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Election of judges to the European Court of Human Rights[1]

List and curricula vitae of candidates submitted by the Government of Azerbaijan

Communication
Secretary General of the Parliamentary Assembly

1. In accordance with Article 22 of the European Convention on Human Rights.

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1. List and curricula vitae of candidates submitted by the Government of Azerbaijan

Letter from Mr Emin Eyyubov, Ambassador of Azerbaijan to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 25 August 2016

[…]

I have the honour to transmit the names and *curricula vitae* of the following three candidates for election as judge to the European Court of Human Rights in respect of Azerbaijan, as well as the information on the national selection procedure:

Ms Kəmalə Abıyeva;

Mr Lətif Hüseynov;

Mr Rövşən İsmayılov.

[…]

Information on the national selection procedure for the position of a judge of the European Court of Human Rights

By letter dated 29 January 2016 a request was submitted to the Azerbaijani Government by the Secretary General of the Parliamentary Assembly of the Council of Europe for the submission of a list of three candidates for the position as judge to the European Court of Human Rights in respect of Azerbaijan. The Azerbaijani Government was requested to send the list of candidates and their detailed curricula vitae as well as a description of the procedure by which the candidates were selected by 26 August 2016.

By letter dated 2 February 2016 a request was submitted to the Azerbaijani Government by the Chair of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights for the submission of the names and curricula vitae of the candidates included by the Government in the list of candidates for election as judge. The Government was requested to provide the information to the Panel at the latest by 26 May 2016.

In March 2016 the Government requested the Judicial and Legal Council, an independent body of judicial self-government to nominate the candidates to include in the Government's list of candidates for election as judge.

On 9 April 2016, a notice for the position of judge at the European Court of Human Rights was published in *Ədalət,* an independent daily legal periodical and placed on websites of the Judicial and Legal Council and of the Ministry of Justice. The notice included information on the requirements for qualification as judge at the European Court of Human Rights, including linguistic competences, as well as relevant information about the application process. In the notice, persons who wished to be nominated as candidates for the position as judge at the European Court of Human Rights were invited to submit to the Ministry of Justice their applications no later than 1 May 2016. Applicants were invited to send their applications by letter or to upload them electronically.

In total, twelve applications were received within the deadline. On 6 May 2016, the Council assessed whether the applicants met the eligibility requirements for nomination as candidates for the position as judge at the European Court of Human Rights in accordance with Article 21 of the European Convention on Human Rights as well as the qualifications listed in *i.a.* the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights (CM(2012)40 of 29 March 2012) and in Recommendation 1649 (2004) from the Parliamentary Assembly of the Council of Europe.

The Council summoned seven out of twelve applicants to interviews on 17 May 2016. On that basis, and after assessing the qualifications of the applicants, the Council proposed the three above-mentioned candidates to the Government.

In its evaluation and selection of the candidates, the Judicial and Legal Council was guided by the criteria specified in Recommendation 1649 (2004) and Resolution 1646 (2009) of the Parliamentary Assembly of the Council of Europe and those indicated in the Panel's Final Activity Report (paras. 26-31 and 34-35).

Having regard to the fact that, following a call for candidates, there were 1 judge of the Constitutional Court, 1 judge of the Supreme Court, 4 judges of the courts of appellate instance, 1 former judge and 5 jurists not having judicial experience, the Judicial and Legal Council took as an additional criteria “a certain balance between the sexes or between different branches of the legal profession” (para. 36 of the Panel’s Final Activity Report).

The Council’s evaluation has been focused on the candidates’ legal expertise, their professional experience, their suitability to exercise the role of judge, the guarantees of independence and impartiality that the candidates present, the linguistic abilities and suitability to work as part of a team within an international environment in which several legal traditions are represented. However, the Council has also referred to the requirements that candidates should possess an active knowledge of one and a passive knowledge of the other official language of the Council of Europe and that every list should contain candidates of both sexes.

In its examination of the candidates, the Council has paid special attention to the knowledge and application of the case law of the European Court of Human Rights on the candidates. Other criteria for selection of candidates from among the national judges were initial test results and indicators shown by the candidates at the advanced trainings.

