

ECHR - AZERBAIJAN, 2023:

Semi-Annual analysis

July, 2023



MEDIA RIGHTS GROUP

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 focuses on the actions taken by the European Court of Human Rights (ECtHR or the Court) concerning Azerbaijan during the first half of 2023. It encompasses a comprehensive overview of all the decisions and rulings made by the ECtHR on the applications received from Azerbaijan within that six-month period, accompanied by concise descriptions of each case. This document presents a summary of the violations and compensations established by the ECtHR, along with the applications it made to communicate with the government of Azerbaijan over the course of one year. Additionally, it provides insightful commentary on the progress made in implementing the ECtHR's decisions concerning Azerbaijan.

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TABLE OF CONTENTS:

GENERAL ANALYSIS

JUDGEMENT OF THE ECtHR ON THE MERITS

Judgments on the cases regarding Azerbaijan in which the ECtHR did not find violation
Judgments on the cases regarding Azerbaijan in which the ECtHR recognized violations

APPLICATIONS WITHDRAWN FROM THE WAITING LIST

Applications removed from the list of cases due to friendly settlement of the case between the applicants and the government
Applications removed from the list of cases due to unilateral declarations of the Government

Applications removed from the list of cases for other reasons

APPLICATIONS DECLARED INADMISSIBLE BY THE ECtHR

APPLICATIONS COMMUNICATED WITH THE GOVERNMENT OF AZERBAIJANI DURING FIRST HALF OF 2023.

EXECUTION OF DECISIONS OF THE ECtHR ON AZERBAIJAN - FIRST HALF OF 2023

TABLES

- 1. Statistics of violations established by the ECtHR in the first half of 2023*
- 2. Statistics of fair compensation (pecuniary, non-pecuniary damage, costs and expenses) determined by the ECtHR in the first half of 2023*

GENERAL ANALYSIS

During the initial half of 2023, the ECtHR rendered 60 decisions and rulings concerning Azerbaijan, with these judgments being derived from a combined total of over 180 applications. By way of comparison, in the year 2022, the ECtHR had issued more than 55 judgements and rulings based on over 170 applications pertaining to Azerbaijan.

Over the span of six months, the court has issued 25 judgments on the merits of cases involving Azerbaijan. In 24 among these judgements the presence of at least one of the alleged violations was identified, while only in a single case, no violation was found. Comparatively, in 2022, the ECtHR handed down 23 judgments on the merits of Azerbaijani cases, with one of those cases resulting in no violation being found.

In the first half of 2023, the ECtHR rendered 35 decisions concerning Azerbaijan, which encompassed over 135 applications. These decisions were predominantly founded on amicable agreements between the parties involved and unilateral declarations submitted by the government. Among the decisions, 10 pertained to inadmissibility and other relevant grounds. By contrast, in 2022, the ECtHR issued 33 decisions based on 91 applications received from Azerbaijan.

In the initial half of 2023, the ECtHR made 19 decisions concerning Azerbaijan, which were derived from more than 80 applications, and these decisions were primarily based on amicable agreements between the parties. In the year 2022, there were 22 similar decisions (from 69 applications) on the same basis. Moreover, during 2022, the ECtHR issued 5 decisions (from 15 applications) based on unilateral declarations submitted by the government, while in the first half of 2023, 6 decisions (from 40 applications) were made under the same premise.

During the initial half of 2023, the ECtHR discovered the highest number of property rights violations in cases associated with Azerbaijan. Specifically, the court identified violations of Article 1 of Protocol No. 1 in connection with 21 applicants. Additionally, the right to a fair trial was found to be violated for 14 applicants, while the right to freedom of assembly was violated for 8 applicants. Furthermore, the government of Azerbaijan acknowledged the violation of certain rights under the Convention in various cases. Specifically, they admitted to violating Articles 3 and 13 in relation to 8 applicants, Article 5 in relation to 20 applicants, and Article 6 in relation to 36 applicants. In contrast, when considering its decisions on cases involving Azerbaijan in both 2021 and 2022, the ECtHR determined that the rights to liberty and security, freedom from torture, and the right to a fair trial were the most frequently violated.

