

AMNESTY INTERNATIONAL PUBLIC STATEMENT

6 December 2017

Index: EUR 55/7568/2017

Azerbaijan's unlawful detention of Ilgar Mammadov leads to unprecedented infringement proceedings with a referral to the Strasbourg Court

Amnesty International welcomes the 5 December decision by the Council of Europe to open infringement proceedings against Azerbaijan for its refusal to respect the 2014 judgment of the European Court of Human Rights (ECHR) and release a prominent opposition leader and prisoner of conscience Ilgar Mammadov.

Azerbaijan must finally respect its obligations under the European Convention on Human Rights, which it chose to ratify 15 years ago, and release Ilgar Mammadov immediately and unconditionally.

This is the first time that infringement proceedings have been initiated under Article 46.4 of the European Convention on Human Rights, and the first time that a request has been made to the European Court of Human Rights to rule on a failure of a Council of Europe member state to implement a Court's judgment.

The Interim Resolution adopted by the Committee of Ministers of the Council of Europe requests the European Court of Human Rights to rule whether Azerbaijan has failed to abide by its 2014 ruling in accordance with its obligations under the European Convention on Human Rights.¹

Background

Ilgar Mammadov, the leader of the opposition group Real, was arrested in February 2013 after he, together with his colleague journalist Tofiq Yagublu, travelled on 23-24 January 2013 to the northern Azerbaijani city of Ismayili to observe demonstrations and riots that were taking place there at the time.

In March 2014, the Shaki Court of Grave Crimes in Azerbaijan found the two men guilty of the charges and sentenced Ilgar Mammadov to seven years and Tofiq

¹ Committee of Ministers Interim Resolution, 5 December 2017:

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168076cc33

Yagublu to five years in prison. Amnesty International recognised Ilgar Mammadov and Tofiq Yagublu as prisoners of conscience, since they were deprived of liberty solely for the peaceful exercise of their human rights.

On 22 May 2014, the Strasbourg Court ruled that Azerbaijan violated the rights of Ilgar Mammadov under articles 5.1 and 5.4 (right to liberty), 6.2 (presumption of innocence) and 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights.² The Court found that the actual purpose of the impugned measures was to punish the applicant for having criticised the government. On 5 November 2015, the Court issued a separate ruling in the case of Tofiq Yagublu also finding a violation of Article 5.³ Tofiq Yagublu was released in March 2016 under a presidential pardon order.

On 13 September 2017, the Secretary General of the Council of Europe called on the member states of the Council of Europe to support an article 46.4 ECHR infringement procedure against Azerbaijan.

On 25 October, the Committee of Ministers adopted an interim resolution giving formal notice to Azerbaijan of the Committee's intention to bring before the European Court of Human Rights the question on whether Azerbaijan has failed to fulfil its obligation to "abide by the final judgment of the Court".

On 16 November 2017, the European Court of Human Rights passed another judgment on the case of Ilgar Mammadov. This time the Court found a violation of the right to a fair trial during Ilgar Mammadov's court proceedings in Azerbaijan.⁴

² Ilgar Mammadov v. Azerbaijan (Application No. 15172/13),

³ Yagublu v. Azerbaijan (application no. 31709/13)

⁴ Ilgar Mammadov v. Azerbaijan (no. 2) (application no. 919/15)