

# ECHR - Azerbaijan:

---

*2021, ANNUAL ANALYSIS*

**MEDIA RIGHTS GROUP** - is a civil society initiative working in Azerbaijan, especially in the field of adapting legislation and practice related to media freedom to advanced standards, protecting media and journalists, promoting freedom of expression and other basic rights, advanced practices.

**THIS ANALYSIS** is about the activities of the European Court of Human Rights (ECHR) in 2022 related to Azerbaijan. In the analysis, all decisions and judgments adopted by the ECHR on applications sent from Azerbaijan during one year, as well as their brief description, were included. Violations and compensations determined by the ECtHR, applications communicated with the Government of Azerbaijan in one year are summarized in this document. Also, developments in the field of implementation of the judgments adopted by the ECHR regarding Azerbaijan in previous years were explained.

***AUTHOR OF THE DOCUMENT:***

Khalid Aghaly, [aghallkhal@gmail.com](mailto:aghallkhal@gmail.com);  
[www.aihmaz.org](http://www.aihmaz.org)

***TABLE OF CONTENTS:***

**General analysis**

**Judgments and decisions issued on the merits**

*Cases where the ECtHR did not find violations in judgments related to Azerbaijan*

*Cases where a violation of Article 2 (right to life) is recognized*

*Cases where a violation of Article 3 (right not to be subjected to torture, ill-treatment) is recognized*

*Cases where a violation of Article 4 (prohibition of slavery) is recognized*

*Cases where a violation of Article 5 (right to liberty and security) is recognized*

*Cases where a violation of Article 6 (right to a fair trial) is recognized*

*Cases where a violation of Article 8 (respect for private life) is recognized*

*Cases where a violation of Article 10 (freedom of expression) is recognized*

*Cases where a violation of Article 11 (right to association) is recognized*

*Cases where a violation of Article 1 (right to property) of Protocol No. 1 is recognized*

*Cases where a violation of Article 18 of the Convention (Limitation on use of restrictions on rights) is recognized*

*Cases where violations of other articles of the Convention are recognized*

**Inadmissible applications**

**Applications struck out of the list**

*Friendly settlements*

*Cases struck out based on a unilateral declaration by the Government*

*Other*

**Violations identified by the ECtHR in 2021**

**Just satisfaction determined by the ECtHR for pecuniary, non-pecuniary damages, costs and expenses**

**Cases the ECtHR communicated with the Government of Azerbaijan in 2021**

**Implementation status of ECtHR judgments in 2021**

## GENERAL ANALYSIS

In 2021, the ECHR announced its final judgments and decisions on more than 250 applications sent from Azerbaijan. 36 of them were on the merits. The Court recognized most of the alleged violations in 35 of those judgments. Most of the violations recognized in the judgments regarding Azerbaijan were related to the right to liberty and security. Next come violations of the right to a fair trial.

In 2021, the ECtHR ruled on the violation of Article 18 of the Convention in two judgments regarding Azerbaijan. In 2021, the ECtHR also found a violation of Article 4 of the Convention for the first time in relation to Azerbaijan. That judgment was issued based on the complaint of 33 foreign citizens. At the same time last year, the ECtHR considered for the first time the non-response to the journalist's information request as a violation of Article 10 of the Convention.

In 2021, consideration of 44 applications sent from Azerbaijan was ended on the basis of a friendly settlement, and consideration of 55 applications was ended on the basis of a unilateral declaration submitted by the Government. In those cases, the applicants should be compensated for non-pecuniary damages, costs and expenses.

In 2021, 12 of the more than 200 judgments announced by the ECtHR regarding Azerbaijan were considered implemented. The Committee of Ministers of the Council of Europe, which supervises the implementation of ECtHR judgments, closed the supervision of the implementation of 10 judgments that ended in a friendly settlement, and 2 judgments that were adopted on the merits.

## JUDGMENTS and DECISIONS ISSUED ON THE MERITS

In 2021, the ECtHR adopted 36 judgments on the merits in relation to Azerbaijan. These judgments were made based on the complaints of more than 150 applicants. The Court recognized most of the alleged violations in 35 of those judgments, and only in one case it did not find a violation.

### *Cases where the ECtHR did not find violations in judgments related to Azerbaijan*

In 2021, the ECtHR did not recognize the alleged violation of the Convention only in one case, [Fariz Ahmadov v. Azerbaijan](#).

In this case, the applicant, who was charged and convicted of a drug crime, argued that the national courts were not fair. The applicant stated that the testimony of one of the witnesses he was confronted with during the preliminary investigation was the only evidence for his conviction. Which was accompanied by a violation of the applicant's right to defense (without a lawyer), even the local courts recognized it. The applicant argued that because the evidence was in dispute, all other decisions made in the context of his trial should have been considered illegal.

The ECtHR did not accept the applicant's claims, stating that the evidence obtained during the confrontation was not the only basis for the applicant's drug conviction, as he claimed. "The Court, in general, examining the proceedings as a whole, sees no reason to find that it was unfair and that the decisions of the national courts were arbitrary or otherwise contrary to Article 6 of the Convention," the judgment emphasized.

