



Case study: Individuals and organisations in tandem achieve positive change

In the case of *Khadija Ismayilova v. Azerbaijan*, the applicant was an individual. Ms Ismayilova was an investigative journalist who was often critical of the government, covering various topics, including corruption and violations of human rights. In an attempt to silence her, she received a threatening letter enclosing six still images from a video taken in her bedroom with a hidden camera, and on another occasion, a video was posted online featuring scenes of a sexual nature depicting the applicant's intimate life. Having exhausted domestic remedies, and having criminal proceedings launched against her, the applicant approached the ECtHR alleging that her rights under the European Convention had been breached owing to the authorities' failure to protect her from unjustified intrusions into her private life linked to her work as a journalist. Several organisations, relying on the third-party intervention mechanism available before the ECtHR, intervened and provided supporting arguments, highlighting systemic issues aligned with the applicant's case, and arguing that states have a positive obligation to protect journalists by taking measures to prevent and to investigate conduct designed to restrict journalistic activity.³⁵ This is a classic example of an individual being directly affected by a rights infringement and fulfilling the role of the main applicant whilst being supported by organisations.

Guideline 18: Hybrid participation – having different types of litigants litigating together – can be a useful way of ensuring inclusion and empowerment, whilst ensuring protection, providing institutional expertise and support, and highlighting both individualised and systemic rights violations.

³⁵ See World Trade Organisation, 'Practitioners handbook: overview of the Council of Europe, the Court, and its Proceedings' (2006) at 67 (accessible at http://www.omct.org/files/2006/11/3633/handbook1_eng_01_part1.pdf). See also Strasbourg Observer, 'Third Party Interventions before the ECtHR: A Rough Guide' (2015) (accessible at <https://strasbourgoobservers.com/2015/02/24/third-party-interventions-before-the-ecthr-a-rough-guide/>) and Budlender, 'Amicus Curiae' in Woolman and Bishop, *Constitutional Law of South Africa* (2018) (accessible at <https://constitutionallawofsouthafrica.co.za/wp-content/uploads/2018/10/Chap08.pdf>)

³⁶ Leave to intervene as third parties in the written procedure was granted to PEN International, Privacy International, Article 19, Committee to Protect Journalists, Index on Censorship, International Media Support, the Institute for Reporters' Freedom and Safety, International Partnership for Human Rights, PEN American Center, Front Line Defenders, Canadian Journalists for Free Expression, International Federation for Human Rights, World Organisation Against Torture, Norwegian Helsinki Committee, and Human Rights House Foundation.