees captured after the 2023 conflicts have alleged torture, ill-treatment, and the use of racist rhetoric and coercion to extract self-incriminating statements.<sup>170</sup> The European Parliament noted in its resolution of 13 March 2025 that the detainees had been subjected to inhumane and degrading treatment.<sup>171</sup>

Vardanyan declared a hunger strike on 5 April 2024, lasting until 24 April 2024, in protest against his conditions of detention. During this period he was reportedly moved to a punishment cell and subjected to torture and other ill-treatment, which included being subjected to continuous lighting 24 hours a day, forced standing for many hours, deprivation of drinking water, denial of clean clothes and sanitary facilities, and incommunicado detention.<sup>172</sup> He declared a second hunger strike on 19 January 2025, which lasted 23 days. His lawyers submitted a communication regarding his alleged ill-treatment to the UN Special Rapporteur on torture as well as to the UN Working Group on Arbitrary Detention.<sup>173</sup>

## Access to case files

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<sup>163</sup> Dunja Mijatović, CoE Commissioner for Human Rights, [Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh](#), CommDH(2021)29 (2021) para. 37. (Accessed 10 April 2026).

<sup>164</sup> Dunja Mijatović, CoE Commissioner for Human Rights, [Observations on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region](#), CommHR(2024)1 (2024) para. 66.

<sup>165</sup> *Ibid*, para. 68.

<sup>166</sup> Dunja Mijatović, CoE Commissioner for Human Rights, [Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh](#), CommDH(2021)29 (2021) para. 47.

<sup>167</sup> Dunja Mijatović, CoE Commissioner for Human Rights, [Observations on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region](#), CommHR(2024)1 (2024) para. 68.

<sup>168</sup> ["The International Committee of the Red Cross closes its delegation in the Republic of Azerbaijan"](#) in *International Committee of the Red Cross (ICRC)*, 02 September 2025. (Accessed 10 April 2026).

<sup>169</sup> Xandie (Alexandra) Kuenning and Aytan Farhadova, ["UNDP, UNHCR, and ICRC 'told to leave' Azerbaijan"](#) in *OC Media*, 03 March 2025. (Accessed 10 April 2026).

<sup>170</sup> *Armenia v Azerbaijan*, International Court of Justice, Application of the International Convention on the Elimination of All Forms of Racial Discrimination, Republic of Armenia, [Written Statement of Observations and Submissions on the Preliminary Objections of the Republic of Azerbaijan](#) (21 August 2023) para. 9. (Accessed 10 April 2026).

<sup>171</sup> European Parliament, [Resolution of 13 March 2025 on the unlawful detention and sham trials of Armenian hostages, including high-ranking political representatives from Nagorno-Karabakh, by Azerbaijan](#), 2025/2596(RSP) (2025) recital B.

<sup>172</sup> Ani Avetisyan, ["Former Karabakh leader Ruben Vardanyan faces life in prison"](#) in *BneIntellinews*, 05 January 2025. (Accessed 10 April 2026).

<sup>173</sup> *Ibid*.

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The right to adequate time and facilities to prepare a defence, guaranteed under article 14.3.b of the ICCPR and article 6.3.b of the ECHR, requires not only that the defence have access to case materials but that such access be provided in sufficient time and in a language the accused understands. In the proceedings examined in this report, each of these requirements was apparently breached.

In Azerbaijan, detainees and their lawyers often lack full access to the case materials and there is no guarantee that the files will be provided in a language that the accused understands or that there will be available interpreters.<sup>174</sup> Although the Criminal Procedure Code provides that the accused and their lawyer have the right to examine the full case file upon completion of the preliminary investigation,<sup>175</sup> in practice, the defence frequently receives access only at the end of the investigation or, in some cases, after the judgment has been pronounced.<sup>176</sup> The prosecution, by contrast, has unrestricted access to the case file throughout the pre-trial proceedings,<sup>177</sup> placing the defence in a position of structural inequality contrary to the principle of equality of arms.<sup>178</sup> Documents in the case file may also be classified as State secrets, further restricting defence access. Where there has been such classification, the lawyer may be required to hold security clearance, and failure to obtain it may result in the replacement of the chosen defence lawyer.<sup>179</sup>

In a number of high-profile Nagorno-Karabakh cases, including the trial of Ruben Vardanyan, many necessary documents have not been provided with the justification that they were classified as "State secrets", and those that were made accessible were provided only in Azeri,<sup>180</sup> contrary to article 26.4 of the Criminal Procedure Code (CPC) and international standards.<sup>181</sup>

In Vardanyan's case, the official decision of 5 December 2024 setting out additional charges was not served on him within the 48-hour timeframe prescribed by the CPC.<sup>182</sup> The document was provided only on 7 March 2025, following a formal motion filed by the defence.<sup>183</sup> The indictment, comprising six volumes, was made available on the eve of the preliminary hearing on 15 January 2025, and although accompanied by a Russian translation, contained significant translation errors.<sup>184</sup> The indictment document lacked the signatures of the competent prosecutorial authorities, as required by article 292.4 of the CPC.<sup>185</sup> Defence lawyers also reported falsified records and procedural documents in the case file, further undermining the integrity of the proceedings.<sup>186</sup>

Access to the recordings and transcripts of proceedings was also severely and unduly restricted.<sup>187</sup> Even when access was granted, discrepancies were identified between recordings of the hearings and the partial transcripts.<sup>188</sup> In Vardanyan's case, defence motions, which were mostly dismissed, were often omitted from the transcripts and when mentioned, were recorded without reasoning for their dismissal.<sup>189</sup> These omissions apparently made it difficult for the defence to review procedural violations and to prepare appeals.<sup>190</sup> The right to review the minutes of hearings was also withheld for several weeks, for example, the minutes of the hearings held on 17 and 27 January were not provided to the defence until 8 April.

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<sup>174</sup> CAT, [Concluding observations on the 5th periodic report of Azerbaijan](#), CAT/C/AZE/CO/5 (2024) para. 12. See also "[Human Rights Defenders Call for International Monitoring of Trials of Armenian detainees in Baku](#)" in *Protection of Rights Without Borders*, 17 January 2025. (Accessed 10 April 2026).

<sup>175</sup> [CPC](#) (14 July 2000) arts. 90.7 and 92.7 (translation by UNODC) (Accessed 10 April 2026).

<sup>176</sup> IBAHRI, *The Bar and Lawyers in Azerbaijan* (2021) p. 24; see also ICJ, *Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan* (2016) pp. 36-39.

<sup>177</sup> CPT, *Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022*, CPT/Inf (2024) 23 (2024) pp. 17-18.

<sup>178</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 32.

<sup>179</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons.

<sup>180</sup> "[Ruben Vardanyan's Trial Tomorrow: Read His Full Statement](#)" in *Free Armenian Prisoners*, 16 January 2025. (Accessed 10 April 2026).

<sup>181</sup> [CPC](#) (14 July 2000) art. 26.4 (translation by the UNODC) (Accessed 10 April 2026).

<sup>182</sup> Siranush Sahakyan, "[Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights](#)" in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>183</sup> *Ibid.*

<sup>184</sup> *Ibid.*

<sup>185</sup> [CPC](#) (14 July 2000) art. 292.4 (translation by the UNODC) (Accessed 10 April 2026).

<sup>186</sup> Siranush Sahakyan, "[Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights](#)" in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*

<sup>189</sup> *Ibid.*

<sup>190</sup> *Ibid.*

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## Protection against self-incriminating statements

The Azerbaijan Criminal Procedure Code does not expressly enshrine the right protecting against self-incrimination, although it is an inherent part of article 20.1 “incrimination of the suspect and his relatives” and necessary guarantees of the right to silence and the right to legal counsel contained in the CPC.<sup>191</sup> Both components of this right are frequently curtailed in practice. As noted earlier, the access to and effectiveness of legal representation are diminished or rendered void through restrictions imposed during pre-trial detention and throughout the proceedings.<sup>192</sup>

Testimonies examined by the ICJ indicate that the right to silence is often disregarded, particularly during pre-trial detention, where defendants are pressured or coerced into making self-incriminating statements.<sup>193</sup> During the court hearings, the combination of limited communication between the defendant and lawyer, the exclusive reliance on prosecution witnesses, and selective admission of evidence fails to ensure the right not to be compelled to testify against oneself or to admit guilt.<sup>194</sup>

**In the proceedings against the former Nagorno-Karabakh officials, specific allegations of pressure aimed at obtaining self-incriminating statements were documented. Vardanyan stated on 16 January 2025 that he, his lawyer and his interpreter had been “pressured to backdate signatures on documents, including falsified protocols of interrogations that never took place.”<sup>195</sup> Human rights defenders reported that all repatriated Armenian prisoners have consistently reported torture and other ill-treatment, including abuse by medical personnel, “often aimed at coercing confessions.”<sup>196</sup>**

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<sup>191</sup> [CPC](#) (14 July 2000) arts. 19-21. (translation by the UNODC) (Accessed 10 April 2026).