### *Cases where a violation of Article 2 (right to life) is recognized*

In 2021, the ECtHR ruled on the violation of the right to life in 3 judgments regarding Azerbaijan. All these judgments were issued based on the applications of non-citizens of Azerbaijan. In those judgments, among other violations, the violation of the right to life was found. These judgments also impose an obligation on the government to pay the applicants a total of over 110,000 euros in compensation.

In the case of [Aleksandr Lapshin v. Azerbaijan](#), where the violation of the right to life was recognized, the applicant had the citizenship of Israel, Russia and Ukraine, he was detained, imprisoned and deprived of his liberty due to his illegal entry into the Nagorno-Karabakh region of Azerbaijan. The applicant claimed that during his last days in prison he was attacked and his life was not protected. The ECtHR recognized the violation of Article 2 in relation to the applicant, both from the substantive and procedural aspects. In the cases of [Khojoyan and others v. Azerbaijan](#) and [Petrosyan v. Azerbaijan](#), the applicants were citizens of Armenia. These applications were related to the detention of 2 people by the Azerbaijani military, one of whom died in Azerbaijan, and the other died after being returned to Armenia. The ECtHR ruled that both aspects of Article 2 were violated in these cases.

### *Cases where a violation of Article 3 (right not to be subjected to torture, ill-treatment) is recognized*

In 2021, the ECHR ruled on the violation of Article 3 in 5 judgments regarding Azerbaijan. The Court found 7 violations in those judgments (*torture (1), inhuman or degrading treatment (4), lack of effective investigation (2)*). 3 of these judgments were issued based on the applications of Armenian citizens.

The case of Khojoyan and others, as well as the case of Petrosyan, was reported in the previous section. The case of [Badalyan v. Azerbaijan](#), in which the violation of Article 3 was recognized, was related to the arrest of the applicant at the Azerbaijan-Armenia border and his detention in Azerbaijan for 22 months. The applicant claimed that his rights guaranteed by Articles 3 and 5 of the Convention were violated during his detention in Azerbaijan. The ECtHR found both claims to be well-founded. This judgment also provides for the payment of 30,000 euros compensation to the applicant.

The case of [Elchin Hasanov v. Azerbaijan](#) was related to allegations that the applicant, a journalist, was detained and beaten by police officers while filming a peaceful protest action. In the case of [Bakhtiyar Hajiyev v. Azerbaijan](#), the applicant, who is a political activist, complained about being detained at the police station and the fact that the illegality of the detention was not investigated effectively. The ECtHR ruled on the violation of the procedural aspect of Article 3 in the Hasanov case, and on the violation of both the procedural and substantive aspects in the Hajiyev case. It also provides for a total of 20,350 euros in compensation to be paid to the applicants for the two judgments.

### *Cases where a violation of Article 4 (prohibition of slavery) is recognized*

In 2021, the ECtHR decided for the first time on the violation of Article 4 in relation to Azerbaijan. The said judgment was adopted based on the complaints of 33 applicants. The decision envisages payment of a total of 165,000 euros in compensation to the applicants.

In the case of [Seudin Zoletic and 32 others v. Azerbaijan](#), in which a violation of Article 4 was found, 33 applicants, citizens of Bosnia and Herzegovina, claimed that they had been deceived in Azerbaijan. In their complaint to the ECtHR, they stated that they worked in the construction of the famous shopping and other famous centers in Baku. They claimed that it was agreed to be paid 5-7 dollars per hour, to be placed in apartments provided with the necessary conditions, but only 3-4 dollars were paid, and their living conditions were unbearable. Their passports were taken from their hands, they were placed in barracks with no bathrooms or toilets, where up to a hundred people could fit, where strict internal rules were applied. Only after the intervention of human rights organizations, the applicants, who were paid a small amount, were able to get their passports back and return to their countries.

### *Cases where a violation of Article 5 (right to liberty and security) is recognized*

Violations of Article 5 was recognized in 9 judgments regarding Azerbaijan in 2021. These judgments were issued in relation to 17 applicants. According to these judgments, a total of 108 thousand 350 euros should be paid to the applicants in non-pecuniary damages, costs and expenses.

Some of the judgments recognizing the violation of Article 5 were issued on the basis of the applications of socio-political activists with opposing views. The case of [Tofiq Yagublu v. Azerbaijan](#) in which the applicant, a representative of the opposition party, was twice detained and administratively fined by the police before the action of the opposition forces in May 2012, was related to the allegations of the illegality of those actions. In the case of [Alisa Hasanov v. Azerbaijan](#), the applicant complained about the illegality of being detained by the police during a picket held in Saatli district and held in police custody for 7-8 hours. In the case of [Mammad Azizov and Shahin Novruzlu](#), where the illegality of pre-trial detention was contested, the applicants were young socio-political activists. In [Ilgar Feyzov's case](#), the applicant raised the issue of illegal detention. In the cases of [Elnur Mammadov and Idrak](#)

[Abbasov](#) and [Avaz Zeynalli](#), which are the cases related to journalists, among others, the violation of Article 5 was raised. The first case was related to the detention of a journalist detained by the police in a car for more than 1 hour while performing his professional activities. In the second case, it was claimed that the detention of the journalist until the trial was illegal. In the case of [Emin Alakbarov and others](#), 7 applicants were members of one of the religious sects. The ECtHR considered that taking the applicants who had gathered for a religious service to the police station and detaining them overnight was a violation of the right to liberty and security.

