

AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date: 21 November 2016
Index: EUR 55/5187/2016

Azerbaijan's Supreme Court decision to leave Ilgar Mammadov in jail is an affront to human rights and the Council of Europe

On 18 November, the Supreme Court of Azerbaijan considered the appeal by the Azerbaijani prisoner of conscience, opposition leader Ilgar Mammadov, against his seven year-long prison sentence, and ruled to uphold it. This not only keeps in prison a person who never should have been placed there in the first place, but also contravenes Azerbaijan's explicit legal obligations, and is an affront to the Committee of Ministers of the Council of Europe which has repeatedly demanded that Azerbaijan complies with the 2014 decision by the European Court of Human Rights and immediately sets Ilgar Mammadov free.

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. People in Ismayili had taken to the streets in protest after the nephew of the local governor reportedly assaulted a local man in a road rage incident. Ilgar Mammadov and Tofiq Yagublu, who merely observed and reported on the events, were charged with inciting anti-government riots.

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 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.

Tofiq Yagublu was released in March 2016 under a presidential pardon order.

The European Court of Human Rights ruled in May 2014 that Ilgar Mammadov's arrest and prosecution contravened the European Convention on Human Rights, found that there had been no evidence of him having committed a crime, and that the actual purpose of his detention had been to silence or punish him for criticising the government. The judgment became final on 13 October 2014, when the Court rejected an appeal from the government of Azerbaijan. Following this, on 4 December 2014, the Committee of Ministers of the Council of Europe demanded that Ilgar Mammadov be released without delay, in compliance with the Court's ruling. The Azerbaijani authorities have ignored this and subsequent requests from the Committee of Ministers to release Ilgar Mammadov.

Article 46(1) of the European Convention on Human Rights and Fundamental Freedoms, which Azerbaijan ratified in 2002, provides in unequivocal terms that "The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties."

In a statement issued on 18 November 2016, the Council of Europe Secretary General Thorbjørn Jagland condemned the decision of the Supreme Court of Azerbaijan, calling it a "...flagrant disrespect of the European Convention on Human Rights [which] undermines the entire scope of our cooperation [and] affects the 47 Member States of the Council of Europe who have a collective responsibility for the implementation of the Convention". The Secretary General also found that "the severity of this development for Azerbaijan as a member of the Council of Europe cannot be underestimated".

Azerbaijan must respect and protect those who exercise their human rights peacefully rather than prosecute and imprison them. It must fulfil its international legal obligations and immediately and fully comply with the European Convention of Human Rights by respecting the binding decision by the European Court of Human Rights. It must release Ilgar Mammadov immediately and unconditionally.

The Council of Europe, in its turn, should take a decisive action against such a flagrant and persistent violation of the Convention and of the principles on which it is founded, including respect for the binding judgments of the European Court of Human Rights.

END/