

1531st meeting, 10-12 June 2025 (DH)

H46-6 Mammadli group v. Azerbaijan (Application No. 47145/14)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1531/H46-6

Decisions

The Deputies

1. recalled that, in respect of each applicant in this group of cases, the European Court found a violation of Article 18, taken in conjunction with Article 5 of the Convention, revealing a troubling pattern of arbitrary arrests and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law;
2. noted with profound concern that no information has been provided by the authorities for the present meeting and deeply deplored that despite repeated assurances by the authorities of Azerbaijan over the past years, the remaining seven applicants' criminal convictions still stand;
3. recalled the obligation of Azerbaijan, under the terms of Article 46, paragraph 1, of the Convention, to abide fully, effectively, and promptly by the final judgments of the European Court of Human Rights in any case to which they are a party;
4. reiterated that ensuring *restitutio in integrum* in these cases requires the prompt quashing of the remaining applicants' convictions, their erasure from their criminal records and the elimination of all other negative consequences of the criminal charges brought against them, ensuring full restoration of their civil and political rights; strongly urged the authorities to intensify, without further delay, their efforts to remedy the applicants' situation in line with the above requirements, and reaffirmed the importance that the authorities ensure in the meantime that their impugned convictions do not have any bearing on any new criminal proceedings initiated against them;
5. recalled that the quashing of the remaining applicants' convictions by the Supreme Court also remains a key general measure, aimed at establishing a solid judicial practice against retaliatory and abusive detentions and prosecutions of critics of the government with a strong message of non-tolerance of similar abuses of criminal justice system; urged once again the authorities to take further concrete measures to demonstrate that the pattern of arbitrary arrests and detentions identified by the Court in the present cases is being or has been eradicated in line with the principle of the rule of law;
6. reiterated their invitation to the authorities to provide information on the outcome of the draft law introduced in Parliament to further strengthen the powers of the Judicial Legal Council;
7. stressing once again that the prolonged situation in the present group points towards deficiencies in the national procedure for the reopening of cases following final judgments of the Court, renewed their invitation on the authorities to consider reviewing the relevant domestic framework in the light of the Convention requirements, making full use of the technical support and expertise available through the Council of Europe and its co-operation activities;
8. urged the authorities to resume a constructive and results-oriented dialogue with the Secretariat to achieve the completion of the measures required in this group of cases;

9. invited the authorities to rapidly submit information on all outstanding issues reaffirming their readiness to further explore all means and tools available to ensure the full implementation of the Court's judgments; and instructed the Secretariat to prepare a draft interim resolution for the Committee's next examination of this group in September 2025, if no tangible progress is achieved in the individual measures by then.