The [Badalyan](#) case and the Khojuyan and others case, in which the Court found a violation of Article 5 as well as Article 3, have been reported in previous sections.

### *Cases where a violation of Article 6 (right to a fair trial) is recognized*

In 2021, the ECtHR found a violation of Article 6 in relation to 9 applicants in 6 judgments regarding Azerbaijan. In the judgments, 30 thousand 950 euros of non-pecuniary damage, costs and expenses were determined.

In 3 of those judgments, only the violation of the right to a fair trial was determined. [Turan Ibrahimov's case](#) was related to the administrative arrest of young political activists, as in the case of [Jabbar Savalanli v. Azerbaijan](#). The applicants claimed that the refusal to allow them to be represented by a lawyer of their choice during the trial led to an interference with their rights guaranteed by Article 6 of the Convention.

In the case of [Karimov and others \(two persons\) v. Azerbaijan](#), the applicants disputed the illegality of their detention due to the failure to repay the money they had received. In the case of two applicants, [Ulvi Hasanov and Majid Majidli](#), who were arrested by the police while distributing leaflets with protest contents at the metro station, detained by the police for one night, and then administratively detained for 15 days, the ECtHR recognized the violation of the right to freedom of expression in addition to Article 6. In the case of [Avaz Zeynalli](#), in which the violation of Articles 5, 8 and 10 was found in addition to Article 6, and the case of Tofiq Yagublu, in which the violation of Article 5 was recognized, were reported in the previous section. In the [Yagublu case](#), the ECtHR ruled that both Articles 6.1 and 6.3 were violated.

### *Cases where a violation of Article 8 (respect for private life) is recognized*

The ECtHR decided on the violation of Article 8 in 3 judgments regarding Azerbaijan within 1 year.

In the case of [Avaz Zeynalli v. Azerbaijan](#), in which violations of Articles 5, 6 and 10 were also determined, the ECtHR considered the claim regarding the illegality of the seizure of personal and professional belongings during the inspection of the office of the applicant, who is a journalist, justified. The applicant was also a journalist in the case of [Azer Ahmadov v. Azerbaijan](#). In this case, the applicant's telephone conversations were intercepted by special services within the framework of the investigation of the stabbing of one of his colleagues. The applicant referred to the absence of a decision to listen to his conversations. The Court found the applicant's claims to be well-founded and determined 7,000 euros in non-pecuniary damages, costs and expenses.

The case of [Sayyara Ahmadova v. Azerbaijan](#) was related to the decisions to demolish the applicant's house and evict her and her daughter without compensation. According to the complaint, the courts decided to demolish the house that the applicant bought, which was found to have been built without permission 3 years later. At the time

of the application, those decisions had not been implemented. In this case, the European Court considered that if the applicant's eviction and demolition of the house took place, his rights guaranteed by Article 8 of the Convention would be considered violated.

### *Cases where a violation of Article 10 (freedom of expression) is recognized*

In 2021, the ECtHR recognized the violation of the right to freedom of expression in 6 judgments regarding Azerbaijan. These judgments were issued in relation to 9 applicants. In 4 cases, only violation of Article 10 was determined. According to those judgments, the applicants should be paid a total of 6,600 euros in non-pecuniary damages, costs and expenses.

In 2021, the ECtHR recognized for the first time in relation to Azerbaijan the non-response to a journalist's request for information as a violation of the right to freedom of expression. The applicant was the editor of Azadlig newspaper, in the case of [Rovshan Hajiyev v. Azerbaijan](#). In 2001 and 2003, the President of Azerbaijan signed a decree on the assessment of the impact of the Gabala Radiolocation Station, which had been operating since 1985 and belonged to the Soviet army at that time, on the environment and the health of the population. By the decree, a joint Azerbaijan-Russia commission on population health and environmental control was established, and the Minister of Health was appointed as the chairman of the commission. In 2010, the applicant sent an information request to the Ministry of Health and the Cabinet of Ministers in order to find out whether the mentioned commission was functioning or not, and asked for a copy of the reports on the impact of the station on the environment and public health. However, he was not given any information. The applicant's appeals to the courts were also rejected. Relying on Article 10 of the Convention, the applicant claimed that the withholding of information of public interest by public authorities constituted an interference with his right to freedom of expression. The ECtHR considered his claims to be well-founded.