During the initial half of 2023, the Committee of Ministers of the Council of Europe (CoE), responsible for overseeing the implementation of ECtHR's decisions, concluded the supervision of 7 decisions pertaining to Azerbaijan. These decisions were related to 15 applicants in total. Among these cases, 3 were closed due to the amicable agreements reached between the involved parties, while 3 cases were repetitive, and 1 case was considered leading. In the year 2021, the Committee of Ministers of the Council of Europe confirmed the implementation of 12 decisions made by the ECtHR regarding Azerbaijan, and in 2022, the number of implemented decisions increased to 25.

JUDGEMENT OF THE ECtHR ON THE MERITS

During the first half of 2023, the ECtHR made 25 judgements on the merits of cases involving Azerbaijan. In 24 of these judgements, the Court acknowledged the existence of the majority of alleged violations. Only in one case, the Court did not find any violations.

Judgments on the cases regarding Azerbaijan in which the ECtHR did not find violation

Case of Ibrahimbayov and others v. Azerbaijan – In its judgement on the merits of the case, the ECtHR determined that there was no infringement upon the property rights of the applicants. The court held that any interference with the applicants' property rights was a lawful outcome resulting from the implementation of relevant domestic legislation, aimed at upholding the rule of law. Additionally, the court acknowledged that the applicants had the right to seek compensation for the interference with their property rights, but they had not taken the necessary legal actions to exercise this right. The applicants also failed to present any argument indicating that they would be unable to receive compensation if they had duly requested it. Indeed, it was noted that the applicants' claims before the domestic courts were solely focused on requesting the return of the plots of land and did not include a request for compensation.

The applicants involved in this case are Rustam Ibrahimbeyov, Shohrat Ibrahimbeyova, and Lala Efendiyeva, all of whom are citizens of Azerbaijan born in 1939, 1966, and 1941, respectively. One of the applicants, Mr. Ibrahimbeyov, has died, while the other applicants reside in Baku. The court case revolved around allegations of the State Oil Company (SOCAR) illegally canceling the land plot documents belonging to the applicants. The applicants filed their complaints based on Article 6 of the Convention, which guarantees the right to a fair hearing, and Article 1 of Protocol 1 of the Convention, which protects the right to property. Their grievances centered on the unlawfulness of the land confiscation and the lack of justification for the court decisions.

Judgments on the cases regarding Azerbaijan in which the ECtHR recognized violations

The ECtHR has acknowledged alleged violations in multiple cases involving journalists. **The case of Khural newspaper and Avaz Zeynalov v. Azerbaijan** – (1) dealt with a dispute over an article published in the newspaper concerning the former head of the Media State Support Fund. In the article, the author accused the head of the Foundation of embezzling state funds designated to support the mass media and referred to them as a "press butcher." The domestic courts imposed a fine of 5 thousand manats on the newspaper and its editor-in-chief. However, the Court concluded that this action amounted to an interference with the applicant's right to freedom of expression and such interference was not justified in a democratic society. In the case of Zayidov v. Azerbaijan (2) the Court concluded that the applicant's right to a fair trial had been infringed. Zayidov, the editor of "Azadlig" newspaper, had been deprived of his freedom several years ago on charges of intentionally causing harm to health and hooliganism. The applicant contended that his accusations and conviction were politically motivated, and he was penalized for expressing critical viewpoints. The ECtHR found his claims to be valid and well-founded. **The case of Sardar Alibeyli v. Azerbaijan** (3) centered around the prosecution of the applicant, a journalist, on criminal charges. The Court, based on the journalist's writings, reaffirmed its stance that the deprivation of liberty in this case constituted a violation of the right to freedom of expression.

