

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers**

Ref.: AL AZE 2/2026  
(Please use this reference in your reply)

13 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/4, 52/9 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged suspension of Mr. Zabil Gahramanov's licence to practise law, along with a criminal case against him and detention, allegedly involving due process violations and breaches of his rights, which may represent retaliation for his legal and human rights work and critical statements.**

**Mr. Zabil Gahramanov (Zabil Köçəri oğlu Qəhrəmanov)** is a well-known defence lawyer and human rights defender from the city of Ganja, whose practice involved representing victims of torture, politically sensitive prosecutions, and contentious criminal matters across Azerbaijan's regions. Alongside his legal practice, he has periodically expressed criticism of unlawful policing practices, judicial shortcomings in fair trials, and the broader state of society.

According to the information received:

In June 2025, after Mr. Gahramanov publicly denounced the leadership of the Ganja police for corruption and abuse of power, the Ministry of Internal Affairs allegedly submitted a petition to the Bar Council of Azerbaijan seeking disciplinary action against him and his disbarment. On 8 October 2025, his licence was suspended for six months.

Shortly thereafter, on 23 October 2025, the Ganja Police Department initiated criminal proceedings against him for "fraud causing significant damage" (article 178.2.4 of the Criminal Code of Azerbaijan) and "hooliganism involving resistance to a representative of the authorities or another person performing duties to protect public order or to stop a breach of public order" (article 221.2.2 of the Criminal Code).

The fraud accusations relate to allegations that he made a false promise to a client to compensate damages in a criminal case and received payment. The hooliganism accusations concern an alleged conflict with a car wash employee, reportedly resulting in minor injuries. However, it has been alleged that the

proceedings are tainted by due process violations and may represent retaliation for his work and critical statements.

On 23 October 2025, he was arrested. On 25 October 2025, the Ganja City Court ordered that he be remanded in custody for three months (until 23 January 2026) pending trial, a ruling that was subsequently upheld by the Ganja Court of Appeal on 28 October 2025. In both instances, the courts allegedly approved the prosecution's arguments without evaluating the evidence or addressing the defence's objections.

Mr. Gahramanov, held in pre-trial detention facility No. 2 in Ganja, has been denied visits and phone calls with his family. The restriction, imposed by an investigator from the Ganja Police Department and allegedly lacking specific grounds, was upheld by the Ganja City Court on 14 November 2025. Mr. Gahramanov also faced restrictions on contacting his lawyer and deprived of the opportunity to receive his diabetes medication.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our deep concern regarding the suspension of Mr. Gahramanov's licence to practise law, as well as the ongoing criminal prosecution and detention, allegedly in response to his legal and human rights work and critical statements, which appear to constitute protected free expression. We are also concerned about the reported due process violations and the lack of equality of arms in the courts, along with breaches of his rights during detention. These issues further strengthen our concerns that the prosecution is retaliatory and raise serious doubts about the fairness of his upcoming trial. Given his reported diabetes and lack of access to medication, we are extremely concerned about the risks to his life and health. Finally, we are concerned about the chilling effect all this case may have on other lawyers in Azerbaijan, who may be discouraged from taking on cases involving human rights violations, leaving victims without the vital legal support.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the suspension of Mr. Gahramanov's licence, including the detailed reasons for the suspension, the individual or body that initiated the request, and how fairness and impartiality of the proceedings were ensured.
3. Please specify the legal and factual basis for the criminal charges against Mr. Gahramanov and his detention and explain how his prosecution and detention are aligned with your Excellency's Government's human

rights obligations. Please also indicate whether measures other than detention were considered and the reasons they were rejected.

4. Please provide information on the measures taken to ensure that Mr. Gahramanov's rights are respected during his detention, including, but not limited to, the provision of necessary medication and communication with his legal representatives and family members.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Margaret Satterthwaite

Special Rapporteur on the independence of judges and lawyers

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

We would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), acceded to by Azerbaijan on 13 August 1992. Article 19 requires the States parties to guarantee the right to freedom of expression, including the right to impart information and ideas of all kinds. As emphasised by the Human Rights Committee in general comment No. 34 (CCPR/C/GC/34), such information and ideas include commentary on public affairs and discussion of human rights (paragraph 11). All forms of expression and means of their dissemination are protected (paragraph 12).

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3) of the ICCPR. This means that they must be "provided by law"; be necessary for respect of the rights or reputations of others or for the protection of national security or of public order (*ordre public*), or of public health or morals; and conform to the strict tests of necessity and proportionality (paragraph 22). Article 19(3) may never be invoked as a justification for the muzzling of any advocacy of democratic tenets and human rights (paragraph 23). Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, be compatible with article 19 (*Id.*). It is the States parties' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23). All such attacks should be vigorously investigated in a timely fashion, the perpetrators be prosecuted, and the victims receive appropriate forms of redress (*Id.*).

We would also like to refer your Excellency's Government to the UN Basic Principles on the Role of Lawyers, adopted on 7 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Principle 16 requires Governments to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference; and shall not suffer, or be threatened with, prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognised professional duties, standards, and ethics. Principle 18 states that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions. Principle 23 reiterates that lawyers like other citizens are entitled to freedom of expression. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights without suffering professional restrictions by reason of their lawful action.