<sup>192</sup> Michael O’Flaherty, CoE Commissioner for Human Rights, [Third party intervention by the Council of Europe Commissioner for Human Rights: Application No. 28198/15 Bagirov v. Azerbaijan](#), CommDH(2016)42 (2016) para. 24. (Accessed 10 April 2026).

<sup>193</sup> ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons. CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) para. 21.

<sup>194</sup> *Ibid*, ICJ; *Ibid*, CPT; ICJ, Interviews with anonymous Azerbaijan lawyers [Online interview] (April 2025). Personal data anonymized for security reasons; CPT, [Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the CPT from 12 to 19 December 2022](#), CPT/Inf (2024) 23 (2024) paras. 26, 28 and 29; Siranush Sahakyan, “[Facts that cannot be ignored: Gross violations of Ruben Vardanyan’s rights](#)” in *Free Armenian Prisoners*, July 2025. (Accessed 10 April 2026).

<sup>195</sup> “[Ruben Vardanyan’s Trial Tomorrow: Read His Full Statement](#)” in *Free Armenian Prisoners*, 16 January 2025. (Accessed 10 April 2026); “[Ruben Vardanyan reports torture, falsified evidence in Baku trial](#)” in *CivilNet*, 17 January 2025. (Accessed 10 April 2026).

<sup>196</sup> Hranoush Dermoyan, “[Fate of Armenian POWs and Detainees in Azerbaijan](#)” in *EVN Report*, 03 March 2025. (Accessed 10 April 2026).

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# Chapter IV. Courts and the right to a fair trial

## International standards

The ICCPR provides that “[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>197</sup> Similar guarantees are enshrined in article 6 of the ECHR, “in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”<sup>198</sup> The requirement of competence, independence and impartiality of a tribunal is not subject to any exception.<sup>199</sup> Moreover, States must take measures to ensure the independence of the judiciary, through the protection of judges from any form of political influence in their decision-making, either in the State’s constitution or by the adoption of laws.<sup>200</sup> It is necessary to protect judges against conflict of interest and intimidation in order to maintain independence and impartiality.<sup>201</sup>

The requirement of impartiality under article 14 of the ICCPR encompasses the responsibility of judges to avoid any personal bias or prejudice, or pre-formed opinions about the case, and not to promote the interests of one of the parties to the detriment of the other. In addition, the Human Rights Committee has affirmed that the tribunal must appear impartial to a reasonable observer.<sup>202</sup>

Article 14 also sets out minimum guarantees of the right to defence. Paragraph 3.d provides that everyone shall be entitled “to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”.<sup>203</sup>

The provisions of article 14 apply to all courts and tribunals, whether ordinary or specialized, civilian or military. Trials of civilians by military courts should be exceptional and justified by objective and serious reasons with regard to the inability of ordinary courts to undertake the trials. The Human Rights Committee notes that the trial of civilians in military courts raises serious problems regarding the equitability, impartiality and independence of the administration of justice.<sup>204</sup> Under international standards, military courts should not be used to try civilians.<sup>205</sup>

The right to a fair trial includes the guarantee of a fair and public hearing. This entails the absence of any direct or indirect influence, pressure, intimidation or intrusion.<sup>206</sup> The principle of equality of arms is an integral element of the right of equality before courts and tribunals, which requires that all parties to proceedings are treated without discrimination.<sup>207</sup> Each party must be afforded a genuine opportunity to present their case under conditions that do not place one party at a

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<sup>197</sup> ICCPR, UNTS No. 999 (1966) art. 14.

<sup>198</sup> ECHR, ETS No. 005 (1950) art. 6.

<sup>199</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 19.

<sup>200</sup> *Ibid.*

<sup>201</sup> *Ibid.*

<sup>202</sup> *Ibid.*, para. 21.

<sup>203</sup> ICCPR, UNTS No. 999 (1966) art. 14.

<sup>204</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 22. See also ICJ, [Military jurisdiction and international law: The civilians before military courts](#) (2018).

<sup>205</sup> See *inter alia*: Singhvi Declaration, art. 5(e); Draft principles governing the administration of justice through military tribunals, E/CN.4 (2006) principle 5; Johannesburg Principles on National Security, Freedom of Expression and Access to Information (1996) principle 22(b); LAWASIA, Beijing Statement of Principles on the Independence of the Judiciary in the LAWASIA Region (1995) principle 43; American Association for the ICJ, Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights (1985) principle 70 (f); Paris Minimum Standards of Human Rights Norms In a State of Emergency (1984) article 16 (4); and ACHPR, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003) principle L.

<sup>206</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 25.

<sup>207</sup> *Ibid.*

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substantial disadvantage.<sup>208</sup> Each party must be able to contest the arguments and evidence of the other, without any pressure, intimidation or intrusion.<sup>209</sup> Equality of arms encompasses the right of the accused to call, examine and cross-examine witnesses under the same conditions as the prosecution.<sup>210</sup> Lawyers must enjoy access to the appropriate information, files and documents.<sup>211</sup> The publicity of hearings is essential for safeguarding the right to a fair trial. Courts must provide adequate information and facilities for the attendance of interested members of the public.<sup>212</sup> This provision ensures monitoring of the judicial system.

The right to a public hearing is not absolute and international law recognizes that restrictions may be permissible in exceptional circumstances.<sup>213</sup> Legitimate grounds for limitation may include the protection of national security, public order, or the rights and privacy of others, but any restriction must be strictly necessary for such purposes. It also must be proportionate, meaning no other less restrictive means are available.<sup>214</sup> Denial of access to trial hearings or judicial proceedings without sufficient justification or proportionality undermines transparency, restricts meaningful public oversight, and may conflict with the right to a fair and public hearing under both the ICCPR and the ECHR.<sup>215</sup>

Everyone charged with a criminal offence has the right to free assistance of an interpreter if they do not understand or speak the language used in court.<sup>216</sup> As part of the principles of fairness and equality of arms this right arises at all stages of the oral proceedings and applies to everyone, including non-nationals.<sup>217</sup>

The presumption of innocence requires that everyone charged with a criminal offence be treated as innocent until proven guilty according to law. This right imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures that the accused has the benefit of doubt.<sup>218</sup>

## The independence of the judiciary

In Azerbaijan, judges often remain subject to undue influence or control from the executive, limiting their ability to issue independent decisions.<sup>219</sup> Judicial appointment and disciplinary processes lack transparency, creating opportunities for political interference in the selection, promotion, and removal of judges.<sup>220</sup> The dependence of judges on the positions of the Prosecutor's Office results in a conviction rate exceeding 99 per cent,<sup>221</sup> indicating that courts typically and effectively act as an extension of the prosecution rather than as neutral arbiters.<sup>222</sup> This conviction rate reflects a systemic

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<sup>208</sup> *Ibid*, para. 32.

<sup>209</sup> *Ibid*, para. 32.

<sup>210</sup> *Ibid*, para. 39.

<sup>211</sup> UNODC, [Basic Principles on the Role of Lawyers](#) (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990) principle 21.

<sup>212</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 28.

<sup>213</sup> ECtHR, [Guidance on Article 6 of the European Convention on Human Rights](#) (2025) para. 523.

<sup>214</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 29.

<sup>215</sup> *Ibid*, para. 29. See also ICJ, [Trial Observation Manual for Criminal Proceedings: Practitioners Guide No. 5](#) (2009) p. 1.

<sup>216</sup> ICCPR, UNTS No. 999 (1966) art. 14.

<sup>217</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 40.

<sup>218</sup> ICCPR, UNTS No. 999 (1966) art. 14.2; *Ibid*, para. 30.

<sup>219</sup> Nils Muižnieks, CoE Commissioner for Human Rights, [Report following his visit to Azerbaijan from 22 to 24 May 2013](#) CommDH(2013)14 (2013) para. 17. (Accessed 10 April 2026).

<sup>220</sup> Organisation for Economic Co-operation and Development (OECD), [Anti-Corruption Reforms in Azerbaijan: Pilot 5th Round of Monitoring Under the OECD Istanbul Anti-Corruption Action Plan](#) (Accessed 10 April 2026); Group of States Against Corruption (GRECO), Fourth Evaluation Report: Corruption prevention in respect of members of parliament, judges and prosecutors, Greco Eval IV Rep (2014) 2E (2015) para. 59; Emin Abbasov, [Access to justice and fair trial system in Azerbaijan](#) (2022). (Accessed 10 April 2026).

