

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Meeting: 1179 meeting (24-26 September 2013) (DH)

Item reference: Communication from a NGO (Legal Education Society - HMC) (30/07/2013) in the case of Gasimova and others against Azerbaijan (Application No. 7867/09)

Information made available under Rule 9.2 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 : 1179 réunion (24-26 septembre 2013) (DH)

Référence du point : Communication d'une ONG (Legal Education Society - HMC) (30/07/2013) dans l'affaire Gasimova et autres contre Azerbaïdjan (Requête n° 7867/09)
(anglais uniquement)

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



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**To the Committee of Ministers of the
Council of Europe**

**By the applicant in the case of
Gasimova and Others v. Azerbaijan,
Gahraman Adigozelov**

**Brief on the state of implementation on the judgement
of the Gasimova and Others v. Azerbaijan
(Application's N 7867/09, 3961/10, 7709/10, 19426/10 and 25986/10)**

Legal Education Society is writing with regards to the case of Gasimova and Others v. Azerbaijan, to give brief information and to note concerns on the mentioned judgement below.

Muradovs internally displaced from Lachin, consisting of 11 family members, have been settled in Gahraman Adigozelov's (Applicant) property who is the owner of it since 1993.

After exhaustion of domestic remedies, G. Adigozelov appealed to European Court of Human Rights on April 28, 2010 regarding Article 6 of the Convention and Article 1 of Protocol No.1.

According to the decision of ECHR dated May 03, 2012 (Gasimova and Others v. Azerbaijan/ N#. 7867/09, 3961/10, 7709/10, 19426/10 and 25986/10), along with other complainants, also providing Adigozelov's complaint, Court recognized violation of Article 6.1 of the Convention and Article 1 of Protocol No.1 and imposed obligation to Azerbaijan Government to fulfill the execution of the Surkhany District court's decision (31 August 1993) within the period of three months after becoming final decision, according to the Article 44.1 of the Convention. European Court's decision became final decision on September 03, 2012. However, the European Court's decision has not been implemented yet.

The plaintiff appealed to Ministry of Justice, Head Office for Implementation of Court Decision under Ministry of Justice for providing implementation of court decision on September 03, 2012. However, so far the complainant did not get response yet and filed application to Surakhany Executive Committee for providing implementation of court

decision. Executive Committee in a letter dated 07 September 2012 answered the applicant in the following content:

“We are informing you that, as because more than twenty seven thousands IDPs and refugees settled in dormitories, public buildings etc. and not having empty houses in Executive Committee’s housing fund, we are unable to provide you with house.

In addition, please be informed that the name of Muradov T. internally displaced person from Lachin settled in your apartment have been included in the list compiled regarding the buildings that are considered to be built for "IDP families living in apartments owned by others"

Plaintiff appealed to Surakhany District Executive Branch of Ministry of Justice for providing implementation of court decision and two times to Chingiz Asgarova authorized representative to Azerbaijan Government in the European Court of Human Rights to take measures to ensure the implementation of the decision of the European Court of Human Rights. However, so far the complainant did not get responses yet.

As the following step, the Plaintiff appealed to N#2 Economic-Administrative Court on November 26, 2012 in order to put obligation to Administrative treats for implementation of the decision of the European Court of Human Rights (May 03, 2012) and Surakhany District Court’s decision (31 August 1993) and to defendant party to implement the decision of the European Court of Human Rights (May 03, 2012) and Surakhany District Court’s decision (31 August 1993) and asked to put obligation for being paid material and moral damages to the plaintiff for delaying of execution of a judgment of the European Court of Human Rights.

With the decision of N#2 Economic-Administrative Court dated May 07, 2013 intrusted the execution of Surakhany District Court’s decision (31 August 1993) to Baku city, Surakhany District Executive Branch.

The parties did not appeal the Court of Appeal from the decision and the decision entered into force on June 07, 2013. Though 50 days have passed since the decision entered into force, no any steps had been taken for execution of the decision.

We do not have any information about communication between Azerbaijani Government and the Committee of Ministers of the Council of Europe. No any information has been placed on the website of the Committee of the Ministers regarding this issue.

Thus, whether the Government has action plan in this regard, or any information has been given to the Committee of Ministers on the reasons of Government’s failure to implement the decision is still unknown to us.

Moreover, we ask the Committee of Ministries of the Council of Europe to urge the government of Azerbaijan to implement the judgement of Gasimova and Others v. Azerbaijan.

Yours sincerely,

Intigam Aliyev,
Legal Education Society