Bearing this in mind, the Judicial and Legal Council has selected for interview the candidates who met the majority of the above mentioned criteria.

Appendix 1 – Kəmalə ABIYEVA

CURRICULUM VITAE

I. Personal details

Name, forename: Abıyeva, Kəmalə

Sex: female

Date and place of birth: 16 May 1979, Kirovakan, Armenia

Nationality: Azerbaijan

II. Education and academic and other qualifications

– 2003–2007 – Postgraduate doctoral study (the PhD thesis on the civil law protection of property rights has been accomplished)
– Master's degree in Civil Law, Baku State University, Azerbaijan, 2002
– Bachelor's degree, Law faculty, Baku State University, Azerbaijan, 2000

III. Relevant professional activities

a. Description of judicial activities

– since 2013 – Judge, Baku Appeal Court, Baku, Azerbaijan
– 2011–2013 – Judge at the Economic-Administrative Court No. 2, Baku, Azerbaijan

b. Description of non-judicial legal activities

– 2008–2010 – legal assistant to judge, Supreme Court of the Republic of Azerbaijan
– 2006–2008 – legal adviser, Supreme Court of the Republic of Azerbaijan
– 2000–2006 – court clerk, Economic Court of the Republic of Azerbaijan

c. Description of non-legal professional activities

IV. Activities and experience in the field of human right

– December 2015 – participated in a training for judges on the case-law of the European Court of Human Rights and methods of interpretation, Baku
– December 2009 – participated in an international conference on the interpretation of Article 6 of the European Convention on Human Rights, Turkey
– February 2004 – participated in a training on the legal mechanisms of the Council of Europe and the European Union, Baku

V. Public activities

a. Public office

None

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

None

VII. Publications and other works

Author of a number of articles dealing with protection of property rights, and civil liability.

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
Azerbaijani	x			x			x		
b. Official languages:									
English	x			x				x	
French			x			x			x
c. Other languages:									
Russian	x			x				x	
Turkish	x				x			x	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm my intention concerning the French language.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.

Appendix 2 – Lətif HÜSEYNOV

CURRICULUM VITAE

I. Personal details

Name, forename: Hüseynov, Lətif

Sex: male

Date and place of birth: 1 February 1964, Ağdam, Azerbaijan

Nationality: Azerbaijan

II. Education and academic and other qualifications

– September 2000 – Doctor of Legal Sciences (Kiev, Ukraine; title of the thesis: "State Responsibility for Violations of International Human Rights Obligations")

– October 1994 – PhD (Kiev, Ukraine; title of the thesis: "International Responsibility for Environmental Damage")

– June 1986 – Master's degree, Taras Shevchenko Kiev State University, International Law faculty

III. Relevant professional activities

a. Description of judicial activities

Ad hoc judge at the European Court of Human Rights (2005, 2010)

b. Description of non-judicial legal activities

– Since July 2002 – Professor of Public International Law, Law faculty, Baku State University (part-time) (subjects taught for Master's students: European Human Rights Law; The Case-Law of the European Court of Human Rights)

– November 1996–January 2001 – Associate Professor; Professor; Head of the International Law Department, Azerbaijan University

– 1996, June-November – Associate Professor, International Relations and International Law faculty, Baku State University

– 1992–1995 – Deputy Dean, Law faculty, Baku State University

– 1990–1996 – Senior Lecturer; Associate Professor, Law faculty, Baku State University

– 1988–1990 – Research fellow, Institute of Philosophy and Law of the Academy of Sciences of Azerbaijan

– 2014 – took part in the peer review of the draft updated Commentary on the I Geneva Convention

– 1998, February-November – visiting scholar at the Max Planck Institute for Foreign Public Law and International Law (Heidelberg, Germany)

– 1997, February-July – visiting scholar at the Swiss Institute for Comparative Law (Lausanne, Switzerland)

– 1995, September-November – participant in the Human Rights Law and Practice Programme organised by the Council of Europe at the University of Birmingham (United Kingdom)