<sup>221</sup> ICJ, [Defenceless Defenders: Systematic Problems in the Legal Profession of Azerbaijan](#) (2016) p. 6; Nazim Ziyadov, [Prospects for Criminal Jury Justice in Azerbaijan: Comparative Study](#) in *International Journal of Antalya University Faculty of Law*, Issue No. 5 (2015). (Accessed 10 April 2026).

<sup>222</sup> Nils Muižnieks, CoE Commissioner for Human Rights, [Report following his visit to Azerbaijan from 22 to 24 May 2013](#) CommDH(2013)14 (2013) para. 17. (Accessed 10 April 2026).

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condition in which the outcome of criminal proceedings is effectively determined before the trial begins. This failure to administer impartial justice undermines the rights of defendants<sup>223</sup> and undermine public confidence in the administration of justice.<sup>224</sup> The lack of judicial independence, compounded by executive interference facilitates acquiescence to political persecution and a widespread crackdown on the exercise of human rights.<sup>225</sup>

The high-profile Nagorno-Karabakh trials took place in a post-conflict environment marked by strong expressions of nationalist sentiment and hostility towards those on trial.<sup>226</sup> One human rights lawyer explained: "at first, Armenian prisoners were treated as war trophies. Trials were just performances with no impartiality." Human rights groups have described widespread discrimination and hostility and have noted that the proceedings appear to be instrumentalized by the executive to reinforce its political standing following the conflict.<sup>227</sup>

In its 2023 report, the European Commission against Racism and Intolerance (ECRI) observed that the judicial proceedings initiated by Armenians were said to systematically fail due to discrimination and that, according to various sources in certain cases "false accusations are made, in particular against persons belonging to minority ethnic or religious groups".<sup>228</sup>

## Corruption in the justice system

According to allegations contained in a compilation prepared by OHCHR in respect of Azerbaijan's 2023 Universal Periodic Review, a pattern of widespread corruption exists within Azerbaijan's judiciary without prospects of meaningful judicial reform.<sup>229</sup> The UN Committee on Economic, Social, and Cultural Rights (CESCR), in its most recent Concluding Observations on the periodic report of Azerbaijan (2021), expressed concern at corruption in State institutions, particularly in the judiciary, and the lack of effective investigation, prosecution and adjudication of high-level corruption cases.<sup>230</sup> The CESCR recommended comprehensive legislative and institutional reforms to combat corruption, strengthen judicial accountability and bring national practices into conformity with international human rights law and standards.<sup>231</sup>

In its latest publicly available report, the Group of States Against Corruption (GRECO), of which Azerbaijan is a member,<sup>232</sup> gave the following evaluation of the state of corruption in Azerbaijan: "Corruption in Azerbaijan is often referred to as being a systemic problem that broadly affects society".<sup>233</sup> In its 2024 Corruption Perceptions Index, Transparency International scored Azerbaijan 22 out of 100, the lowest score in the region together with the Russian Federation and substantially below the regional average of 35.<sup>234</sup>

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<sup>223</sup> Michael O'Flaherty, "[Azerbaijan: authorities should release imprisoned human rights defenders, journalists and civil society activists](#)" in *CoE Commissioner for Human Rights*, 29 April 2025. (Accessed 10 April 2026); *Ibid*, Muižnieks, para. 22.

<sup>224</sup> Helsinki Foundation for Human Rights, [The Functioning of the Judicial System in Azerbaijan and its Impact on the Right to a Fair Trial of Human Rights Defenders](#) (2016) p. 33. (Accessed 07 May 2026).

<sup>225</sup> [Urgent Resolution Addressing Human Rights Violations and Erosion of Judicial Independence in Azerbaijan](#), 29 September 2025. (Accessed 10 April 2026).

<sup>226</sup> Joshua Kucera, "[Concerns About Victor's \[sic\] Justice as Nagorno-Karabakh's Leaders Are Behind Bars and Facing Trial in Azerbaijan](#)" in *RadioFreeEurope/Radio Liberty (RFE/RL)*, 11 October 2023. (Accessed 10 April 2026).

<sup>227</sup> *Ibid*.

<sup>228</sup> European Commission against Racism and Intolerance (ECRI), [ECRI Report on Azerbaijan](#), CRI(2011)19 (2011) para. 130. (Accessed 07 May 2026).

<sup>229</sup> OHCHR, [Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights](#), A/HRC/WG.6/44/AZE/2 (2023) paras. 11 and 17.

<sup>230</sup> Kamran Mahmudov, "[Left without a defence: Azerbaijan's purge of human rights lawyers](#)" in *OC Media*, 30 August 2018. (Accessed 10 April 2026).

<sup>231</sup> *Ibid*, CESCR, para. 13.

<sup>232</sup> GRECO, [Members and Observers](#) (2026). (Accessed 19 May 2026).

<sup>233</sup> GRECO, [Fourth Evaluation Report: Corruption prevention in respect of members of parliament, judges and prosecutors](#), Greco Eval IV Rep (2014) 2E (2015) para. 13.

<sup>234</sup> Altynai Myrabekova and Lidija Prokic, "[CPI 2024 for Eastern European & Central Asia: Vicious Cycle of Weak Democracy and Flourishing Corruption](#)" in *Transparency International*, 11 February 2025 (Accessed 07 May 2025). In 2024, Azerbaijan scored 22 out of 100, on a scale where 0 indicates highly corrupt and 100 very clean. The regional average for Eastern Europe and Central Asia was 35.

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Corruption in the judiciary compounds and reinforces the structural deficiencies in the independence of the legal profession documented in this report.<sup>235</sup> Where judicial appointments, promotions and disciplinary proceedings are subject to executive influence, and where judicial outcomes are susceptible to corrupt practices, the incentive structure for judges favours compliance with the prosecution rather than impartial adjudication.<sup>236</sup>

## Trial rights in high profile cases

Following the 2020 hostilities in and around Nagorno-Karabakh, 16 Armenian detainees were subject to prosecution in Azerbaijan.<sup>237</sup>

Trials began on 17 January 2025 before the Baku Military Court, presided over by Judge Zeynal Agayev, with judges Anar Rzayev and Jamal Ramazanov.<sup>238</sup> The cases were transferred to the Baku Military Court, even though at least eight of the of the defendants were civilians,<sup>239</sup> and therefore should only be tried in ordinary, not military courts, in accordance with international law and standards.<sup>240</sup> According to publicly available reports, these trials are marked by practices that violate basic guarantees of justice “a fundamentally unfair procedural situation has been created, where the defence is deprived of any realistic opportunity to contest the charges or prove innocence. In such conditions, the very concept of a fair trial turns into a formality, devoid of any content”.<sup>241</sup>

The trials were conducted largely behind closed doors, with only State media permitted access; international observers, foreign media and family members of the defendants were denied access to the hearings.<sup>242</sup> Given the absence of transparency, most available information concerns the separate trial of Vardanyan.

In the joint case, the defendants were charged with 42 charges, including acts of terrorism, crimes against humanity and crimes against the State of Azerbaijan.<sup>243</sup> In the separate case of Ruben Vardanyan, the charges brought under the CPC included financing terrorism, forced deportations, torture, and illegal border crossings.<sup>244</sup>

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<sup>235</sup> See Chapter I above. See also GRECO, Fourth Evaluation Report: Corruption prevention in respect of members of parliament, judges and prosecutors, Greco Eval IV Rep (2014) 2E (2015) paras. 56–62, documenting executive influence over judicial appointments, the subordination of the Judicial Legal Council to the Ministry of Justice, and the decisive powers retained by the President over the organisation and jurisdiction of courts.

<sup>236</sup> *Ibid*, para. 8, noting that the institutional set-up “lacks transparency and is prone to political favouritism and corruption”: The conviction rate in criminal proceedings in Azerbaijan exceeds 99 per cent. See CESCR, [Concluding Observations on the Fourth Periodic Report of Azerbaijan](#), E/C.12/AZE/CO/4 (2021) para. 12.

<sup>237</sup> Faustine Vincent, [“Trial of eight former Armenian leaders of Nagorno-Karabakh opens in Azerbaijan”](#) in *Le Monde*, 21 January 2026. (Accessed 10 April 2026); [“Azerbaijan: Ruben Vardanyan’s 20-year prison term culminates “travesty” of a trial against ethnic Armenian leaders”](#) in *Amnesty International*, 17 February 2026. (Accessed 10 April 2026).

