

ACTION REPORT



Zemfira Safarova v. Azerbaijan

Application no. 35507/07

ECHR's Judgment, 14 October 2010

Individual measures

In its Judgment the Court decided that the Government shall ensure the enforcement of the domestic court's judgment of 3 July 2003.

On 16 December 2010 the applicant addressed the Government Agent's Office with a letter informing that, on 29 May 2009, the Baku Court of Appeal adopted a decision declaring invalid the contracts and relevant registration documents with respect to the applicant's disputed property, thus granting the request of the Ministry of Internal Affairs and State Property Committee of the Republic of Azerbaijan. It appears from the applicant's letter and this decision that the applicant concluded a friendly settlement with the claimants, according to which the invalidation of contracts and relevant registration documents applied only to the part of the disputed property, where the police department is located. Consequently, the parties decided not to lodge a cassation appeal against that decision.

Furthermore, on 17 December 2010 the applicant applied to the Narimanov District Department on Execution of Court's Decisions with the request to make submission to the Narimanov District Court in order to terminate proceedings on execution of the judgment of 3 July 2003.

On 6 January 2011, the Narimanov District Court held to terminate the proceedings on execution of the judgment (the copy of the decision attached). The Court referred to Article 20.1.1 of the Law of the Republic of Azerbaijan on Execution of the Court's Decisions which says that withdrawal of claims shall be ground for termination of the proceedings on execution of the judgment.

The Government submit that under these circumstances there is no legal ground for the enforcement of the domestic court's judgment of 3 July 2003.