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Meeting: 1362<sup>nd</sup> meeting (December 2019) (DH)

Communication from the applicant (20/11/2019) in the case of RASUL JAFAROV (ILGAR MAMMADOV group) v. Azerbaijan (Application No. 69981/14)

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1362<sup>e</sup> réunion (décembre 2019) (DH)

Communication du requérant (20/11/2019) relative à l'affaire RASUL JAFAROV (groupe ILGAR MAMMADOV) c. Azerbaïdjan (requête n° 69981/14) (**anglais uniquement**).

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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*Sent by email*

20 November 2019

**Re: Rasul Jafarov v. Azerbaijan, Appl .No. [69981/14](#) (examined as part of Ilgar Mammadov group) – submissions pursuant to Rule 9(1) of the Committee of Ministers’ Rules for the Supervision of the Execution of Judgments**

Dear Sir/Madam,

We are writing to provide an update on the latest developments in the case of Rasul Jafarov since our last submission to the Committee of Ministers on 19 September 2019, and to provide our comments on the Government’s Action Plan of 20 September 2019.

In its Action Plan of 20 September 2019, the Government asserted that it ‘proceeded with payment of just satisfaction to all applicants in this group’, including Mr Jafarov (page 2).

However, we note that Mr Jafarov has not been paid the full compensation due (EUR 25,000 and EUR 7,448 in legal costs and expenses) in a timely manner, as ordered by the Court. As of today (20 November 2019), he has received a total of EUR 27,000, paid in multiple separate transfers on different dates (as described in detail in previous Rule 9.1 submissions), and his legal representative Khalid Bagirov was paid EUR 3000 in respect of his legal fees in 2017. Accordingly, Mr Jafarov is still to be paid the remaining EUR 2,448, plus interest on the late payments (the deadline for payment of just satisfaction expired on 4 October 2016).

We welcome the confirmation in the Government's Action Plan that the Court's judgment in Mr Jafarov's case was sent to the Supreme Court for examination under Articles 455 and 456 of the Code of Criminal Procedure. We note that the same legal provisions indicate that the Plenum of the Supreme Court shall review the case no later than 3 months after the receipt of the Court's decision, in this case, by 12 December 2019. To date, the applicant has not been informed by the authorities about the referral of the case or any scheduled proceedings before the Plenum of the Supreme Court (Article 80 of the Law on Courts and Judges and Article 457 guarantee the defendant's participation in such cases).

During its upcoming human rights meeting in December 2019, we would request that the CM should require the Government to provide an update on the status of the proceedings before the Supreme Court, together with copies of all relevant case documents, including a copy of the decision of the Supreme Court to examine Mr Jafarov's case. The Government should also be required to inform the CM if Mr Jafarov has been notified about the proceedings.

Furthermore, we would further submit that it must be ensured that the re-examination of Mr Jafarov's case is conducted in a fair and transparent manner, in line with European fair trial standards. It is also recalled that in its decision taken at the DH meeting on 23-25 September 2019, the CM decided that

'...the above findings of the European Court make it clear that Azerbaijan is required rapidly to eliminate all the remaining negative consequences of the criminal charges brought against each of the applicants, principally by ensuring that the convictions are quashed and deleted from their criminal records' (para 5).

We remain at the Department's disposal should any additional information be required.

Yours faithfully,

A handwritten signature in cursive script, reading "Ramute Remezaite".

Philip Leach

Ramute Remezaite

Legal Representatives of the applicant