<sup>238</sup> *Ibid*.

<sup>239</sup> [“The Armenian Prisoners”](#) in *Free Armenian Prisoners*. (Accessed 07 May 2026); Faustine Vincent, [“Trial of eight former Armenian leaders of Nagorno-Karabakh opens in Azerbaijan”](#) in *Le Monde*, 21 January 2026. (Accessed 10 April 2026).

<sup>240</sup> Dan Jørgensen, [“Armenia/Azerbaijan: Speech by Commissioner for Housing and Energy, Dan Jørgensen, on behalf of High Representative/Vice-President Kaja Kallas at the EP plenary”](#) in *European External Action Service*, 12 March 2025. (Accessed 10 April 2026); see also, Akbar Novrus, [“Trial continues for Ruben Vardanyan on terrorism and war crimes charges”](#) in *Azernews*, 08 April 2025. (Accessed 10 April 2026).

<sup>241</sup> See: *Ibid*, Jørgensen; Siranush Sahakyan, [“Facts that cannot be ignored: Gross violations of Ruben Vardanyan’s rights”](#) in *Free Armenian Prisoners*, July 2025. (Accessed 10 April 2026); European Parliament, [Resolution of 13 March 2025 on the unlawful detention and sham trials of Armenian hostages, including high-ranking political representatives from Nagorno-Karabakh, by Azerbaijan](#), 2025/2596(RSP) (2025); [“Human Rights Defenders Call for International Monitoring of Trials of Armenian detainees in Baku”](#) in *Protection of Rights Without Borders*, 17 January 2026. (Accessed 07 May 2026); [“Azerbaijan: Authorities must ensure fair trial rights of Ruben Vardanyan and investigate claims of rights violations”](#) in *Amnesty International*, 17 January 2026. (Accessed 20 April 2026).

<sup>242</sup> [“Trial of Former Nagorno-Karabakh Leaders Begins in Baku”](#) in *RFE/RL*, 07 January 2025. (Accessed 14 April 2026). See also Thibault van den Bossche, [“Mock trial in Baku for former leaders of Nagorno-Karabakh”](#) in *European Centre for Law and Justice (ECLJ)*, 05 February 2025. (Accessed 14 April 2026).

<sup>243</sup> *Ibid*.

<sup>244</sup> *Ibid*.

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Vardanyan assumed public functions in Nagorno-Karabakh in late 2022, yet the prosecution brought charges dating back to 1988 in connection with the first Nagorno-Karabakh conflict, despite evidence that at the time he was a student at Moscow State University.<sup>245</sup> The prosecution of Vardanyan for conduct alleged to have occurred in 1988, more than three decades before his assumption of public office, raises fundamental concerns under the principle of legality. Vardanyan held no political position at the time the charges relate to and could not have foreseen that conduct from that era would form the basis of criminal charges upon his later entry into political office. The temporal distance between the alleged conduct and prosecution, combined with the timing of charges brought only after Vardanyan assumed a leadership position in a political dispute, suggests application of criminal law in an arbitrary manner. The principle of legality requires that criminal liability be foreseeable and that criminal law be applied with precision and clarity, not selectively against individuals based on their subsequent political activities.<sup>246</sup>

## Issues of jurisdiction and applicable law

The question as to the applicable legal framework during the time of the detainees' capture is contested. What is clear, and affirmed by the ICRC, is that there was an ongoing armed conflict to which the rule of international humanitarian law applied.<sup>247</sup> Armenia had since 1993 been an occupying power in Nagorno-Karabakh<sup>248</sup> and, as the ECtHR, in *Chiragov and Others v. Armenia* found, Armenia exercised "effective control" over Nagorno-Karabakh and the surrounding territories.<sup>249</sup> The International Court of Justice has referred to the 2020 and 2023 events as "hostilities" between Armenia and Azerbaijan without pronouncing on the precise classification of the conflict.<sup>250</sup>

The positions of Armenia and Azerbaijan tend to focus on the Trilateral Statement of 9 November 2020, which both parties have accepted as the framework governing the post-2020 conflict settlement. Armenia considers that the detainees captured during the 2020 hostilities include prisoners of war whose release is required under the Trilateral Statement.<sup>251</sup> Azerbaijan's position is that the persons detained committed criminal offences under Azerbaijani law and are not covered by the Trilateral Statement.<sup>252</sup> Azerbaijan characterizes the September 2023 operation as the restoration of its sovereignty over its own territory, and maintains that the detainees are subject to domestic criminal prosecution.<sup>253</sup>

This report does not purport to resolve the question as to the characterization of the armed conflict. However, irrespective of whether the armed conflict is international or non-international, the rules governing the treatment of detainees and their fair trial will also be governed by customary international humanitarian law.<sup>254</sup> In addition, international human rights law continues to apply in times of armed conflict, even where international humanitarian law may also be applicable. As the UN HRC has affirmed in respect of the ICCPR, it "applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be especially relevant for the

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<sup>245</sup> Siranush Sahakyan, "[Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights](#)" in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>246</sup> ICCPR, UNTS No. 999 (1966) art. 15; ICJ, [The 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty](#) (2023) principle 1.

<sup>247</sup> See "[Azerbaijan/Armenia: Your questions answered about ICRC's work](#)" in *International Committee of the Red Cross (ICRC)*, 05 September 2024. (Accessed 07 May 2026).

<sup>248</sup> See Michael Schmitt and Kevin Coble, "[The Evolving Nagorno Karabakh conflict, an International Law Perspective](#)" in *Lieber Institute West Point*, 29 September 2023. (Accessed 07 May 2026).

<sup>249</sup> *Chiragov and Others v. Armenia*, ECtHR, Application No. 13216/05, Judgment of 16 June 2015, para. 186.

<sup>250</sup> *Order of 7 December 2021*, International Court of Justice, Case of Armenia v. Azerbaijan (application of the International Convention on the Elimination of All Forms of Racial Discrimination) para. 13.

<sup>251</sup> Dunja Mijatović, CoE Commissioner for Human Rights, [Observations on the Human Rights Situation of People affected by the Conflict between Armenia and Azerbaijan over the Karabakh region](#), CommHR(2024)1 (2024) para. 66. (Accessed 10 April 2026).

<sup>252</sup> *Ibid.*

<sup>253</sup> Ilham Aliyev, "[Speech: Ilham Aliyev addressed the nation](#)" in *The Official Website of the President of the Republic of Azerbaijan*, 20 September 2023. (Accessed 19 May 2026).

<sup>254</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, [ICRC: Customary International Humanitarian Law: Volume I - Rules](#), Cambridge University Press - Cambridge, Third Edition, United Kingdom, 2009.

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purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive.”<sup>255</sup>

Certain protections apply irrespective of the classification of the conflict. Common article 3 to the four Geneva Conventions applies to all armed conflicts, whether international or non-international. It requires, at a minimum, humane treatment of all persons taking no active part in the hostilities, including those placed *hors de combat* by detention; prohibits violence to life and person, cruel treatment, and torture; and prohibits the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable.<sup>256</sup> Additional Protocols I and II to the Geneva Conventions, relating respectively to international and non-international armed conflict, provide for additional protections. Particularly relevant here is Additional Protocol I article 75, which provides for a range of judicial and other guarantees, including the requirement that sentences be passed by a court offering the essential guarantees of independence and impartiality.<sup>257</sup> While Azerbaijan is party to neither of the Additional Protocols, the fundamental guarantees contained therein, including AP I article 75, are also part of customary international humanitarian law, whether international or non-international armed conflict.<sup>258</sup> This includes the rule that prohibits the arbitrary deprivation of liberty and that “no one may be convicted or sentenced, except pursuant to a fair trial affording all essential judicial guarantees”.<sup>259</sup> These obligations bind Azerbaijan irrespective of how it classifies the conflict or the detainees, and irrespective of the nationality of the persons detained.

