

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
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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: 1280 meeting (7-9 March 2017) (DH)

Communication from the applicant's representative (02/03/2017) in the case of ILGAR MAMMADOV v. Azerbaijan (Application No. 15172/13)

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 : 1280 réunion (7-9 mars 2017) (DH)

Communication du représentant du requérant (02/03/2017) dans l'affaire ILGAR MAMMADOV c. Azerbaïdjan (Requête n° 15172/13) **[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.

02 March 2017

Baku city

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SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

**THE HEAD OF THE DEPARTMENT
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS
COUNCIL OF EUROPE**

Subject: *Execution of the judgment in the case of Ilgar MAMMADOV v. Azerbaijan (application no. 15172/13)*
the applicant's representative Fuad Aghayev

Sent: Email

Dear Madam,

I would like to inform you that, up to now, the Government have not executed the ECHR judgment. Mr Mammadov hasn't been released yet.

Yesterday I had a meeting with the applicant. He asked me send you his following message:

“On this current fifth year of my life of a political prisoner in the Council of Europe member country and after your nine quarterly resolutions and decisions insisting on my release since December 2014, it has been intellectually disturbing and emotionally hard to learn that you may hear again those circles which are trying to convince you to give in to the idea that I may be released by the presidential pardon decree expected between 15 – 19 March 2017, whereas I will never ask for clemency, because I am innocent.

The aim of those circles is to prevent again your next 7 – 9 March 2017 quarterly Human Rights Meeting from applying Article 46.4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms despite the repeated warnings to the Azerbaijani authorities you had made in this regard.

Let me respectfully remind you how the authorities use the time you offer them by each quarterly postponement.

After so many years of public campaign depicting me and my civic movement as “European and American spies” (not only noise: while you were adopting resolutions on my case, two of our Board member spent a year and a month in jail for allegedly illegal use of western grants by their NGOs), a month ago the government initiated another Orwellian probe – now into my and the movement's “pro-Iranian spy activities”.

The Prosecutor's Office interrogated for several hours even my spouse, an absolutely secular housewife, who has been terrified by the prosecutor's outrageous questions presuming that she could be a part of whatever foreign conspiracy, this time Iranian.

Only thanks to a timely interference by the US government that psychological terror has been terminated.

A week ago a young activist of our movement has been sentenced to 30 days of administrative arrest under bogus charges of hooliganism and got tortured at the detention facility to which even the Red Cross has no access. I have heard that they wanted to make him a government informant in our ranks.

All of that is intolerable. The same word you had used many quarters ago in one of your resolution or decisions on my case. Since last summer you decided to review the case every week. Thank you. But what is next? Endless delays and new repressions against my supporters and closest people?

In this message I touch upon only the events of the last month. The Committee of Ministries has been dealing with the case file since December 2014.

In that respect, I would like to commend Mr Alan Destexe, Chairman of the PACE Committee for Legal Affairs, who visited me in prison two weeks ago after his meeting with Mr Ilham Aliyev and frankly said he had a firm impression that Mr Aliyev was not going to release me any time soon (the same impression has been shared with my family by a well-informed western diplomat in Baku). He did not lie to me and, most importantly, to himself.

I respectfully call on you to follow Mr Destexe's example: please avoid the trap of self-deception. Right at your next meeting on 7 – 9 March 2017 (# 1280) please refer to the European Court of Human Rights under the Convention Article 46.4 the issue of Azerbaijan's disrespect to its Council of Europe obligations. If you still want to wait for the pardon decree: your first meeting after it will be held on 22 March 2017."

Kind regards,

Fuad Aghayev