In the case of [Avaz Zeynalli v. Azerbaijan](#), violation of Articles 5, 6, and 8 was found along with Article 10. In the case of [Elnur Mammadov and Idrak Abbasov v. Azerbaijan](#), which was issued based on the complaints of two journalists who were prevented from performing their professional activities by the police, the ECtHR concluded that the provisions of Article 10 were not followed in relation to both journalists.

This court case was related to the events that happened in 2009. The applicants, who are employees of the Institute for Reporters' Freedom and Safety, were sent to collect information from the police operation carried out at the office of the "Milli Yol" newspaper. While the applicants were filming, people in civilian clothes interfered with them - the journalists were cursed, their arms were twisted, they were prevented from filming, and their photo and video equipment was taken from their hands. One of the applicants, Mammadov, was forced into a car and released after a 1-hour "walk" in an unfamiliar area. The applicants had argued before the ECtHR that there had been a violation of their rights to liberty and security, freedom of expression and an effective remedy.

The cases of [Ali Hasanov v. Azerbaijan](#), [Mahmudov and Aghazade v. Azerbaijan](#), in which a violation of the right to freedom of expression was recognized, were related to the prosecution of critical journalists for defamatory statements. In the case of [Ulvi Hasanov and Majid Majidli v. Azerbaijan](#), the ECtHR considered punishing young people who distributed leaflets with critical content by bringing them to administrative responsibility as a the violation of the right to freedom of expression.

### *Cases where a violation of Article 11 (right to association) is recognized*

In 2021, the violation of Article 11 was recognized in 3 judgments announced by the ECtHR in relation to Azerbaijan. All these cases are related to the illegality of refusing to register NGOs and canceling their registration. 3 judgments were issued in relation to 27 applicants, providing for the payment of non-pecuniary damages, costs and expenses to the applicants in the amount of 92 thousand 230 euros in total. In all the judgments, only the violation of Article 11 was recognized.

In the case of the [Election Monitoring Center and others v. Azerbaijan](#), the applicants complained about the illegality of the delay in the state registration of the NGO, followed by the cancellation of the registration. The Court emphasized that the decisions and actions of state institutions violated Article 11 in both aspects. 12 applicants in the of [Mehman Aliyev and others v. Azerbaijan](#), and 13 applicants in the case of [Elchin Abdullayev and others v. Azerbaijan](#), disputed the illegality of refusing to register the NGO they were the founders of. Violations of Article 11 were found in relation to all applicants.

### *Cases where a violation of Article 1 (right to property) of Protocol No. 1 is recognized*

In 2021, violation of property rights was found in 6 judgments related to Azerbaijan. 6 judgments were issued in relation to 31 applicants. In 4 of these judgments, the ECHR determined just satisfaction for pecuniary, non-pecuniary damages, costs and expenses - a total of 635 thousand 30 euros.

In the case of [Fatma Ganiyeva and 17 other people](#), where the violation of the property right was found, the illegality of taking the garden plots from the hands of the applicants and canceling the land lease contracts concluded with them in court was disputed. The case of [Zulfiyya Aliyeva and others \(6\) v. Azerbaijan](#) was related to the illegality of the demolition of the applicants' apartments on the basis of road construction.

In the case of [Par and Hyodo v. Azerbaijan](#), the applicants were citizens of Turkey and Japan. Their complaint was related to being detained by customs authorities and taking an undeclared amount of money while passing through Baku International Airport in 2010 and 2011. Claiming that the amount of money belonging to them was confiscated illegally and under pressure, the applicants claimed that their property rights were interfered with. In this case, the European Court held that there had been a violation of property rights against the applicants. According to the judgment, the Government must pay 210,000 euros to the first applicant and 127,000 euros to the second applicant in pecuniary damages.

In the case of [Gazanfar Mammadov v. Azerbaijan](#), the object of the dispute was the demolition of the cafe owned by the applicant as a bona fide buyer. In this case, the Court did not determine compensation, as the applicant did not make a financial claim. In the case of [Sugra Guliyeva v. Azerbaijan](#), the 0.3-hectare plot of land on which an agricultural building and a house was built was taken from the applicant. The Court recognized the violation of property rights, but emphasized that it was not ready to decide on compensation issues.

In the case of Democracy and Human Rights Resource Center and Asabali Mustafayev v. Azerbaijan, the ECtHR recognized the violation of the applicants' property rights together with Article 18 of the Convention. This case is reported in the next section.

### *Cases where a violation of Article 18 of the Convention (limitation to use of restrictions on rights) is recognized*

In 2021, the ECtHR decided on the violation of Article 18 in relation to 4 applicants in 2 judgments regarding Azerbaijan. These two judgments provide for the compensation of 68 thousand 400 euros to the applicants.

In the case of [Mammad Azizov and Sahin Novruzlu v. Azerbaijan](#), the applicants claimed that their pre-trial detention was illegal and was carried out for the purpose of political persecution. The ECtHR found a violation of Article 18 taken in conjunction with Article 5 in this case.