If the hostilities are classified as an international armed conflict, persons captured by the adverse party are entitled to prisoner-of-war status under the Third Geneva Convention if they meet the criteria of article 4(A), which covers members of the armed forces of a party to the conflict, members of militias or volunteer corps forming part of such armed forces, and other specified categories.<sup>260</sup> Prisoners of war, in addition to enjoying the above mentioned protections of humane treatment and judicial guarantees, must be released and repatriated without delay after the cessation of active hostilities.<sup>261</sup>

The charges brought against the detainees invoke conduct that occurred in the context of an armed conflict. The Azerbaijan Criminal Code characterizes the alleged offences as violations of international humanitarian law, including crimes against peace and humanity (article 100), genocide (article 103), violation of customs of warfare (article 115), and violation of international humanitarian law during armed conflict (article 116).<sup>262</sup>

The trial of civilians by military courts is inconsistent with international human rights law. The HRC, in respect of State obligations under article 14 of the ICCPR, has stated that “the trial of civilians in military or special courts may raise serious problems as far as the equitable, impartial and independent administration of justice is concerned”<sup>263</sup> Generally, contemporary standards, including the UN Draft Principles governing the administration of justice through military tribunals, establish that: “Military courts should, in principle, have no jurisdiction to try civilians. In all circumstances, the State shall ensure that civilians accused of a criminal offence of any nature are tried by civilian

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<sup>255</sup> HRC, [General Comment No. 31 \[80\] The Nature of the General Legal Obligation Imposed on States Parties to the Covenant](#), UN Doc CCPR/C/21/Rev.1/Add.13 (2004) para. 11.

<sup>256</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva Convention relative to the Treatment of Prisoners of War, Geneva Convention relative to the Protection of Civilian Persons in Time of War (12 August 1949) common arts. 3.1.a, 3.1.c and 3.1.d; see also *ibid*, rules 87, 100, 102.

<sup>257</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (adopted 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts) art. 6.

<sup>258</sup> Jean-Marie Henckaerts and Louise Doswald-Beck, [ICRC: Customary International Humanitarian Law: Volume I - Rules](#), Cambridge University Press - Cambridge, Third Edition, United Kingdom, 2009, chapter 32, rules 87-105.

<sup>259</sup> *Ibid*, rules 99 and 100.

<sup>260</sup> Convention (III) relative to the Treatment of Prisoners of War (12 August 1949) art. 4.A.1 and 2.

<sup>261</sup> *Ibid*, arts. 13-14, 84, 99-108, 118.

<sup>262</sup> [CPC](#) (14 July 2000) arts. 100, 103, 115 (translation by the UNODC) (Accessed 10 April 2026).

<sup>263</sup> HRC, [General Comment 32: Article 14: Right to equality before the courts and tribunal and to a fair trial](#), CCPR/C/GC/32 (2007) para. 22. See also ICJ, [Military Jurisdiction and International Law: Military Courts and Gross Human Rights Violations](#), vol. I (2004) pp. 35-41.

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courts.”<sup>264</sup> In addition “The jurisdiction of military courts should be limited to offences of a strictly military nature committed by military personnel. Military courts may try persons treated as military personnel for infractions strictly related to their military status<sup>265</sup> These principles are reflective of the contemporary development of international law, according to the former UN Special Rapporteur on the Independence of Judges.<sup>266</sup> The majority of the defendants held political, not military, positions within the former de facto administration.

The Trilateral Statement of 9 November 2020, signed by the President of Azerbaijan, the Prime Minister of Armenia, and the President of the Russian Federation, provided in article 8 for the “exchange of prisoners of war, hostages, and other detained persons.”<sup>267</sup> Whether the individuals currently detained fall within the scope of article 8 remains in dispute.

The proceedings against Armenian detainees were conducted before the Baku Military Court. The criminal charges rely primarily on provisions of the Azerbaijan Criminal Code, combined with references to crimes under international law, such as violation of the laws and customs of war and violation of international humanitarian law during armed conflict, among others.<sup>268</sup> Under articles 67 to 70 of the CPC, jurisdiction over such offences would ordinarily fall to the Assize Court, as a court of first instance, given the nature and seriousness of the charges.<sup>269</sup> Article 69.2 of the CPC provides that “The Assize Court of the Azerbaijan Republic shall hear cases and other matters relating to serious and very serious offences”.<sup>270</sup>

The decision to assign these cases to the Military Court and to include charges related to war crimes raises questions as to whether the authorities consider these detainees as participants in an armed conflict and, consequently, whether the guarantees of the Third Geneva Convention should apply.

Article 68.2 of the CPC provides: “The military courts shall hear cases concerning war and military service which do not pose a major public threat and concern minor offences, and cases concerning such offences by military personnel...”<sup>271</sup>

Article 70.2 of the CPC provides: “The Military Assize Court of the Azerbaijan Republic shall hear serious and very serious cases relating to war and military service as well as cases and matters concerning serious and very serious offences committed by military personnel...”<sup>272</sup>

The jurisdictional provisions of the CPC are significant. Articles 68.2 and 70.2 confine military court jurisdiction to offences “concerning war and military service” and to offences “committed by military personnel.” The majority of the defendants in these proceedings were not military personnel; they held political positions within the former de facto administration. The assignment of their cases to the Military Court is therefore inconsistent with the jurisdictional criteria established by Azerbaijan’s own criminal procedure legislation.

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<sup>264</sup> Emmanuel Decaux, Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights, [Civil and Political Rights, Including the Question of Independence of the Judiciary, Administration of Justice, Impunity: Issue of the administration of justice through military tribunals](#), E/CN.4/2006/58 (2006) principle 5.

<sup>265</sup> *Ibid*, principle 8.

<sup>266</sup> Gabriela Knaul, Special Rapporteur on the independence of Judges and Lawyers, Report of the Special Rapporteur on the independence of judges and lawyers, A/68/285 (2013); Also see *Ergin v. Turkey*, ECtHR, Application No. 47533/99, Judgment of 4 May 2006; *Maszni v. Romania*, ECtHR, Application No. 59892/00, Judgment of 21 September 2006. (2013) para. 18

<sup>267</sup> Ilham Aliyev, Nikol Pashinyan and Vladimir Putin, “[Statement of the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia, and the President of the Russian Federation](#)” 09 November 2020. (Accessed 14 April 2026) art. 8.

<sup>268</sup> Akbar Novrus, “[Trial continues for Ruben Vardanyan on terrorism and war crimes charges](#)” in *Azernews*, 08 April 2025. (Accessed 19 May 2026).

<sup>269</sup> [CPC](#) (14 July 2000) art. 69. (translation by the UNODC). (Accessed 10 April 2026).

<sup>270</sup> *Ibid*, art 69.2.

<sup>271</sup> *Ibid*, art. 68.2.

<sup>272</sup> *Ibid*, art. 70.2.

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Indeed, the proceedings appear to combine references to crimes under international law with domestic criminal law provisions of the CPC, without clearly distinguishing between the two legal frameworks.<sup>273</sup>

The defendants included both persons who held political office and persons who served in military positions within the former de facto administration and armed forces of Nagorno-Karabakh.<sup>274</sup> The protections to which each defendant was entitled under international humanitarian law depended on the classification of the conflict and on their individual function. The Nagorno-Karabakh Defence Army was dissolved under the ceasefire agreement of 20 September 2023, before the defendants were detained; the implications of this dissolution for the status of those who had served in the armed forces during the hostilities were not authoritatively determined.<sup>275</sup> If the conflict is classified as international and those defendants who served in the armed forces met the criteria of article 4(A) of the Third Geneva Convention, they would have been entitled to prisoner-of-war status, including the judicial guarantees of the Third Geneva Convention and release and repatriation without delay after the cessation of active hostilities.<sup>276</sup> Those defendants who held exclusively political positions would not have qualified as prisoners of war, but must be treated as civilians. As civilians, they were protected persons under the Fourth Geneva Convention, entitled to its judicial guarantees in the event of prosecution.<sup>277</sup> Even if any of the civilian defendants had directly participated in hostilities during the conflict, such participation would not have deprived them of the protections applicable to their status upon capture.<sup>278</sup>

Under any classification of the conflict and regardless of the status of the individual defendants, the minimum judicial guarantees of common article 3 and customary international law includes the requirement that sentences be passed only by a regularly constituted court, affording all judicial guarantees by an independent and impartial tribunal.<sup>279</sup> Azerbaijan neither recognized those defendants who may have been entitled to prisoner-of-war status nor afforded the civilian defendants

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<sup>273</sup> The Armenian detainees are accused of committing several international crimes that are contemplated under the Criminal Code of the Republic of Azerbaijan, such as crimes against peace and humanity, war crimes, war of aggression (art. 100) genocide (art. 103), violation of customs of warfare (art. 115) and violation of international humanitarian law during armed conflict (art. 116) among others. See Ingilab Mammadov, "[Trial of Armenian individuals accused of war crimes and crimes against humanity continues](#)" in *Trend*, 17 March 2025. (Accessed 14 April 2026).

<sup>274</sup> Among the defendants, Levon Mnatsakanyan (former Commander of the Nagorno-Karabakh Defence Army, Lieutenant General) and Davit Manukyan (former First Deputy Commander of the Nagorno-Karabakh Defence Army, Major General) held military positions. The remaining defendants held political office: Vardanyan as State Minister, Harutyunyan, Ghukasyan and Sahakyan as presidents, Ishkhanyan as Speaker of Parliament, and Babayan as Foreign Minister.

