



Last update: 04/12/2020

Azerbaijan

Membership to the Council of Europe	25 January 2001
Entry into force of the European Convention on Human Rights	15 April 2002
First case under supervision of execution	<i>Hajiyev</i> (5548/03) Judgment final on 16 February 2007
Total number of cases transmitted for supervision since the entry into force of the Convention	276
Total number of cases closed by final resolution	43

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Action of security forces and effective investigations

Ineffective investigations into actions of security forces, notably to establish the extent of state agents' responsibility for the death of an internally displaced woman during an eviction operation, as well as into the **absence of due action by police and prosecutors to elucidate a killing.**

Mikayil Mammadov group (4762/05)
Judgment final on 17/03/2010

Status of execution
Enhanced supervision

Ill-treatment and/or torture during arrest and police custody and ineffective investigations into allegations of such ill-treatment.

Mammadov (Jalaloglu) group (34445/05)
Judgment final on 11/04/2007

Status of execution
Enhanced supervision

Disproportionate and unnecessary intervention by the police forces during demonstrations, excessive use of force and ill-treatment, notably against journalists; ineffective investigations (see also freedom of assembly below).

Muradova group (22684/05)
Judgment final on 02/07/2009

Status of execution
Enhanced supervision

> Expulsion/extradition

Unsatisfactory evaluation of risks of torture and inhuman or degrading treatment in country requesting extradition; custody ordered on the basis of unclear and foreseeable legislation and without any possibility of judicial review of continued detention.

Garayev group (53688/08)
Judgment final on 10/09/2010

Status of execution
Standard supervision

> Lawfulness of detention and related issues

Unlawful and arbitrary arrest and detention on remand.

Gafgaz Mammadov (60259/11)
Judgment final on 14/03/2016

Status of execution
Enhanced supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Protection against abuse of power

Abuse of power through arbitrary engagement of criminal proceedings implying use of arrest and detention, notably to punish a political opponent for having criticised the government and a human rights defender for his human rights activities.

The steps taken by Azerbaijan to execute these judgments, including the recent acquittal of Ilgar Mammadov and Rasul Jafarov on 23 April 2020, will be reviewed by the Committee of Ministers at its upcoming Human Rights meeting

Ilgar Mammadov group (15172/13)
Judgment final on 13/10/2014

Status of execution
Enhanced supervision

> Fairness of judicial proceedings - Criminal proceedings

Unfair criminal proceedings notably on account of:

- family ties between judges, prosecution and investigative authorities participating in the trial;
- refusals to hear witnesses in the defendant's favour;
- ineffective legal assistance and absence of sufficient opportunities to prepare the defence;
- insufficient time, facilities and access to file to prepare the defence;
- absence of possibilities to challenge the credibility of important witnesses/experts;
- failure by the courts to address objections raised by the defence as to the authenticity of the evidence produced by the prosecutors and its use during the trial (notably allegations that drugs had been planted by the police).

Insanov (16133/08)
Judgment final on 14/06/2013

Status of execution
Enhanced supervision

Huseyn and Others group (35485/05)
Judgment final on 26/10/2011

Status of execution
Standard supervision

See also:
Layijov (22062/07)
Judgment final on 10/07/2014

Jannatov (32132/07)
Judgment final on 31/10/2014

(both in **Mammadov (Jalologlu)** group under enhanced supervision)

Double conviction for the same offense, one administrative and one criminal, both related to the same involvement in a demonstration.

Huseyn and Others group (35485/05)
Judgment final on 26/10/2011

Status of execution
Standard supervision

> Fairness of judicial proceedings – Civil proceedings

Unjustified refusal to hear detained persons in civil cases concerning conditions of detention and alleged lack of medical care.

Insanov (16133/08)
Judgment final on 14/06/2013

Status of execution
Enhanced supervision

> Enforcement of domestic judicial decisions

Non-enforcement of final judgments ordering the restoration of the right of use of plots of land.

Humbatov group (13652/06)
Judgment final on 03/03/2010

Status of execution
Enhanced supervision



MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

Failure or delayed enforcement of final judgments ordering reinstatement and/or payment of certain sums.

Tarverdiyev group (33343/03)
Judgment final on 26/10/2007

Status of execution
Enhanced supervision

> **Freedom of expression - defamation**

Unjustified convictions and prison sentence as sanction for defamation, notably against journalists; also arbitrary application of criminal law to limit freedom of expression.

Mahmudov and Agazade group
(35877/04)
Judgment final on 18/03/2009

Status of execution
Enhanced supervision

> **Freedom of assembly and association**

Unsatisfactory legislation regulating freedom of assembly not meeting the requirements of foreseeability and precision; **arbitrary interferences with the right to freedom of assembly:**

- abusive dispersal of peaceful demonstrations / public gatherings;
- unjustified arrest and administrative conviction of participants.

Gafgaz Mammadov (60259/11)
Judgment final on 14/03/2016

Status of execution
Enhanced supervision

> **Electoral rights**

Arbitrary application of electoral legislation and absence of procedures affording adequate safeguards against arbitrariness:

- arbitrary rejection of complaints regarding irregularities or breaches of electoral law;
- arbitrary cancelation of registration of candidates;
- erroneous application of electoral law, etc.

Namat Aliyev group (18705/06)
Judgment final on 08/07/2010

Status of execution
Enhanced supervision

> **Protection of home and property - displaced persons**

Impossibility for displaced persons to gain access, in the context of the Nagorno-Karabakh conflict, to their homes and properties and relatives' graves in the disputed area near Nagorno-Karabakh on the territory of Azerbaijan - lack of effective remedies.