In the case of [Democracy and Human Rights Resource Center and Asabali Mustafayev v. Azerbaijan](#), the first applicant was the Democracy and Human Rights Resource Center, a public association specializing in legal education and human rights protection, and the second applicant was Asabali Mustafayev, a lawyer and founder and chairman of the first applicant. The case was related to appeals against the court decisions against the applicants in the framework of the investigation of the criminal case opened against the NGOs in 2014 on the basis of financial violations. Both applicants complained of interference with their rights to property and effective remedies in the context of the freezing of their bank accounts. A. Mustafayev, who was banned from leaving the country, also complained about interference with the right to freedom of movement. The applicants claimed that the restrictions on their rights were politically motivated, part of an official campaign against human rights defenders and NGO activists in Azerbaijan, and were designed to paralyze their activities. The ECtHR held that there had been a violation of Article 18 of the Convention taken in conjunction with Article 1 of Protocol No. 1 and Article 2 of Protocol No. 4 in relation to the applicants.

### *Cases in which violations of other articles of the Convention are recognized*

In 2021, the ECtHR concluded that the state did not fulfill its obligations under Article 34 of the Convention (right to individual application) in 7 judgments regarding Azerbaijan. Those 7 judgments were announced in relation to 19 applicants. Failure to comply with the obligations under Article 34 of the Convention was determined in the judgments in the cases of [Ramiz Asgarov](#), [Mehman Aliyev and others](#), [Solmaz Salmanova](#), [Khaver Alibeyova](#), [Elchin Hasanov](#), [Bakhtiyar Hajiyev](#), [Election Monitoring Center and others](#). Apart from these, the ECtHR found a violation of the rights to have an effective remedy (Article 13) and freedom of movement (Article 2 of Protocol No. 4) in the case of [Democracy and Human Rights Resource Center and Asabali Mustafayev v. Azerbaijan](#).

## APPLICATIONS THAT THE ECtHR CONSIDERED INADMISSIBLE REGARDING AZERBAIJAN

In 2021, the ECtHR adopted 9 decisions on inadmissibility regarding Azerbaijan (reasoned decisions). 9 decisions were issued in relation to 14 applicants.

In its decision on two more applications, the ECtHR concluded that the applications were inadmissible. Those cases are as follows.

In the case of [Yadigar Sadigli v. Azerbaijan](#), the applicant was arrested on the charge of hooliganism, the courts found the charge justified and sentenced him to 6 years in prison. International human rights organizations, which consider the criminal case unfounded, declared the opposition politician a prisoner of conscience. Y. Sadigov complained about being kept in a metal cage during the court sessions held on that criminal case. The ECtHR considered the application inadmissible on the basis of non-compliance with the 6-month time limit. In the case of [Mammad Gurbanov and Nadir Mammadov](#), the applicants who claimed to have been abused by customs officers were arrested on charges of resisting a public official after they filed a complaint with the police. The complaint of the applicants, who considered those charges trumped-up, was considered inadmissible on the basis of not exhausting domestic remedies.

The cases of [Elmar Pashayev and others v. Azerbaijan](#) and [Kamran Bayaliyev v. Azerbaijan](#), where the violations of freedom of movement, non-discrimination, right to a fair trial were disputed, were also declared inadmissible on the basis of non-exhaustion of domestic remedies.

In the case of [Beyler Abbasov v. Azerbaijan](#), where it is alleged that there was an illegality in the payment of the relevant allowance for war veterans, the case was considered inadmissible as the allegations were considered unfounded. In the case of [Elchin Mammad](#), a decision with the same content was adopted because the representative did not submit a power of attorney. The cases of Solmaz Orujova and [Eyyub Tahirov](#), where the violation of the right to property and effective means of defense were disputed, were considered inadmissible on the basis of non-exhaustion of domestic remedies. The decision of the ECtHR in the case of [King and others v. Azerbaijan](#) is based on the same ground.

## APPLICATIONS STRUCK OUT OF THE LIST

### *Cases where the applicants and the Government had a friendly settlement*

In 2021, 17 decisions based on friendly settlement were adopted regarding Azerbaijan. According to those decisions, 44 applications were struck out of the list of cases to be considered. For the cases that ended in friendly settlement, the applicants should be paid more than 179,000 euros in non-pecuniary damages, costs, and expenses.

A violation of the right to a fair trial was contested in 29 of the applications that ended in a friendly settlement. In the case of [Natig Mirzayev v. Azerbaijan](#), the applicant, who was a prisoner, disputed the injustice of the court's decisions on his claim against the prison authorities. In the case of [Durnisa Ahmadova v. Azerbaijan](#), the applicant disputed the unfairness of the decisions of the courts on the charges against the applicant, who was found guilty of the crime of hooliganism. [Rzamov and 9 other applicants](#), who were members of a religious sect, alleged a violation of Article 6, along with the right to liberty and security, freedom of religion. In the case of [Muradov and other 8 applicants v. Azerbaijan](#) and in the case of [Mirzabayov and others v. Azerbaijan](#), the non-execution of national court decisions was complained. In the case of [Elvin Adiyev and Elchin Namazov v. Azerbaijan](#), the applicants disputed the illegality of the court decisions that provided for their administrative punishment. In the case of [Zaur Gurbanli](#), the issue of illegality of criminal prosecution against the applicant was raised. Similar violations were raised in the cases of [Zulfugar Ibrahimov v. Azerbaijan](#), as well as [Tural Abbasli v. Azerbaijan](#).