<sup>275</sup> "[Azerbaijan and ethnic Armenian forces reach Nagorno-Karabakh ceasefire deal](#)" in *Aljazeera*, 20 September 2023. (Accessed 19 May 2026). The ceasefire agreement of 20 September 2023 required the complete disarmament and dissolution of the Nagorno-Karabakh Defence Army. "[Trial of Armenians accused of crimes against peace and humanity, war and other grave crimes continues](#)" in *Azertac*, 14 February 2025. (Accessed 14 April 2026). Mnatsakanyan and Manukyan were detained at the Lachin corridor between 27 and 29 September 2023, after the dissolution of the armed forces.

Whether individuals who served as members of armed forces during hostilities but whose forces were dissolved before their capture retained entitlement to prisoner-of-war status depended on the classification of the conflict and on the circumstances of their capture. See ICRC, Convention (III) relative to the Treatment of Prisoners of War (12 August 1949): Commentary of 2020 (2020) paras. 921–930.

<sup>276</sup> Convention (III) relative to the Treatment of Prisoners of War (Third Geneva Convention) (12 August 1949) art. 4(A). Prisoner-of-war status applies to members of the armed forces of a party to the conflict and other specified categories. See also Third Geneva Convention, arts. 84, 99 and 102–108, on judicial guarantees applicable to prisoners of war, and article 118, on release and repatriation without delay after the cessation of active hostilities.

<sup>277</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) (12 August 1949) art. 4. In an international armed conflict, persons not entitled to prisoner-of-war status who find themselves in the hands of a party to the conflict of which they are not nationals are protected persons under the Fourth Geneva Convention. See also Fourth Geneva Convention, arts. 71–76, on judicial guarantees applicable to the prosecution of protected persons.

<sup>278</sup> ICRC, *Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law* (2009) pp. 70–73. Civilians who directly participate in hostilities lose their protection against direct attack for the duration of their participation but, upon capture, retain the protections applicable to their status: in an international armed conflict they remain protected persons under the Fourth Geneva Convention; in a non-international armed conflict they are protected by common article 3 and, where applicable, Additional Protocol II.

<sup>279</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva Convention relative to the Treatment of Prisoners of War, Geneva Convention relative to the Protection of Civilian Persons in Time of War (12 August 1949) common art. 3.

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the protections due under the Fourth Geneva Convention, as illustrated by the trial of Ruben Vardanyan.<sup>280</sup>

In addition, none of the detainees should have been tried in military courts, which should be limited to trying military personnel for violations of a military nature, and in any event not for crimes under international law.

## Equality of arms

Despite repeated requests by the defence over the past months, multiple breaches of the principle of equality of arms have persisted in the illustrative trial of Ruben Vardanyan. These include the failure to duly notify the accused of their procedural rights and obligations and the denial of access to essential legal resources such as the CPC, the Criminal Code, and relevant decisions of the ECtHR.<sup>281</sup> The denial of access to the legal texts concerning the proceedings against him itself constitutes a violation of the right to adequate facilities to prepare a defence as a defendant who does not have access to the law under which he is being prosecuted cannot meaningfully participate in the proceedings.

Some of the other reported procedural irregularities included the following:<sup>282</sup>

- The defence was granted access to the 422 volumes of the case materials only 23 days before the second hearing.
- Translations of key documents were not provided.
- There were no adequate facilities to review or access video evidence.
- Exchange of documents between the defendant and his lawyer was restricted.
- The decisions from the preliminary hearings were not provided in the three-day deadline stipulated by article 300 of the CPC of Azerbaijan.

During the court hearings, the defendant was unable to effectively exercise his right to call witnesses in their favour, as the court failed to meaningfully consider key matters such as the admissibility of evidence and the identification of witnesses during the preliminary hearing, and the defence was given insufficient time to prepare.<sup>283</sup> The prosecution witnesses stated that they were not aware of Vardanyan's activities in Nagorno-Karabakh and possessed no oral or documentary evidence indicating his connection with Armenian armed forces.<sup>284</sup>

The defence declined to question those witnesses, noting that it had not been given advance notice of their biographical details or the substance of their expected statements.<sup>285</sup>

While the CPC provides for the right of the defence to raise motions during the trial phase, this procedural guarantee was routinely disregarded in the trial of Ruben Vardanyan.<sup>286</sup> Motions filed by the defence were reported to be frequently rejected without written or oral reasoning, resulting in an opaque decision-making process.<sup>287</sup> The problem that defence motions were dismissed without articulated legal grounds is compounded by the allegation that some motions were not recorded at all in the trial transcripts.<sup>288</sup> As a result, the summary disregard for the procedural right to raise motions and objections significantly impacted the ability of the defendant to effectively support his case.<sup>289</sup>

The cumulative effect of the procedural irregularities documented in this section, which include the failure to provide adequate time to review case materials, the restriction of access to documentary and video evidence, the systematic dismissal of defence motions without reasoning, and the omission

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<sup>280</sup> ["What Ruben Vardanyan Actually Said During the Farcical Trial in Baku"](#) in *Free Armenian Prisoners*, February 2026. (Accessed 10 April 2026).

<sup>281</sup> Siranush Sahakyan, ["Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights"](#) in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>282</sup> ["Ruben Vardanyan's Trial Tomorrow: Read His Full Statement"](#) in *Free Armenian Prisoners*, 16 January 2025. (Accessed 10 April 2026).

<sup>283</sup> Siranush Sahakyan, ["Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights"](#) in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>284</sup> *Ibid.*

<sup>285</sup> *Ibid.*

<sup>286</sup> *Ibid.*

<sup>287</sup> *Ibid.*

<sup>288</sup> *Ibid.*

<sup>289</sup> *Ibid.*

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of those motions from the trial record, violates the right to an independent and impartial tribunal under article 14 of the ICCPR and article 6 of the ECHR.

## Right to interpretation and translation

Testimony by Vardanyan's lawyer indicate that the rights to interpretation and translation in the trial of Ruben Vardanyan was not effectively guaranteed.<sup>290</sup> Interpreters were rarely provided and, when they were, their assistance was limited to the trial phase, leaving the accused without language support during earlier procedural stages.<sup>291</sup> Similarly, the provision of translated case materials was delayed and incomplete, restricting the ability of the accused to understand the charges and participate meaningfully in his defence.<sup>292</sup> Even when translations were provided, inaccuracies in translation were reported.<sup>293</sup> The translation of the preliminary hearing decision in Vardanyan's case reportedly contained irrelevant references to Belarusian legislation, bearing no relation to the facts of the case.<sup>294</sup> A subsequent corrected translation addressed only one of the motions filed by the defence, omitting several others entirely.<sup>295</sup>

The defence also reported that the Russian translation of the indictment was never certified by an authorized official,<sup>296</sup> constituting a procedural violation under domestic law and raising concerns about the accuracy and completeness of the translation, and about the defendants' right to be informed, in a language they understand, of the nature of the charges against them.<sup>297</sup> Inconsistencies were noted between Azeri and Russian versions of the indictment, including differences in dates and descriptions of the alleged events.<sup>298</sup> Moreover, in several hearings, translators were reportedly absent or not formally introduced during the trial, further undermining the integrity of the proceedings and the defendants' ability to exercise their right to an effective defence.<sup>299</sup>

The case of Vagif Khachatryan, tried separately before the same court, illustrates the potential consequences of inadequate interpretation. Speaking in Armenian, Khachatryan testified: "I wasn't there, I apologize to everyone, I wasn't there." The court interpreter translated this statement as an apology to the Azerbaijani people for all the incidents committed by Armenians, transforming a denial of participation into a confession.<sup>300</sup> This incident demonstrates that the inadequacy of interpretation in these proceedings was not merely a matter of incomplete translation but extended to the substantive distortion of testimony in a manner directly prejudicial to the defence. Khachatryan, who had been detained during an ICRC-mediated medical evacuation from the Lachin Corridor on 29 July 2023, was subsequently sentenced to 15 years of imprisonment. He was among the four detainees released in January 2026.

## Lack of public access

The Baku Military Court has denied access to trial hearings to all persons not expressly authorized by the Prosecutor General's Office or the Supreme Court, restricting public oversight of proceedings, in violation of the right to a public hearing under ECHR article 6 and ICCPR article 14.<sup>301</sup>

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<sup>290</sup> *Ibid.*

<sup>291</sup> *Ibid.*

<sup>292</sup> *Ibid.*

<sup>293</sup> "[Ruben Vardanyan's Trial Tomorrow: Read His Full Statement](#)" In *Free Armenian Prisoners*, 16 January 2025. (Accessed 10 April 2026).