– 1995 – member, Working Group for drafting a new Azerbaijani Constitution

c. Description of non-legal professional activities

Since 2005 – member, Anti-Corruption Commission of the Republic of Azerbaijan

IV. Activities and experience in the field of human rights

– Since December 2003 – member, Venice Commission (European Commission for Democracy through Law)

– 2008–2014 – member, UN Human Rights Council Advisory Committee

– February–August 2014 – member, UN Working Group on Communications

– 2011–2015 – President, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

– 2004–2015 – member, CPT

– 2004–2005 – UN Independent Expert on the human rights situation in Uzbekistan (1503 Procedure)

– 2001–2007 – member, European Commission against Racism and Intolerance (ECRI)

– Since 2014 – member, Joint Working Group on Human Rights (Baku)

– 1996–2001 – Director, Non-governmental organisation “European Human Rights Centre” (Baku)

V. Public activities

a. Public office

Since January 2001 – Director, Department for Constitutional Law, Secretariat of the Milli Mejlis (Parliament) of the Republic of Azerbaijan

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

None

VII. Publications and other works

Author of more than 50 publications in the field of International Human Rights Law, International Criminal Law and International Responsibility, including:

– Prosecution by national courts of the crime of torture on the basis of universal jurisdiction //*Beynelxalq huquq ve aktual problemleri* (*Topical problems of International Law*), 2014, No. 1 (37), p. 253-260 (in Russian)

– The Role of the Constitutional Court of the Republic of Azerbaijan in Implementation of the European Convention on Human Rights //*The Protection of Human and Citizen’s Rights by Bodies of Constitutional Jurisdiction in the Current Context; Proceedings of the International Conference, Yalta, 20-21 June 2013*, Kyiv, 2013, p. 94-101

– International Law. Textbook. 2nd ed. Baku, 2012, 368 p. (in Azerbaijani)

– The Case-Law of the European Court of Human Rights in the field of combating discrimination // Proceedings of the International Conference on effective mechanisms and tools for the implementation of the European Convention on Human Rights, Baku, 10 December 2010, Baku, 2010, p. 75-84.

– International Protection of Human Rights. Textbook. Baku, 2008, 160 p. (in Azerbaijani)

– Methods of Implementation of International Supervision in the Field of Human Rights Protection // Theory and Practice of Contemporary International Law (Essays in honour of Prof. Levan Alexidze on the 80th birthday anniversary), Tbilisi, 2007, p. 160-199 (in Russian)

– State Responsibility for Human Rights Violations. Kiev, 2000, 316 p. (in Russian)

– *Ratione loci* Effect of the European Convention on Human Rights //*Case-Law of the European Court of Human Rights. Judgments. Comments*. Kiev, 1999, No. 4, p. 101-108 (in Ukrainian)

– Azerbaijan: the Constitutional Basis for the Implementation of International Human Rights Norms // *Jurnal Rossiyskogo Prava (Journal of Russian Law),* 1998, No. 10/11, p. 177-186 (in Russian)

– International Human Rights Obligations. Baku, 1998, 188 p. (in Russian)

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
Azerbaijani	x			x			x		
b. Official languages:									
English	x			x			x		
French	x					x		x	
c. Other languages:									
Russian	x			x			x		
German	x				x			x	
Turkish	x				x			x	
Ukrainian	x				x			x	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

If necessary, I would be ready to improve my French.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.

Appendix 3 – Rövşən İSMAYILOV

CURRICULUM VITAE

I. Personal details

Name, forename: İsmayılov, Rövşən

Sex: male

Date and place of birth: 8 May 1971, Baku, Azerbaijan

Nationality: Azerbaijan

II. Education and academic and other qualifications

– 1994 – Baku State University (Azerbaijan), Diploma in Laws with Honours of the First Class, 1994

– 2000 – *Candidate of Legal Sciences* (equivalent to PhD)