Several of the cases that ended in a friendly settlement involved alleged violations of the right to freedom of movement. In the case of [Elshan Aliyev](#), in the case of [Parviz Hashimli and others](#), in the cases of [Vidadi Insanov v. Azerbaijan](#), the same allegations of violations were made. In the case of [Ravan Sabzaliyev](#), the violation of the right to freedom of religion, in the cases of [Elshad Tahmazov](#) and [Zulfugar Ibrahimov v. Azerbaijan](#), the violation of liberty and security, and in the case of [Nemat Karimli](#), mainly the violation of the right to respect for private life and freedom of expression was disputed.

In the case of [Mubariz Rahimli and 5 other applicants v. Azerbaijan](#), all of the applicants wanted to be candidates for the next parliamentary elections held in 2015 and in the second elections held in 2016, but the higher election body did not register their candidacy on the grounds that they did not submit enough valid voter signatures. The applicants' appeals to the supreme electoral body and the courts were rejected. Before the ECtHR, the violation of the right to election and effective remedy was disputed.

### *Cases struck out of the list based on a unilateral declarations by the Government*

In 2021, the European Court adopted decisions to struck 55 applications out the list of pending cases, taking into account the unilateral declarations submitted by the Government. A total of 9 decisions were issued on the basis of unilateral declarations in which most of the alleged violations were acknowledged. According to the decisions issued on the basis of unilateral declarations, the applicants should be compensated for non-pecuniary damages, costs and expenses in total of more than 258 thousand euros.

In 37 of the 55 applications that ended with a decision based on a unilateral declaration, the violation of the right to vote was contested. The ECtHR consolidated these similar applications in the same proceeding. In the case of [Arzu Samadbeyli and others v. Azerbaijan](#), the applicants nominated their candidates for deputy positions in the parliamentary elections held in 2015 from opposition political parties. However, their nomination applications were rejected on the grounds that some of the supporting voter signatures were not valid. The Applicants, whose complaints to the Central Election Commission and the courts were not upheld, claimed that there had been an interference with their electoral rights. During the communication stage, the Government recognized the alleged violations, offered compensation, and submitted a unilateral declaration to the European Court. Although the majority of applicants rejected it, the ECtHR took the declaration into consideration.

The cases of [Panahov and others v. Azerbaijan](#) and [Sadullah Genc and others](#) were related to police interference in a meeting of members of a religious sect. The applicants claimed that their rights to freedom from torture, liberty and security, privacy, freedom of religion and assembly had been interfered with. During the communication, the Government of Azerbaijan submitted a unilateral declaration to the court - admitted that the alleged violations had indeed occurred, and undertook to pay compensation to the applicants to compensate for the violations. The cases of [Emil Mehdiyev and Vahid Abilov v. Azerbaijan](#) were also similar. In that case, the applicants, who were members of the Jehovah's Witnesses religious community, refused military service because of their religious views, but they were prosecuted.

In the cases of [Akif Shiriye](#) and [Agamammad Mammadov](#), violations of property rights and the right to a fair trial were disputed. The cases of [Vugar Aliyev v. Azerbaijan](#), where the accusation of illegal possession of weapons was disputed, and [Abbasov and others v. Azerbaijan](#), where the applicants complained about the non-implementation of national court decisions, were also concluded based on the unilateral declaration of the Government. In the cases of [Tariyel Shirinli and Heybat Amrah](#), which ended with a unilateral declaration, the applicants contested the illegality of their detention following a mass action announced without permission, administrative arrest, reprimand, and not providing them with legal assistance.

### *Applications struck out of the list of pending cases on other grounds*

The ECHR struck 6 applications out of the list of pending cases on grounds other than those mentioned above with 5 decisions.

The applicants withdrew their complaints in the case of [Shafag Amrahova v. Azerbaijan](#), in which a violation of the rights to a fair trial and freedom of movement was filed, and [Y. v. Azerbaijan](#), in which the violation of Articles 3, 5, 6, 8, 13 and 14 of the Convention was alleged.

In the case of [Akhundov and Majidova](#), the application was struck out of the list after the applicants' lawyer stated that they could not contact their clients, and in the case of [Imanzade Mammadova v. Azerbaijan](#), the application was struck out of the list of cases to be considered due to the fact that the applicant died. [Huseyn Abdulvahabov's case](#), where the right to a fair trial was contested, was struck out of the list of cases to be considered because the necessary documents were not submitted in a timely manner.

## Violations identified by the ECtHR in 2021

In 2021, the ECHR found violations of the right to liberty and security the most in cases related to Azerbaijan. The Court recognized the violation of Article 5 in 9 cases in relation to 17 applicants. In 7 judgments, the Court found a violation of the right to a fair trial in relation to 9 applicants.