Sargsyan (40167/06)
Judgment final on 16/06/2015

Status of execution
Enhanced supervision

Non-enforcement of orders for the eviction of internally displaced persons unlawfully occupying houses or apartments.

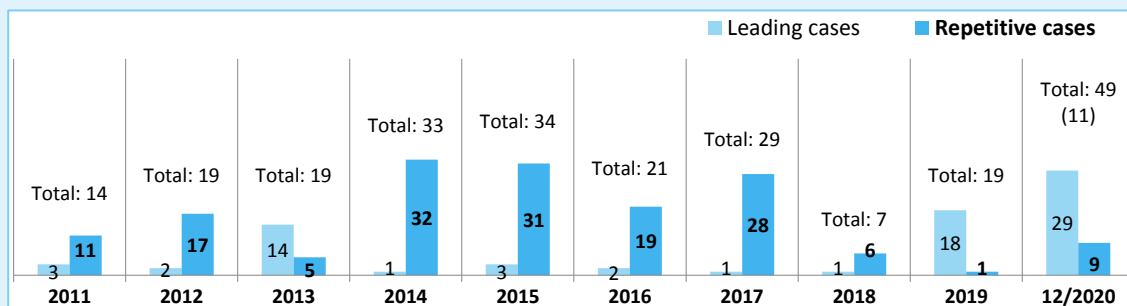
Mirzayev group (50187/06)
Judgment final on 03/03/2010

Status of execution
Enhanced supervision

STATISTICS***

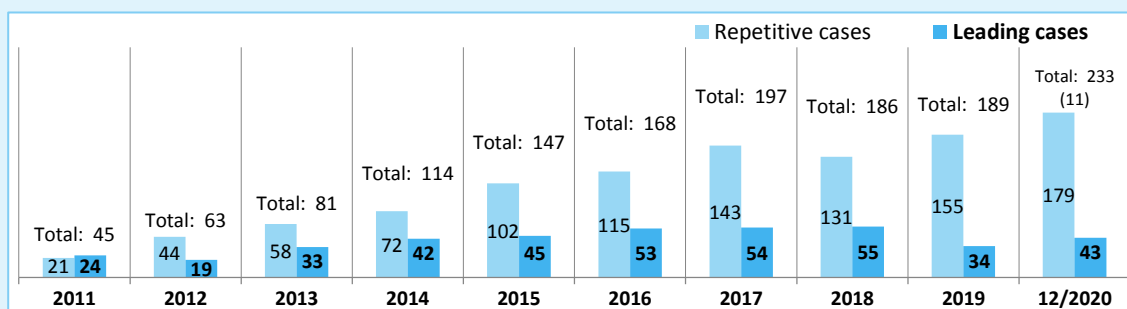
New cases

(judgments transmitted for supervision of their execution during the year)



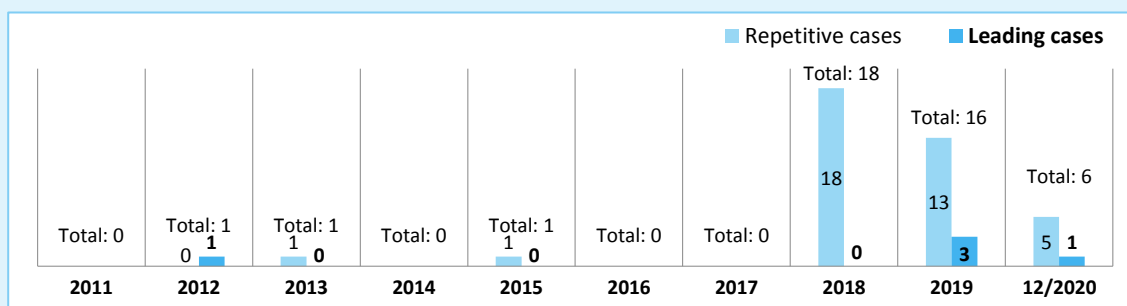
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

Pending cases

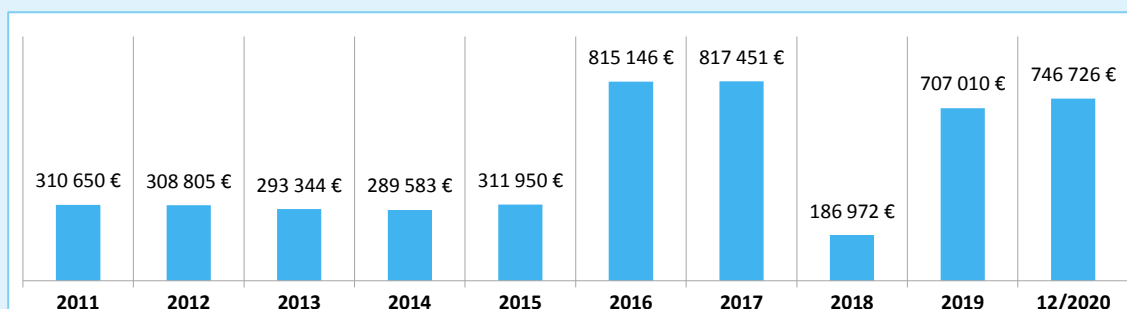


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

Cases closed by final resolution



Just satisfaction awarded by the European Court



*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.