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Meeting: 1419th meeting (December 2021) (DH)

Communication from the applicant (24/11/2021) in the case of Aliyev v. Azerbaijan (Application No. 68762/14) (Mammadli group).

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 : 1419^e réunion (décembre 2021) (DH)

Communication du requérant (24/11/2021) relative à l'affaire Aliyev c. Azerbaïdjan (requête n° 68762/14) (groupe Mammadli) **[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.



**DGI – Directorate General of Human Rights and Rule of Law
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DGI

24 NOV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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24 November 2021

Re: *Aliyev v. Azerbaijan*, Appl. nos. 68762/14 and 71200/14 (examined as part of *Mammadli* group) – submissions pursuant to Rule 9(1) of the Committee of Ministers' Rules for the Supervision of the Execution of Judgments

Dear Sir/Madam,

Further to our previous Rule 9(1) submissions, including the most recent one on 18 May 2021, we are writing to express our considerable concern that no further steps have been taken in order to implement this case since then. Mr Aliyev's conviction still stands as it has not been quashed to date, and he continues to suffer the various consequences stemming from his conviction, as set out in the earlier submissions.

Mr Aliyev's case remains unexamined by the Supreme Court and his appeals of 16 October 2020 to the Supreme Court and the Representation of Azerbaijan to the European Court have not been addressed to date (Annex 1). For more than 12 months, Mr Aliyev has had no response or any other communication from the authorities or the Supreme Court about the review of the decisions of the national courts on the basis of the European Court (ECtHR) judgment and the resolution of the Committee of Ministers (CM).

As is stated in the Government's submission update of 23 November 2021 to the CM, on 19 November 2021, the Supreme Court quashed the convictions of four more applicants in the

Mammadli group of cases: the NIDA movement activists. This decision followed the Supreme Court decision of 23 April 2020 to quash the convictions of Rasul Jafarov and Ilgar Mammadov. The Supreme Court has now also done so on the basis of the findings of the ECtHR in the case of *Rashad Hasanov and Others v Azerbaijan*, in which the Court established that the four activists were unlawfully arrested and detained in order ‘to silence and punish the applicants for their active social and political engagement and their activities in NIDA’. All four applicants were awarded compensation, in an amount totalling 188,000 AZN.

It remains unclear why Mr Aliyev’s case has not been examined by the Supreme Court yet and his conviction has not been quashed, in the same way as the convictions of the above mentioned six applicants have been. As the findings of the Court in Mr Aliyev’s case are very similar (in that the Court found that his arrest and detention was not only illegal but also served an ulterior purpose to punish him for his human rights activities), there is no basis whatsoever to treat his case differently. We further reiterate that the Plenum of the Supreme Court had an obligation to review this case, and other cases in this group, by 12 December 2019, 3 months after the receipt of the ECtHR judgment, as required by the Criminal Procedure Code (Articles 455 and 456). The Supreme Court has failed to abide by the respective domestic laws in Mr Aliyev’s case for nearly two years and continues to do so.

The Government therefore remains in breach of the CM Interim Resolution adopted on 5 March 2020 (CM/ResDH(2020)47), calling for the quashing of Mr Aliyev’s conviction and the elimination of all other consequences of the criminal charges brought against him. In light of this continuing failure, we urge the CM to require the Government to do the following:

- to ensure that the case of Mr Aliyev is reviewed by the Supreme Court at its next Plenum hearing, and that his conviction is quashed;
- to inform the CM about the date of the next meeting of the Supreme Court Plenum, when the case of Mr Aliyev (and that of the other applicants) will be considered;
- to ensure that the Plenum publishes information about the cases and the hearings, in advance of the hearing dates, in order to ensure that this information is available to the applicants and the wider public; and
- to ensure that the Plenum publishes all such decisions it makes in full, so that they are available to the applicants and to the wider public.

A failure to take these steps as soon as possible should lead to a careful consideration of the consequences and of all the options and tools available to the Committee.

Yours faithfully,



Ramute Remezaite
Legal representative of the applicant