

## SECRETARIAT / SECRÉTARIAT

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Date: 25/11/2021

**DH-DD(2021)1286**

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Meeting: 1419<sup>th</sup> meeting (December 2021) (DH)

Communication from the applicant (24/11/2021) in the case of Yunusova and Yunusov v. Azerbaijan (No. 2) (Application No. 68817/14) (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<sup>e</sup> réunion (décembre 2021) (DH)

Communication du requérant (24/11/2021) relative à l'affaire Yunusova et Yunusov (n° 2) c. Azerbaïdjan (requête n° 68817/14) (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.

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*Sent by email*

24 November 2021

**Re: Yunusova and Yunusov v Azerbaijan (No.2), Appl. No. 68817/14 (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 of 28 May 2021 and 7 December 2020, we are writing to express our considerable concern that no further steps have been taken in order to implement this case since then. The Yunusovs' convictions still stand as it has not been quashed to date, and they continue to suffer the various consequences stemming from their conviction, as set out in the earlier submissions. This case remains unexamined by the Supreme Court and it is not known to Mrs and Mr Yunusovs if their case has been referred to the Supreme Court following the judgment of the European Court of 16 July 2020, in line with the domestic legislation. Articles 455 and 456 of the Criminal Procedure Code obliges the Plenum of the Supreme Court to review the case no later than 3 months after the receipt of the ECtHR judgment. It has been more than 12 months since the ECtHR judgment became final.

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 the Yunusovs' case has not been examined by the Supreme Court yet and their convictions have 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 this case are very similar (in that the Court found that their arrest and detention was not only illegal but also served an ulterior purpose to punish them 'for their NGO activities'), there is no basis whatsoever to treat their case differently.

The Government therefore remains in breach of the CM decisions and the Interim Resolution adopted on 5 March 2020 (CM/ResDH(2020)47), calling for the quashing of the conviction of all the applicant in the *Mammadli* group and the elimination of all other consequences of the criminal charges brought against them. 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 Yunusov and Mrs Yunusova is reviewed by the Supreme Court at its next Plenum hearing and their convictions are quashed, and the criminal proceedings before the Court of Appeal, at present pending for indefinite period of time, are terminated;
- to inform the CM about the date of the next meeting of the Supreme Court Plenum, when the case of the Yunusovs (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