

Azerbaijan

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries¹ of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms referring, however, also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.²

¹ The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

² The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued [Recommendation \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

► Protection against abusive limitation of the right to liberty and security

The applicants, an opposition leader and a human rights defender, were released. Following the Court's judgment under Article 46§4 of the Convention, in April 2020, the Supreme Court quashed the convictions of Ilgar Mammadov and Rasul Jafarov and awarded them compensation for non-pecuniary damage resulting from their unlawful arrest and imprisonment. The Committee launched the first-ever infringement proceedings under Article 46§4 of the Convention given that, although the applicants had been released from detention, their convictions remained standing, entailing serious impediments to their personal and professional activities. By its judgment of 29 May 2019, the European Court confirmed Azerbaijan's failure to fulfil its obligation to execute the Ilgar Mammadov judgment of 2014.

Ilgar Mammadov
(15172/13)
Ilgar Mammadov (No2)
Rasul Jafarov

[Final Resolution](#)
[CM/ResDH\(2020\)178](#)

► Functioning of justice

▢ Access to court

In 2004, the Court of Appeal's failure - due to the misapplication of domestic legislation - to either deal with the applicant's appeal against his conviction or formally reject the appeal for lack of competence, was redressed by the applicant's release from prison under a presidential pardon and reduction of his sentence by the Plenary Chamber of the Supreme Court. After the European Court's judgment, the applicant's new appeal was rejected due to non-compliance with procedural provisions, given that the applicant had not made use of other remedies available to him. The European Court's judgment was translated and published in the official gazette of the Ministry of Justice, widely disseminated among judges and legal professionals, and included in the training curricula for judges.

Hajiyev (5548/03)

[Final Resolution](#)
[CM/ResDH\(2019\)170](#)

► Protection of property rights

An apartment, which had been unlawfully occupied by internally displaced persons, was restored to the applicant following the formal indefinite postponement of his eviction due to the misapplication of the law by domestic courts. Targeted dissemination of the Court's judgment, by the authorities in 2009, appeared to be sufficient to avoid similar violations.

Akimova (19853/03)

[Final Resolution](#)
[CM/ResDH\(2019\)70](#)