Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15149
24 September 2020

Reported cases of political prisoners in Azerbaijan

Reply to Recommendation[1]: Recommendation 2170 (2020)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2170 (2020) "Reported cases of political prisoners in Azerbaijan". As noted in the recommendation, the Committee closely supervises the execution of the judgments cited as part of its enhanced supervision procedure.

2. The Committee points out that in the Ilgar Mammadov group of cases, the Court found, in respect of each of the eight applicants, a violation of Article 18 in conjunction with Article 5 of the Convention. Following the procedure initiated by the Committee of Ministers under Article 46, paragraph 4, of the Convention, the Court confirmed in its Grand Chamber judgment of 29 May 2019 that Azerbaijan has failed to fulfil its obligation under Article 46, paragraph 1, of the Convention to abide by the *Ilgar Mammadov* judgment of 22 May 2014.

3. In its Interim Resolution CM/ResDH(2020)47, adopted on 5 March 2020, the Committee of Ministers reiterated that the findings of the European Court made it clear that *restitutio in integrum* in the Ilgar Mammadov group of cases required the quashing of the applicants' convictions, the erasure of the convictions from their criminal records and the elimination of all other consequences of the criminal charges brought against them, including by fully restoring their civil and political rights. It urged the Azerbaijani authorities to ensure that all the necessary individual measures be taken in respect of each of the applicants without any further delay and to report to the Committee by 30 April 2020 at the latest. On 23 April 2020, the Azerbaijani authorities informed the Committee that the Plenum of the Supreme Court had re-examined the cases of Ilgar Mammadov and Rasul Jafarov and quashed their convictions in the light of the findings of the European Court of Human Rights, also awarded them compensation for non-pecuniary damages. At its 1377bis meeting (1-3 September 2020), the Committee resumed its consideration and decided, *inter alia*, to close the supervision of the cases in respect of Ilgar Mammadov and Rasul Jafarov and urged the authorities to urgently ensure a rapid *restitutio in integrum* for each of the six other applicants. The Committee will resume its consideration at its 1390th meeting (1-3 December 2020) (see CM/Del/Dec(2020)1377bis/H46-3).

4. With regard to the Gafgaz Mammadov group of cases, the Committee found that there were no outstanding individual measures in respect of the administrative arrest of the applicants, at the time of the events, for a period ranging from 3 to 15 days and who were no longer in detention. The Committee's enhanced supervision now focuses on the complex problems stemming from the non-compliance of the domestic legislation on public assemblies with the requirements of Article 11 of the Convention. In this context, the Committee firmly called upon the authorities to provide a comprehensive action plan or action report on the measures taken or envisaged to address these problems. The Committee will continue to closely supervise the execution of the Court's judgments in this group of cases.

1. Adopted at the 1384th meeting of the Ministers' Deputies (23 September 2020).