<b>Article</b>	Article 2	Article 3	Article 4	Article 5	Article 6	Article 8	Article 10	Article 11	Article 18	Pr.1-A.1	Other
<b>The number of violations</b>	6 (3 applicants)	7 violations (5)	1 (33)	9 (17)	7 (9)	3 (3)	6 (9)	4 (27)	3 (4)	6 (31)	10

## Statistics of just satisfaction determined by the ECtHR for pecuniary, non-pecuniary damages, costs and expenses in 2021

	<b>Non-pecuniary damage</b>	<b>Pecuniary damage</b>	<b>Costs and expenses</b>	<b>Total</b>	<b>Total (for one year)</b>
<b>Fair compensation determined in judgments on the merits</b>	627,500 euros	560,630 euros	35,818 euros	1,223,948 euros	<b>1,661,548 euro</b>
<b>Fair compensation determined in decisions made on the basis of friendly settlements</b>	166,250 euros		13,200 euros	179,250 euros	
<b>Fair compensation determined in decisions issued on the basis of unilateral declarations</b>	256,650 euros		1,700 euros	258,350 euros	

## Cases the ECtHR communicated with the Government in 2021

In 2021, the ECHR started communications in relation to 65 applications sent from Azerbaijan in 28 cases. Applications with similar content were combined in the same cases and jointly communicated.

In the applications communicated to the Government, violations of Articles 3 (prohibition of torture), 5 (liberty and security), 6 (fair trial), 8 (respect for private life), 9 (freedom of religion), 10 (freedom of expression), 11 (freedom of association), 13 (right to an effective remedy), 14 (prohibition of discrimination), 18 (limitation on use of restrictions on rights), 34 (right to individual application), as well as Articles 1 (right to property) and 3 (right to free elections) of Protocol No. 1, and Article 2 (freedom of movement) of Protocol No. 4 were contested.

In 2021, in 65 applications communicated to the Government, violations of the right to a fair trial were raised the most. The ECtHR sent questions to the Government regarding Article 6 violations during communications on 32 applications. Next come allegations of violation of Article 11 of the Convention. The ECtHR sent questions to the Government regarding the violation of the right of association during communication on 18 applications. In 17 applications, the violation of the right to and effective remedy was disputed, and in 16 cases, the violation of the right to liberty and security was disputed.

In 2021, the ECtHR communicated with the Government of Azerbaijan in 65 applications in total, the following allegations of violations were raised, clarifying questions were sent to the Government:

<i>Article</i>	A.3	A.5	A.6	A.8	A.9	A.10	A.11	A.13	A.14	A.18	A.34	Pr.1-A.1	Pr.1-A.3	Pr.4-A.2
<i>The number of alleged violations</i>	10	16	32	5	4	9	18	17	3	5	7	10	1	2

## IMPLEMENTATION OF JUDGMENTS OF THE ECtHR ON AZERBAIJAN - 2021

In 2021, 246 judgments announced by the ECtHR regarding Azerbaijan were expected to be implemented. In 1 year, 12 of those judgments were considered to have been implemented, and the Committee of Ministers of the Council of Europe (CoE), which supervises the implementation of judgments, decided to close the supervision of the implementation of 12 judgments. 10 of the cases whose supervision was closed within a year were cases that ended with friendly settlements. The judgments issued on those cases provided only for the implementation of individual measures (compensation). Since individual measures were taken in the cases of [Mammadgulyev, Adigozalov and Shirinli](#), [Nasibova and others](#), [Asadov and Nasirov](#), [Badalov and Aliyev](#), [Gridneva, Tahmazov, Karimli, Hashimli and others](#), and [Rzamov and others](#), the Committee of Ministers adopted a resolution on the complete closure of supervision. In 2021, the supervision over the execution of two judgments on the merits was partially closed.

In the case of [Rashad Hasanov and others v. Azerbaijan](#), the ECtHR found violations of the applicants' right to liberty and security. The Court found that the applicants had been arrested without reasonable suspicion, convicted of a crime, with the aim of silencing the applicants and punishing them for their active social and political activities (violation of Article 18 of the Convention read in conjunction with Article 5). In the context of the execution of the judgment, the amount of compensation stipulated in the judgment was paid, and the decisions of the national court against the applicants were annulled by the Plenum of the Supreme Court. Overcoming the shortcomings revealed by the decision, especially the implementation of the general measures required to solve the problem of abuse of criminal legislation against critics of the government, civil society activists and human rights defenders, will continue to be supervised within the framework of the Mammadli group case. The circumstances of [Natig Jafarli's case](#) against Azerbaijan were similar to those of Hasanov and others. In that case, a violation of Article 18 taken in conjunction with Article 5 of the Convention was recognized. In this case, the Committee of Ministers closed the supervision over the implementation of the judgment due to the implementation of all individual measures in relation to the applicant, including the payment of compensation determined by the ECtHR judgment. The implementation of general measures will be supervised within the framework of Mammadli group case.

