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Date: 23/10/2024

DH-DD(2024)1220

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Meeting: 1514th meeting (December 2024) (DH)

Communication from the applicant (22/10/2024) concerning the case of SARGSYAN v. Azerbaijan (Application No. 40167/06).

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 : 1514^e réunion (décembre 2024) (DH)

Communication du requérant (22/10/2024) relative à l'affaire SARGSYAN c. Azerbaïdjan (requête n° 40167/06) **[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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22 October 2024

Re: Sargsyan v. Azerbaijan, App. No. [40167/06](#), 16 June 2015 (merits); 12 December 2017 (Art 41) (Leading case, enhanced procedure) – submission pursuant to Rule 9(1) of the Committee of Ministers’ Rules for the Supervision of the Execution of Judgments – due to be examined at the 1514th meeting (December 2024) (DH).

This submission is made in accordance with Rule 9(1) of the Rules of the Committee of Ministers for the supervision of the execution of judgments and the terms of friendly settlement by the representatives of the applicants.

The present communication concerns individual measures. We reaffirm all our previous submissions and refer to the Rule 9(1) letters previously sent to the Department for the Execution of Judgments on 27 July 2018, 25 October 2019, 7 February 2020, 29 April 2021, 1 August 2023, and 09 August 2024 by the representatives of the applicants.

We note the recent correspondence from both the Governments of Azerbaijan (concerning this case) and Armenia (concerning *Chiragov and Others v Armenia*). Until the most recent correspondence, the Government of Azerbaijan had expressed its willingness to sign its MOU with the Council of Europe, subject to Armenia signing its MOU, which Armenia had delayed. The Government of Armenia has now expressed its willingness to sign its MOU. And yet, Azerbaijan now is not signing its MOU. In its recent letter, the Government of Azerbaijan claims, amongst other grievances, that current events in the region have necessitated further assessment of the implications and ramifications of this MOU. The *only*

DH-DD(2024)1220: Rule 9.1: Communication from the applicant in SARGSYAN v. Azerbaijan.
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impediment to implementation of the individual just satisfaction measures is agreement from the
Government of Azerbaijan.

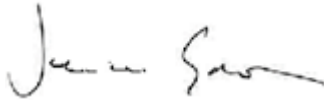
We are extremely dismayed by the approach from the Government of Azerbaijan. We submit that the scope of individual measures are circumscribed to the events occurring in 1992-4, and current events have no bearing on its unconditional obligations under Article 46 of the Convention to pay just satisfaction.

The Government's about-face on its willingness to sign its MOU can only point to a lack of good faith in undertaking its obligations through the reciprocal MOU process. If the Government is unwilling to agree to the MOU, it is, of course, open to it to directly pay just satisfaction to the applicant's next-of-kin, an approach we wholeheartedly support if it can lead to the prompt payment of just satisfaction. Should this be the agreed process, we will liaise with the relevant authorities to provide up-to-date details of all recipients.

Additionally, we reiterate our ongoing complaint that the applicants were not involved or consulted in the negotiation of the MOU. We repeat our request to have effective involvement in this process and be apprised of all material developments.

The judgment on just satisfaction was handed down in 2017 – seven years ago. It concerns violations occurring *over 30 years ago*. The applicants and their families have suffered not only from their original displacement, but also in the gross delays suffered in the payment of just satisfaction. We request that this matter be resolved as a matter of utmost urgency.

Yours faithfully,



Jessica Gavron



Arman Aloyan
Legal Representatives of the applicants