



## Interim Resolution CM/ResDH(2017)379

Execution of the judgment of the European Court of Human Rights  
Ilgar Mammadov against Azerbaijan

*(Adopted by the Committee of Ministers on 25 October 2017  
at the 1298<sup>th</sup> meeting of the Ministers' Deputies)*

Application No.	Case	Judgment of	Final on
15172/13	ILGAR MAMMADOV	22/05/2014	13/10/2014

The Committee of Ministers, under the terms of Article 46, paragraph 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"), which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights ("the Court");

Recalling that in the above judgment the Court found not only a violation of Article 5 § 1, as no facts or information had been produced giving rise to a suspicion justifying the bringing of charges against the applicant or his arrest and pre-trial detention, but also a violation of Article 18 taken in conjunction with Article 5, as the actual purpose of these measures was to silence or punish him for criticising the government; recalling further that a joint press statement by the Prosecutor General's Office and the Ministry of Internal Affairs of the Republic of Azerbaijan during the investigations was found by the Court to have prejudged the assessment of the facts by the courts in violation of the presumption of innocence protected by Article 6 § 2 of the Convention;

Recalling the respondent State's obligation, under Article 46 § 1 of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, in addition to the payment of the just satisfaction awarded by the Court, the adoption by the authorities of the respondent State, where required, of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*;

Recalling the Committee's numerous decisions and interim resolutions calling, in view of the fundamental flaws in the criminal proceedings revealed by the Court's conclusions under Article 18 of the Convention combined with Article 5, for the immediate and unconditional release of the applicant;

Stressing that over three years have elapsed since the Court's judgment became final and that the applicant remains imprisoned on the basis of the flawed proceedings;

Considers that by not ensuring the applicant's unconditional release, the Republic of Azerbaijan is refusing to abide by the final judgment of the Court in the present case;

Therefore, serves formal notice on the Republic of Azerbaijan of its intention, at its 1302<sup>nd</sup> meeting (DH) on 5 December 2017, to refer to the Court, in accordance with Article 46 § 4 of the Convention, the question whether the Republic of Azerbaijan has failed to fulfil its obligation under Article 46 § 1, and invites the Republic of Azerbaijan to submit in concise form its view on this question by 29 November 2017 at the latest.