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the

UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6(a)-(c), which reiterates the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial, or administrative systems; to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- article 11, which states that everyone has the right to the lawful exercise of his or her occupation or profession; and
- article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

With regard to Mr. Gahramanov's detention, we would like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to liberty of person and no one shall be subjected to arbitrary arrest or detention.

As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of expression, is arbitrary. Arrest or detention on discriminatory grounds is also in principle arbitrary (Id.). The Working Group on Arbitrary Detention has reiterated that

a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic, or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has also concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

The Human Rights Committee also reiterated that detention in custody of persons awaiting trial shall be the exception rather than the rule (paragraph 38). Detention pending trial must be based on an individualised determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence, or the recurrence of crime (Id.). The relevant factors should be specified in law and should not include vague and expansive standards such as “public security” (Id.). Pre-trial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances (Id.). Neither should pre-trial detention be ordered for a period based on the potential sentence for the crime charged, rather than on a determination of necessity (Id.). Courts must examine whether alternatives to pre-trial detention, such as bail, electronic bracelets, or other conditions, would render detention unnecessary in the particular case (Id.). After an initial determination has been made that pre-trial detention is necessary, there should be periodic re-examination of whether it continues to be reasonable and necessary in the light of possible alternatives (Id.).

Concerning various proceedings listed in allegations above, we would like to refer your Excellency’s Government to article 14 of the ICCPR, which enshrines the right to equality before courts and tribunals and to a fair and public hearing by a competent, independent, and impartial tribunal established by law if the person faces any criminal charges or if their rights and obligations are determined in a suit at law.

As interpreted by the Human Rights Committee in general comment No. 32 (CCPR/C/GC/32), the right to equality before courts and tribunals guarantees, among other things, equality of arms, and ensures that the parties to the proceedings in question are treated without any discrimination (paragraph 8). This means that the same procedural rights are to be provided to all the parties unless distinctions are based on law and can be justified on objective and reasonable grounds, not entailing actual disadvantage or other unfairness to the defendant (paragraph 13). Equality of arms also demands, inter alia, that each side be given the opportunity to contest all the arguments and evidence adduced by the other party (Id.).

The requirement of impartiality has two aspects (paragraph 21). First, judges must not allow their judgement to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other (Id.). Second, the tribunal must also appear to a reasonable observer to be impartial (Id.).

Article 14(3)(b) of the ICCPR states that the right to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing is one of the minimum guarantees in the determination of criminal charge. The Human Rights Committee highlighted in the general comment No. 32 that this

provision is an important element of the guarantee of a fair trial and an application of the principle of equality of arms (paragraph 32). The right to communicate with counsel requires that the accused is granted prompt access to counsel (paragraph 34). Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications (Id.). Furthermore, lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure, or undue interference from any quarter (Id.).

In this connection, we would like to draw your Excellency's Government's attention again to the UN Basic Principles on the Role of Lawyers. Principles 1, 2, 7, and 8, in particular, contain Member States' obligations to ensure prompt and effective access to lawyers, as well as adequate opportunities, time, and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception, or censorship and in full confidentiality. According to principle 21, it is the duty of the competent authorities to ensure lawyers access to appropriate information, files, and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time. We would also like to draw your attention to principles 26-29 concerning the fairness and impartiality of any disciplinary proceedings against lawyers.

Concerning Mr. Gahramanov's situation in detention, we would like to refer your Excellency's Government to article 6 of the ICCPR, which protects the supreme and non-derogable right to life. The Human Rights Committee in its general comment No. 36 (CCPR/C/GC/36) states that this right concerns the entitlement to be free from acts and omissions that are intended or may be expected to cause unnatural or premature death, as well as to enjoy a life with dignity (paragraph 3). This applies to all without any distinction, including persons suspected or convicted of crimes (Id.). States parties have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, including providing them with the necessary medical care and appropriately regular monitoring of their health, since by arresting, detaining, imprisoning, or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their life and bodily integrity (paragraph 25). States parties may not rely on lack of financial resources or other logistical problems to reduce this responsibility (Id.).

We would also like to recall your Excellency's Government's obligations under article 12 of the International Covenant on Economic, Social, and Cultural Rights, which Azerbaijan acceded to on 13 August 1992, establishing the right to the enjoyment of the highest attainable standard of physical and mental health. As interpreted by the Committee on Economic, Social, and Cultural Rights in general comment No. 14 (E/C.12/2000/4), States must ensure provision of healthcare (paragraph 36) and refrain from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative, and palliative health services (paragraph 34). The denial of access to health facilities, goods, and services to particular individuals or groups as a result of de jure or de facto discrimination is specifically mentioned among violations of the right to health (paragraph 50).

Finally, we would like to remind your Excellency's Government of article 10 of the ICCPR, which requires that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. In this regard, we would like to refer your Excellency's Government to the UN Standard Minimum Rules for the Treatment of Prisoners adopted by the General Assembly on 17 December 2015 (the Mandela Rules), particularly rule 24-35 concerning healthcare services, rules 58 and 43(3) concerning contact with family, and rule 61 concerning access to legal advisors.