<sup>294</sup> Siranush Sahakyan, "[Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights](#)" in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>295</sup> *Ibid.*

<sup>296</sup> *Ibid.*

<sup>297</sup> ICCPR, UNTS No. 999 (1966) art. 14.3.

<sup>298</sup> Siranush Sahakyan, "[Facts that cannot be ignored: Gross violations of Ruben Vardanyan's rights](#)" in *Free Armenian Prisoners*, July 2025. (Accessed 19 May 2026).

<sup>299</sup> *Ibid.*

<sup>300</sup> "[Azeri court translator distorts testimony of kidnapped Nagorno Karabakh man, senior diplomat calls for immediate release](#)" in *Armenpress*, 25 October 2025. (Accessed 14 April 2026). See also "[Armenian envoy: Vagif Khachatryan's words misinterpreted in Baku court](#)" in *Panorama.Am*, 25 October 2023. (Accessed 14 April 2026).

<sup>301</sup> "[Lawyer: International experts, diplomats are prohibited from entering Baku Military Court](#)" in *The Armenian Mirror-Spectator*, 08 May 2025. (Accessed 14 April 2026).

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Diplomatic representatives accredited in Baku who requested attendance were denied access despite having submitted applications.<sup>302</sup> The CoE Commissioner for Human Rights has repeatedly urged the Azerbaijan authorities, most recently in 2024, to ensure that trials are conducted publicly and in accordance with the requirements of article 6 of the ECHR and ECtHR jurisprudence, which has emphasized the importance of public proceedings as a safeguard against the arbitrary administration of justice and as a means to ensure public confidence in the judiciary.<sup>303</sup>

From January 2025 through to the conclusion of the trial in February 2026, more than 36 hearings were conducted in Vardanyan's case alone.<sup>304</sup> Throughout this period, no independent observation of the proceedings took place or were permitted.<sup>305</sup> Only the State-run AZERTAC media outlet was permitted access to the courtroom.<sup>306</sup> The effective closure of proceedings eliminated the possibility of independent scrutiny of the evidence presented by the prosecution, the conduct of the presiding judges, the adequacy of interpretation, and the treatment of the defendants during hearings.<sup>307</sup>

## Convictions and sentences

On 5 February 2026, the Baku Military Court convicted all 15 co-defendants in the joint case.<sup>308</sup> The defendants had been charged with 2,548 counts, combined into 1,389 criminal cases under 20 articles of the Criminal Code of Azerbaijan, including charges of planning and waging an aggressive war, genocide, violations of the laws and customs of war, terrorism, financing of terrorism, and violent seizure of power.<sup>309</sup> All defendants pleaded not guilty to all charges.<sup>310</sup>

Five defendants were sentenced to life imprisonment: former President Arayik Harutyunyan, former National Assembly Speaker Davit Ishkhanyan, former Foreign Minister Davit Babayan, former Defence Army Commander Levon Mnatsakanyan, and Major General Davit Manukyan.<sup>311</sup> Former Presidents Arkadi Ghukasyan and Bako Sahakyan each received 20-year prison sentences; under Azerbaijan law, life sentences may not be imposed on persons over the age of 65.<sup>312</sup> The remaining eight defendants received sentences ranging from 15 to 19 years. (These were Madat Babayan and Melikset Pashayan (19 years), Garik Martirosyan (18 years), Davit Allahverdyan and Levon Balayan (16 years), and Vasili Beglaryan, Gurgun Stepanyan and Erik Ghazaryan (15 years)).<sup>313</sup>

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<sup>302</sup> *Ibid.*

<sup>303</sup> Nils Muiznieks, CoE Commissioner for Human Rights, [Report following his visit to Azerbaijan from 22 to 24 May 2013](#) CommDH(2013)14 (2013) para. 13. (Accessed 10 April 2026).

<sup>304</sup> ["Two Years in a Baku Prison: Facts About Ruben Vardanyan's 'Case'"](#), in *The Armenian Mirror-Spectator*, 02 October 2025. (Accessed 19 May 2026). Reporting 36 court sessions over the first eight months of the trial.

<sup>305</sup> European Parliament, [Resolution of 13 March 2025 on the unlawful detention and sham trials of Armenian hostages, including high-ranking political representatives from Nagorno-Karabakh, by Azerbaijan](#), OJ C (2025) recital B. Noting that the proceedings were not accessible to international observers or independent media. See also ["Trial of Former Nagorno-Karabakh Leaders Begins in Baku"](#) in *RFE/RL* 7 January 2025 (Accessed 14 April 2026).

<sup>306</sup> ["Key points about the sentences of former Nagorno-Karabakh leaders"](#) in *Caucasian Knot*, 06 February 2026. (Accessed 10 April 2026); ["Trial of Former Nagorno-Karabakh Leaders Begins in Baku"](#) in *RFE/RL*, 07 January 2025. (Accessed 14 April 2026).

<sup>307</sup> European Parliament, [Resolution of 13 March 2025 on the unlawful detention and sham trials of Armenian hostages, including high-ranking political representatives from Nagorno-Karabakh, by Azerbaijan](#), OJ C (2025) recital B; ["Azerbaijan: Ruben Vardanyan's 20-year prison term culminates 'travesty' of a trial against ethnic Armenian leaders"](#) in *Amnesty International*, 17 February 2026. (Accessed 10 April 2026).

<sup>308</sup> ["Key points about the sentences of former Nagorno-Karabakh leaders"](#) in *Caucasian Knot*, 06 February 2026. (Accessed 10 April 2026); ["Baku military court issues life sentences for former Nagorno-Karabakh officials"](#) in *commonsense.eu*, 05 February 2026. (Accessed 14 April 2026).

<sup>309</sup> Ilham Karimli, ["Baku Court Announces Verdicts for Former Karabakh Separatist Leaders"](#) in *Caspian News*, 06 February 2026. (Accessed 19 May 2026).

<sup>310</sup> ["Key points about the sentences of former Nagorno-Karabakh leaders"](#) in *Caucasian Knot*, 06 February 2026. (Accessed 10 April 2026) See also ["Life Sentences and Long Prison Terms Handed Down in Baku Against Artsakh's Military and Political Leadership"](#) in *MassisPost*, 06 February 2026. (Accessed 19 May 2026).

<sup>311</sup> *Ibid.*

<sup>312</sup> Ilham Karimli, ["Baku Court Announces Verdicts for Former Karabakh Separatist Leaders"](#) in *Caspian News*, 06 February 2026. (Accessed 14 April 2026); CPC (14 July 2000) (translation by UNODC) art. 57. (Accessed 10 April 2026).

<sup>313</sup> ["Key points about the sentences of former Nagorno-Karabakh leaders"](#) in *Caucasian Knot*, 06 February 2026. (Accessed 10 April 2026); ["Life Sentences and Long Prison Terms Handed Down in Baku Against Artsakh's Military and Political Leadership"](#) in *MassisPost*, 06 February 2026. (Accessed 19 May 2026). Caucasian Knot reports Allahverdyan's sentence as 18 years; MassisPost reports 16 years.

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On 17 February 2026, the Baku Military Court convicted Vardanyan on 42 charges, including crimes against peace and humanity, war crimes, terrorism, financing of terrorism, and creation of a criminal organization, and sentenced him to 20 years of imprisonment, with the first 10 years to be served in prison and the remainder in a strict-regime correctional facility.<sup>314</sup> The prosecution had sought a life sentence.<sup>315</sup> In his closing speech on 10 February 2026, Vardanyan stated: "I refuse to participate in the imitation of justice."<sup>316</sup> He described the proceedings as a "show trial" without the "genuine possibility of a fair judicial process" and subsequently declined to appeal, stating through his family that he did not recognize the verdict as a legal act of justice.<sup>317</sup>

Amnesty International condemned the convictions as "nothing short of a travesty" and stated that the trial of Vardanyan and other civilians before a military court "in itself raises serious concerns and is incompatible with fair trial guarantees."<sup>318</sup> Amnesty International noted that it had formally requested information from the Azerbaijan authorities regarding the trial and the evidence but had received no response.<sup>319</sup> As of March 2026, none of the convicted persons had received official copies of the verdicts in Russian, Armenian, or Azeri.<sup>320</sup>

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<sup>314</sup> Cavid Aga, "[Baku military court sentences former Nagorno-Karabakh leader to 20 years in prison](#)" in *Bne Intellinews*, 17 February 2026. (Accessed 14 April 2026).