Dissertation title: The Institution of Citizenship of the Republic of Azerbaijan

Defended at Odessa National Law Academy, Ukraine

– September-November 1997 – participant in the Human Rights Law and Practice Programme organised by the Council of Europe at the University of Birmingham (United Kingdom)

– February-June 2002 – visiting scholar at Indiana University, USA, Fellow of Baku State–Indiana University Linkage Program

Research title: Use of American Experience in the Sphere of the First Amendment in Azerbaijan

– January-August 2005 – visiting scholar at Indiana University, USA, Fellow of Fulbright Program

Research title: Political Rights in a Transition State and in a Failed State

III. Relevant professional activities

a. Description of judicial activities

– June 2010 to present – Judge, Constitutional Court of the Republic of Azerbaijan

– 2011 to present – *Ad hoc* judge, European Court of Human Rights

b. Description of non-judicial legal activities

– September 1994 to present – Baku State University, Department of Constitutional Law, Senior Lecturer, Associate Professor, Adjunct Professor of Constitutional Law (Courses taught: Constitutional Law, Human Rights Law, Constitutional Adjudication)

– February 1997 to 2003 – Khazar University (Baku, Azerbaijan), School of Law, Adjunct Professor of Constitutional Law (Courses taught: Comparative Constitutional Law)

– May 2003 to December 2004, September 2005 to November 2006 – South Caucasus Anti-Drug Program, European Union and United Nations Development Programme, Legal Expert (Evaluation of Azerbaijani legislation on drug trafficking)

c. Description of non-legal professional activities

– September 2004 to December 2004 – Member, Open Society–AF/Azerbaijan, Law/Civil Society Expert Commission

IV. Activities and experience in the field of human rights

– 1996–2001 – Board Member, European Human Rights Center/Baku,

– September 2000 to 2009 – Baku State University, Legal Clinic, Human Rights Section Coordinator

– October 2003 to December 2003 – Member, Working Group for drafting Law on Gender Equality, Milli Mejlis of the Republic of Azerbaijan

– January 2008 to present – Member, European Commission against Racism and Intolerance (ECRI)

V. Public activities

– February 2006 to June 2010 – Member, Central Election Commission of the Republic of Azerbaijan

– 1995 – Member, Working Group for drafting a new Constitution of the Republic of Azerbaijan

VI. Other activities

None

VII. Publications and other works

– The Institution of Citizenship of Republic of Azerbaijan. Baku, 2004 (monograph)

– Acquisition of a Citizenship by Descent: ius sanguinis or ius soli, 15-16 Law 80 (1998), [Baku]

– International Concept of Nationality and Universal Declaration of Human Rights, 4 Law Herald, 80 (1998), [Odessa]

– The Principle of Equality in the New Azerbaijani Legislation on Citizenship, 5-6 Law 74 (1999), [Baku]

– The Problem of Recognition of Azerbaijani Citizenship, State and Law, 165-172, (Kiev, 2000)

– The Constitutional Principle of Independence of Judges in the Republic of Azerbaijan, 4 Azerbaijan Law Journal 4 (2004), [Baku]

– Principle of Public Judicial Proceedings in the Legislation of the Republic of Azerbaijan, 11 Actual Problems of Azerbaijani State and Law in Transition Period 67 (2005), [Baku]

– The Notion and Classification of Fundamental Principles of the Administration of Justice, 12 Actual Problems of Azerbaijani State and Law in Transition Period 67 (2005), [Baku]

– Problems of Realization of a Constitutional Right to Free Legal Aid, 1 Herald of the Constitutional Court of the Republic of Azerbaijan 88 (2014)

– Role of Constitutional Courts in Guaranteeing European Standards of Reasonable Length of Judicial Proceedings, forthcoming in 3 Herald of the Constitutional Court of the Republic of Azerbaijan (2016)

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
Azerbaijani	x			x			x		
b. Official languages:									
English	x			x			x		
French		x				x			x
c. Other languages:									
Russian	x			x			x		
Turkish	x					x		x	
Ukrainian		x				x			x

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm my intention to follow intensive language classes of French.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I will take up permanent residence in Strasbourg if elected a judge on the Court.