### *The status of cases whose implementation was checked by the Committee of Ministers of the CoE in 2021*

In 2021, the Committee of Ministers discussed the implementation status of more than 65 judgments related to Azerbaijan. The judgments under review were the judgments of the Mahmudov and Aghazade group, the Mammadli Group, the Kh. Ismayilova Group, the Namazov Group, the Gafgaz Mammadov Group, Muradova, Mammadov (Jalaloglu) and the Mammadov Group, and the ECtHR's judgment in the case of Sargsyan v. Azerbaijan.

The Committee of Ministers checked the implementation of 35 judgments included in the case of the [Gafgaz Mammadov Group](#). The Committee notes that the general measures required for the judgments to be considered fully implemented remain unimplemented. In addition, individual measures were not implemented in relation to some of the applicants. Within the framework of this group work, the implementation of the judgments in which the Court found violations of Article 11 in the cases where the destruction of the peaceful actions of the opposition forces and the harsh interference with the right of assembly of the applicants happened is supervised.

In the [Mahmudov and Aghazade Group](#) the Committee supervises the implementation of 3 ECtHR judgments related to Azerbaijan (Taghiyev and Huseynov v. Azerbaijan, Fatullayev v. Azerbaijan, Mahmudov and Aghazade v. Azerbaijan). These judgments are related to the violation of the right to freedom of expression, the application of criminal penalties for defamation and insult. In the resolution of the Committee of Ministers, the Government of Azerbaijan was repeatedly called to abolish criminal penalties for slander and insult: "Legislative measures are required, in particular, amendments to articles 147.1 and 148 of the Criminal Code. Also, in order to solve the issues arising from the disproportionate application of criminal penalties for defamation and the arbitrary application of other provisions of the criminal law, it is necessary to make changes to the practice of the prosecutor's office and local courts, as well as to the practice of violation of the right to the presumption of innocence by the Republic's prosecutor's office and executive authorities." . In the document, the Committee also noted with interest that the Azerbaijani Government is preparing a draft law "On Media". The Committee invited the Government to closely cooperate with the Council of Europe in order to ensure that the new draft law complies with the requirements of the European Convention. In the [Mammadli case group](#), the implementation of 6 judgments of the ECtHR regarding Azerbaijan is supervised. Those judgments are related to Anar Mammadli, Hasanov and others, I. Aliyev, N. Jafarli, Ibrahimov and Mammadov, Kh. Ismayilova (2). These judgments relate to the pre-trial detention and deprivation of liberty of the applicants, contrary to Article 18 of the Convention, for their active political and social participation, criticism of the government, human rights and election monitoring activities. In the resolution on the implementation status of the judgments included in the Mammadli case group of the Committee of Minister urged immediate execution of the judgments, consideration of the applicants' cases in the Supreme Court again, in accordance with the precedent set in the cases of I. Mammadov and R. Jafarov, and the Government was asked to present the necessary information to the Committee of Ministers by July 31.

Within the framework of the [Namazov case group](#), the execution of 3 judgments of the ECtHR regarding Azerbaijan (the judgments of Elchin Namazov, Khalid Bagirov, Aslan Ismayilov against Azerbaijan) is supervised. All 3 judgments are related to the disbarment of lawyers from the Azerbaijan Bar Association. The ECtHR ruled in favor of the applicants who complained about their disbarment in these cases. In the resolution of the Committee of Ministers, it was emphasized that former lawyers - Khalid Bagirov, Elchin Namazov, Aslan Ismayilov should be restored to the collegium. The Committee also emphasized that the Government of Azerbaijan should specify the specific grounds for disbarment from the legal profession in the internal legislation, and should create and implement mechanisms that protect lawyers from unnecessary disciplinary proceedings. The Government of Azerbaijan was also asked to improve the judicial practice regarding disciplinary proceedings against lawyers.

Within the [Muradova, Mammadov \(Jalaloglu\) and Mammadov Groups](#), the execution of more than 20 judgments of the ECtHR related to Azerbaijan is supervised. Those judgments are related to the deaths of the applicants' relatives, failure to conduct an effective investigation into the applicants' torture or ill-treatment by law enforcement agencies, violation of the right to access to medical care, illegal arrests, excessive prolongation of criminal proceedings, use of force on journalists, destruction of peaceful assemblies, and the failure to ensure an access to a lawyer. In the resolution related to this group case, the Committee notes with regret that more than 14 years have passed since the adoption of the judgments whose implementation is supervised, but the provision of any information about the status of implementation of individual measures from the Government of Azerbaijan is still delayed. The Committee invited the Government of Azerbaijan to provide information on the status of implementation of the judgments of Jannatov, Pirgurban, Yagublu and Ahadov (Yagublu), Haji and others v. Azerbaijan – in particular, on the measures taken in the context of recognition of the violation of the right to a fair trial, as well as on the status of compensation payments.

# **ECHR - Azerbaijan:**

---

*2021, ANNUAL ANALYSIS*

**Media Rights Group – Azerbaijan**  
*JANUARY 2022 |*