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SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES



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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

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

Communication from the authorities (26/11/2024) concerning the case of Chiragov and Others v. Armenia (Application No. 13216/05).

Information made available under Rule 8.2a 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 des autorités (26/11/2024) relative à l'affaire Chiragov e autres c. Arménie (requête n° 13216/05) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



REPRESENTATIVE OF THE REPUBLIC OF ARMENIA ON INTERNATIONAL LEGAL MATTERS

RA, Yerevan, 0010, Republic square, Government house 1

**Francesca Camilleri Vettiger,
Ambassador Extraordinary and Plenipotentiary,
Chair of the CMDH meeting**

Case of Chiragov and others v. Armenia (Application no. 13216/05) - Judgment of 16 June 2015 (Grand Chamber)

Yerevan, 25 November 2024

Your Excellency,

I am writing in respect of the execution of *Chiragov and others v. Armenia* case. During the (1507th meeting, 17-19) September 2024 meeting, the CM in its decision, *inter alia*.

“1. welcomed the Armenian authorities’ recent written confirmation that they accept the terms and conditions and are ready to sign the draft MoU prepared by the Secretariat, to enable payment of the just satisfaction awarded by the Court and default interest accrued to take place through a Council of Europe bank account;

*2. noted that in line with the draft MoU, the signature and **payment are dependent on the receipt of a reciprocal clear indication from the Azerbaijani authorities of their readiness to make the payment of the just satisfaction in the Sargsyan case.**”*

The Armenian authorities reiterate their unequivocal confirmation of readiness to sign the Draft Memorandum of Understanding (MoU) and to facilitate the payment of just satisfaction (JS) and default interest in strict accordance with the terms and conditions outlined in the draft MoU. Among other provisions, the draft MoU specifies that: (i) the Council will facilitate the payment by accepting funds into a bank account held by the Council; (ii) the MoU will be concluded and signed by both Parties simultaneously; (iii) the Council will hold the sum in a fiduciary capacity and release it to the applicants in the Chiragov and Sargsyan cases concurrently; and (iv) in the event that either Party fails to transfer the sum to the Council’s account, no payment will take place.

It is important to note that, in its December 2022 Decision regarding the *Sargsyan v. Azerbaijan* case, the Committee of Ministers acknowledged the Azerbaijani authorities' unambiguous readiness to sign the draft MoU, with the sole condition, as outlined in their letter of 3 November 2022 to the Committee of Ministers, that Armenia reciprocate this commitment.

In light of the Armenian authorities' clear and unqualified confirmation of full readiness to sign the draft MoU on a reciprocal basis, and considering the need for the Committee of Ministers to bring an end to this unproductive cycle of repeated declarations, confirmations, and rejections regarding the readiness to sign, it is imperative that a definitive resolution be reached.

The most recent Committee of Ministers' Annual Report (17th) on the status of execution of the Court's judgments indicates that Azerbaijan has failed to pay just satisfaction in numerous cases, amounting to up to 50 cases. Of particular concern is Azerbaijan's blatant disregard for its international obligations, as identified in both Court judgments and decisions, as well as in International Court of Justice (ICJ) orders related to Armenia. Unfortunately, the *Sargsyan v. Azerbaijan* case is not an isolated incident. It reflects a broader pattern in which Azerbaijani authorities, in a discriminatory manner, have consistently failed to comply with the judgments, decisions, and orders of international courts, particularly with respect to the unconditional obligation to pay just satisfaction to Armenian applicants¹ as awarded by the Court.

We are deeply concerned that Azerbaijan's ongoing disregard for its international obligations not only undermines the rule of law but also creates a dangerous precedent for impunity, thus fostering an environment conducive to further violations.

Given the mandate of the European Court of Human Rights ("Court") and the Committee of Ministers, and recognizing that the Committee of Ministers is the sole effective body responsible for facilitating the payment process, we respectfully request that the Committee of Ministers establish specific timeframes, with no deadline later than March 2025, for the signing of the draft MoU in both cases. Failure to do so risks perpetuating a harmful and unproductive cycle, which will serve no purpose for the

¹*Makuchyan and Minasyan v. Azerbaijan* (no. 17247/13) *Saribekyan and Balyan v. Azerbaijan* (no. 35746/11), *Badalyan v. Azerbaijan* (51295/11), *Khojayan and Vardazaryan v. Azerbaijan* (no. 62161/14), *Petrosyan v. Azerbaijan* (no. 32427/16), *Ghazaryan and Bayramyan v. Azerbaijan* (no. 33050/18) and, most recently, *Narayan and Others v. Azerbaijan* (nos. 54363/17 54364/17).

respondent governments and, most critically, for the victims who have suffered as a result of the violations identified by the Court.

We firmly believe that the Committee of Ministers must take all necessary steps to ensure the payment of just satisfaction and provide guarantees against non-payment by Azerbaijan. This will allow Armenia to proceed in good faith and sign the MoU, thereby ensuring a fair and just resolution for the victims involved.

Sincerely,

A handwritten signature in black ink, appearing to read 'Y. Kirakosyan'.

Yeghishe KIRAKOSYAN

Cc: Permanent Representation of Armenia to the Council of Europe