

SECRETARIAT GENERAL

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

Communication from Azerbaijan (06/03/2017) in 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 : 1280 réunion (7-9 mars 2017) (DH)

Communication de l'Azerbaïdjan (06/03/2017) dans l'affaire CHIRAGOV ET 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.



DGI

06 MARS 2017

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

**İNSAN HÜQUQLARI ÜZRƏ AVROPA MƏHKƏMƏSİ YANINDA
AZƏRBAYCAN RESPUBLİKASININ SƏLAHİYYƏTLİ NÜMAYƏNDƏSİ**

AGENT OF THE REPUBLIC OF AZERBAIJAN BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

AGENT DE LA REPUBLIQUE D'AZERBAÏDJAN AUPRES DE LA COUR EUROPEENNE DES DROITS DE L'HOMME

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No. 17/2-462

6 March 2017

Subject: Case Chiragov and Others v. Armenia (Application no. 13216/05) – Judgment (merits) of 16/06/2015

Dear Mme Mayer,

The Court's judgment in the above applicants' case concerns violation of the applicants' rights under Article 8 and 13 of the Convention and Article 1 of Protocol no. 1 because of their inability to return to their homes.

The Court held that at the present stage, and pending a comprehensive peace agreement, it would appear particularly important to establish a property claims mechanism, which should be easily accessible and provide procedures operating with flexible evidentiary standards, allowing the applicant and others in his situation to have their property rights restored and to obtain compensation for the loss of their enjoyment.

As a result of Nagorno-Karabakh conflict, more than one million Azerbaijanis have been forced to leave their homes and properties by Armenian forces and not allowed to return back home. It is an established fact and common knowledge that the whole

Azerbaijani population which resided in the territory in question before 1992-1994 had left that territories because of the occupation and became IDPs. No Azerbaijanis remain there, and the large majority of the IDPs are now living in other parts of the Republic of Azerbaijan.

The facts of the Court's cases of Zalyan, Sargsyan and Serobyen v. Armenia show not only the presence of Armenian troops in Nagorno-Karabakh but also the operation of Armenian law enforcement agents and the exercise of jurisdiction by Armenian courts on that territory.

Recent examples of the Azerbaijanis attempts to visit their homes and graves of their relatives at the occupied territories show that they are immediately suppressed by the Armenian military authorities, illegally occupying significant part of the Azerbaijani territory.

In June 2014 three Azerbaijan nationals Dilgəm Əsgərov, Şahbaz Quliyev and Həsən Həsənov were arrested by the members of the Armenian Armed Forces in the territory of the Kəlbəcər district which is under Armenian occupation. Həsən Həsənov was killed, while two others arrested and transferred to Xankəndi.

Illegal court proceedings artificially organised in respect of two individuals resulted in their unlawful conviction to life imprisonment and 22 years' imprisonment, respectively.

Their relatives' applications have been lodged with the Court; however, they are pending for more than two years, despite the outrageous situation in which the applicants found themselves on the occupied territories.

At the same time, not only individuals wishing to visit their homes in Nagorno-Karabakh, but also residents of the Azerbaijani villages and towns situated along the cease-fire line suffer from the Armenia's unlawful acts.

On 2-5 and on 27-28 April 2016 heavy shelling by the Armenian Armed Forces of Azerbaijani towns and villages in Goranboy, Tər-Tər, Ağdam, Xocavənd and Füzuli districts led to significant casualties among civilian population and destruction of properties privately owned by individuals.

Armenian shelling of the settlements resulted in six civilians killed, 33 civilians wounded, 532 houses seriously damaged, 31 houses completely destroyed, 57 houses became unfit to live in, five schools, three kindergartens, two clinics, one community centre and two administrative buildings, three catering businesses, 27 auxiliary buildings seriously damaged, 309 head of cattle killed, 208 hectares of grain fields and 28 hectares of beetroot fields became unfit for cultivation, three sub-stations and five high-voltage power lines in three villages, thirty transformers in nine villages, 357 electrical poles, 297 traverses, 1,084 isolators, 49 meters, three kilometres of cables, 42 kilometres of conductors in 14 villages,

15 sub-artesian wells in eight villages, water containers and water lines in three villages, gas lines in seven villages, 9,560 meters of communication lines, 320 meters of conductors, 17 communication poles in seven villages, and four kilometre section of Tap Qaraqoyunlu – Naftalan road completely destroyed.

Above facts clearly indicate that the Committee of Ministers and the Council of Europe, as a whole, have to adopt strict measures in order to secure Armenia's execution of the judgment in the above applications.

Yours sincerely,



Çingiz Əsgərov

Cc: Permanent Representation of Azerbaijan to the Council of Europe