<sup>315</sup> "[Azerbaijan seeks life sentence for billionaire former Karabakh official Vardanyan](#)" in *Reuters*, 18 December 2025. (Accessed 19 May 2026); "[Prosecutors in Baku have requested life sentences for five Karabakh leaders](#)" in *Caucasian Knot*, 14 November 2025. (Accessed 14 April 2026).

<sup>316</sup> Cavid Aga, "[Baku military court sentences former Nagorno-Karabakh leader to 20 years in prison](#)" in *Bne Intellinews*, 17 February 2026. (Accessed 14 April 2026).

<sup>317</sup> Ruzanna Stepanian, "[Former Karabakh Leaders Handed Long Life Sentences in Azerbaijan](#)" in *The Armenian Mirror-Spectator*, 05 February 2026 (Accessed 08 May 2026); "[What Ruben Vardanyan Actually Said During the Farcical Trial in Baku](#)" in *Free Armenian Prisoners*, February 2026 (Accessed 10 April 2026).

<sup>318</sup> "[Azerbaijan: Ruben Vardanyan's 20-year prison term culminates 'travesty' of a trial against ethnic Armenian leaders](#)" in *Amnesty International*, 17 February 2026 (Accessed 10 April 2026).

<sup>319</sup> *Ibid.*

<sup>320</sup> "[Vardanyan requested a meeting with the Azerbaijani ombudsman](#)" in *Caucasian Knot*, 16 March 2026 (Accessed 14 April 2026).

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## Conclusions

The situation of the legal profession in Azerbaijan must be understood within the broader weakness of the justice system as a whole. The independence of lawyers and that of the judiciary are interdependent components of the right to a fair trial. Where either is subordinated to the executive, the other cannot function independently. The integrity of judicial proceedings therefore depends both on lawyers being able to act without fear of reprisal and on courts capable of deciding cases free from undue political interference.

In Azerbaijan, the Bar Association continues to operate under extensive executive influence or control, while the judiciary remains closely dependent on the executive and prosecutorial authorities. Admission to the legal profession lacks transparency and is used to exclude independent or human-rights-oriented lawyers, while disciplinary proceedings function as instruments of control rather than as safeguards of professional integrity. These dynamics have significantly restricted the independence of the legal profession and entrenched a climate of fear and self-censorship among lawyers.

The number of practising lawyers remains insufficient to ensure effective access to justice, particularly outside Baku, and the small community of human rights lawyers continues to face harassment, disbarment, and criminal prosecution. Retaliation for representing politically sensitive clients has further reduced the pool of lawyers willing to act in such cases, leaving many defendants with only formal or State-appointed representation. This has weakened the substance of the right to defence and limited the capacity of the profession to perform its role independently in accordance with international law and standards.

These constraints impose serious limitations on defence lawyers and substantially compromise the quality of legal representation. They reflect a persistent pattern of procedural shortcomings that deprive defendants of their rights and prevent lawyers from effectively discharging their professional responsibilities.

The situation of the legal profession cannot be separated from systemic deficiencies affecting the judiciary. The absence of independent legal representation reinforces the dominant position of the prosecution and constrains the ability of courts to act impartially, eroding equality of arms and undermining public confidence in the administration of justice.

The trials of Armenian detainees following the 2020 hostilities in and around Nagorno-Karabakh illustrate how these structural deficiencies operate in practice in nationally sensitive cases. The proceedings examined in this report were conducted before a military court without justification for the exercise of military jurisdiction over civilians. The defendants were denied effective access to counsel of their choosing. State-appointed lawyers failed to act on evidence of ill-treatment they had directly witnessed, case materials were withheld or provided in a language the accused did not understand, defence motions were systematically dismissed without reasoning and omitted from the trial record; interpretation was inadequate or absent, and public access, including access by accredited diplomatic representatives, was denied.

These systematic deficiencies show how executive influence, prosecutorial control, and restrictions on the independence of lawyers can combine to produce proceedings that fall short of the guarantees of fairness, equality of arms, and public scrutiny required under international human rights law and standards. As analysed in this report, these proceedings reflect wider systemic problems rather than isolated departures from established practice. The prosecution of civilians before a military court on charges invoking international humanitarian law, without affording the defendants the protections that international humanitarian law requires, is incompatible with Azerbaijan's obligations under the Geneva Conventions and their Additional Protocols.

Protecting the independence of lawyers is therefore a necessary condition for the effective protection of human rights. Without lawyers able to act freely, confidentially, and without fear of reprisal, violations such as torture, arbitrary detention, and unfair trial risk remaining without effective remedy.

Unless these structural problems are addressed, prosecutions in politically sensitive cases and proceedings falling short of fair trial guarantees are likely to continue to characterize Azerbaijan's administration of justice. Continued international attention remains relevant to ensuring that the

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rights to an independent legal profession, an impartial judiciary, and a fair trial are realized in practice for all persons in Azerbaijan.

The ICJ makes the following recommendations:

***To the executive authorities of Azerbaijan:***

Take effective measures to ensure that the Azerbaijan Bar Association operates as a genuinely independent self-governing body, free from executive interference in its admission and disciplinary functions.

Cease the use of disciplinary proceedings, criminal prosecution and other forms of reprisal against lawyers who represent clients in politically sensitive cases or who access international human rights mechanisms on behalf of their clients.

Ensure the reinstatement of lawyers disbarred in a manner in violation of international law and standards, including in circumstances found by the European Court of Human Rights to constitute violations of Convention rights.

Ensure that all defendants have effective access to counsel of their choosing from the moment of deprivation of liberty and at all stages of the proceedings, including on appeal.

Ensure that all allegations of torture and ill-treatment are promptly, independently and effectively investigated and that any statement or other information obtained as a result of torture or ill-treatment must be excluded as evidence or for use in any official proceedings.

Ensure that independent international organizations have access to all places of detention, including ICRC in light of the closure of the ICRC delegation in September 2025.

Invite independent international observers, including the European Committee for the Prevention of Torture, the Commissioner for Human Rights of the Council of Europe and accredited diplomatic representatives, to attend any appeal hearings in the cases of the former Nagorno-Karabakh officials.

Refrain from referring civilians, including the former Nagorno-Karabakh officials, to military courts; ensure that all proceedings against civilians are conducted before ordinary civilian courts in accordance with international law and standards.

Ensure that the public is not excluded from criminal proceedings except in the strictly limited circumstances permitted under international law and standards and provide reasoned decisions where any restriction on the public character of the proceedings is imposed.

Fulfil the undertakings arising under article 8 of the Trilateral Statement of 9 November 2020.

***To the Prosecutor's Office***

Cease the use of criminal prosecution and other forms of reprisal against lawyers who represent clients in politically sensitive cases or who access international human rights mechanisms on behalf of their clients.

Ensure that case materials are disclosed to the defence in a language the accused understands and that adequate time and facilities are afforded for the preparation of the defence at all stages of the proceedings, including on appeal.

Respect the principle of equality of arms in all proceedings, including by ensuring that the prosecution responds to defence motions on their merits and that the prosecution's submissions and responses are accurately recorded in the trial transcript.

Ensure that no statement or other information obtained as a result of torture or ill-treatment is relied upon as evidence or for any other purpose in any proceedings, in accordance with article 15 of the Convention against Torture.

***To the judiciary***

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Ensure that any appeal in the cases of the former Nagorno-Karabakh officials is heard by an ordinary civilian court.

Ensure the provision of case materials to the defence in a language the accused understands and ensure adequate time and facilities for the preparation of the defence in all proceedings, including on appeal.

Respect the principle of equality of arms in all proceedings, including by affording the defence equal access to evidence and the same opportunity to call and examine witnesses as the prosecution.

Ensure that defence motions are considered on their merits, that reasoned decisions are provided, and that all motions and the court's responses are accurately recorded in the trial transcript.

### ***To the Parliament***

Amend the legislative framework governing the legal profession to guarantee the institutional independence of the Bar Association and the individual independence of lawyers, in conformity with the UN Basic Principles on the Role of Lawyers.

Bring the December 2025 amendments to the Law on Advocates and Advocacy Activity into conformity with the UN Basic Principles on the Role of Lawyers.

Review the provisions of the Criminal Procedural Code governing the jurisdiction of military courts to ensure that the trial of civilians by military courts is prohibited, in accordance with international law and standards.

### ***To the Council of Europe***

The Committee of Ministers should ensure the effective execution of the Court's judgments concerning the independence of lawyers in Azerbaijan and should assess whether the general measures required to prevent the recurrence of the violations found by the Court have been adopted.

The Council of Europe should seek access to observe any appeal hearings. To other international mechanisms

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