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SECRETARIAT OF THE COMMITTEE OF MINISTERS  
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COMMITTEE  
OF MINISTERS  
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Contact: John Darcy  
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Date: 14/11/2019

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

Communication from the applicant (12/11/2019) in the case of Mammadli (Ilgar Mammadov group, 15172/13) v. Azerbaijan (Application No. 47145/14)

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 (12/11/2019) relative à l'affaire Mammadli (groupe Ilgar Mammadov, 15172/13) c. Azerbaïdjan (requête n° 47145/14) (**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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DGI

12 NOV. 2019

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**November 09, 2019**

Head of the Department of Execution of Judgments  
Directorate of Monitoring  
Council of Europe Avenue de l'Europe  
F-67075 Strasbourg Cedex  
France

**Mammadli v. Azerbaijan (47145/14)**

**Submission under Rule 9.1 of the Committee of Ministers' Rules**

Dear Sir/Madam,

I am writing to make a further submission pursuant to Rule 9.1 of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments in the case of Mammadli v. Azerbaijan (Application No. 47145/14), to inform the Committee of Ministers (CM) about the latest developments concerning the payment of **just satisfaction** to the applicant and **resitutio in integrum**.

**I. Payment of just satisfaction**

The European Court issued its judgment in my case on 19 April 2018 and the judgment became final three months later, on 19 July 2018. In the judgment, the Court held that there had been violations of Articles 5(1), 5(4) and 18 of the European Convention, and ruled that the Azerbaijani government was to pay me 20,000 EUR for non-pecuniary damage and 2,500 EUR for court-related costs and expenses within three months of the judgment becoming final. However, the above-mentioned compensation was not paid within the stated time limit.

Therefore, in accordance with Rule 9.2 of the Rules of the Committee of Ministers, the Election Monitoring and Democracy Studies Centre (EMDS), the organization chaired by me informed the Committee of Ministers in a letter sent on 18 April 2019 that the payment of the compensation owed to me had not been made. Following the letter, the government has started to transfer the compensation in small instalments (1,000 EUR per month) since April.

When examining the Ilgar Mammadov group of cases, of which my case forms part, at its 1348<sup>th</sup> meeting on 4-6 June, the Committee of Ministers (CM) recalled that the payment of compensation was an unconditional obligation. Consequently, the CM urged the Azerbaijani government to pay the compensation along with accrued interest rate "without further delay", and to inform the CM accordingly.

Despite the decision of the CM, the government has continued to make the payments in small monthly instalments. In its [last Action Plan](#), dated 20 September 2019, the Azerbaijani authorities note that EUR 6,000 out of the amount of EUR 22,500 of just satisfaction awarded

by the Court was paid me. It is submitted that paying the amount in such a way diminishes the importance of the compensation and is in breach of the government's obligations.

## **II. Restitutio in integrum**

I was released on 17 March 2016 on the basis of a presidential pardon. However, my conviction remains in place, restricting my rights and freedoms including the right to stand for elections. The conviction should have been annulled following the European Court's judgment of 19 April 2018.

The EMDS's letter to the CM also mentioned this and asked the CM to urge the government to quash the conviction. The CM, in turn, called the government to take measures towards annulling the conviction. Its June 2019 decision called for ending the violation of the Convention, restoring my violated rights as soon as possible by eliminating the results of the violation and keeping the CM informed about the progress.

In its last communication letter to the Committee of Ministers, the Government limited itself to merely referring to the presidential pardon decree, as a result of which I was released. The Action Plan was silent on my conviction. In September 2019, the CM adopted another [decision](#) in the Ilgar Mammadov group of cases, which used even stronger language, underlining that Azerbaijan was "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." Despite these clear calls from the CM, my conviction stays in place, and if it continues, it will prevent me from taking part in the upcoming 2019 Municipal and 2020 Parliamentary elections.

## **III. Recommendation**

In the light of the above, I ask the CM to urge the Azerbaijani government to promptly pay my compensation in full; annul my conviction and delete it from my criminal record.

Sincerely,



Anar Mammadli,

Applicant,  
Chairperson of the EMDS