In the case of Freedom and Security Institute of Reporters Public Union v. Azerbaijan (4), the matter at hand involved allegations of the legality of a search conducted at the office of an NGO specializing in journalism. The applicant asserted that official authorities unlawfully confiscated various items, such as computers, disks, USB flash drives, the NGO's stamp, and seal. The petition raised concerns about violations of the rights to privacy, association, and property. The applicant organization argued that the search and seizure of their office were politically motivated. In its judgment, the Court acknowledged the violation of the right to respect for private life in this case. In the case of IREX v. Azerbaijan (5), the

applicant was an international humanitarian organization whose office was subjected to a search as part of a criminal investigation involving representatives of local NGOs and international organizations. During the search, all of the organization's documents and computers were seized, and its bank account was frozen. The Court concluded that the seizure of the bank accounts and the search and seizure of the applicant's property and office violated the right to respect for private life. In the case of [Election Monitoring and Democracy Education Center v. Azerbaijan](#) (6), the ECtHR acknowledged the infringement of the NGO's and its founders' right of association. The violation occurred when the Ministry of Justice declined to register the applicant NGO.

The ECtHR has identified violations of Article 11 in various other cases as well. One such case is [Elnur Majidli v. Azerbaijan](#) (7), which concerned the detention of an opposition party activist while exercising the right to peaceful assembly. Subsequently, the activist was accused of hooliganism and deprived of liberty. The Court determined that the trials conducted against the applicant were unfair. In the case of [Aynura Imranova and others](#) (8), which involved the consolidation of 18 applications, a complaint was filed against the seizure of the bank accounts of all the applicants. The complaint centered on the unjustified interference with the property rights of the applicants within the context of a criminal case opened against NGOs in Azerbaijan. Taking into consideration the merits of the applicants' arguments, the court subsequently ruled to recognize a similar violation in the case of [Garayev v. Azerbaijan](#) (9).

In the case of [Ilkin Rustamzade v. Azerbaijan](#) (10), the Court determined a violation of the rights to a fair trial and freedom of expression. Likewise, in the cases of [Emin Bashirli and others v. Azerbaijan](#) (11) and [Gubad Bayramov and Rajab Imanov v. Azerbaijan](#) (12), violations were identified in relation to the refusal of registration of NGOs. Additionally, in the cases of [Aynura Imranova and Asya Ahmadova v. Azerbaijan](#) – (13) and [Rovshan Mahmudov and others v. Azerbaijan](#) – (14), the Court concluded that Article 11 of the Convention had not been adhered to with respect to all the applicants.

In the case of [Vugar Abishov v. Azerbaijan](#) (15), the applicant alleged that he was subjected to violence during his arrest, experienced rough treatment, and was intimidated to give a confession while in police custody, resulting in various physical injuries. The applicant asserted that his detention and arrest were not due to any violation of the law, but rather because of his critical opinions. He further claimed that he was detained by the police for a longer duration than permitted by law and was denied access to a lawyer of his choice. The European Court of Human Rights (ECtHR) found that the applicant's rights under Article 3 of the Convention were violated both procedurally and substantively. This means that the treatment he endured and the manner in which his case was handled both constituted violations of the right to be free from torture, inhuman, or degrading treatment.

In the cases of [Ayyubzade v. Azerbaijan](#) (16) and [Afgan Mukhtarli and Gulaga Aslanli v. Azerbaijan](#) (17), allegations were made regarding the violation of the right to freedom and immunity. In the Ayyubzade case, the petitioner, an opposition activist, was arrested and detained until the trial, while Mukhtarli and Aslanli faced administrative consequences before the protest. The Court ruled that Article 5.1 of the Convention had been violated in both cases, referring to the right to liberty and security. Furthermore, in the case of Mukhtarli and Aslanli, the violation of the right to a fair trial and freedom of association was also recognized by the Court.

In the case of [Fedaya Gayibova v. Azerbaijan](#) (18), the applicant raised the illegality of searching his apartment and taking money and belongings belonging to him within the framework of the criminal case against his son-in-law. The Court recognized the violation of both respect for private life and the right to property in this case. In the case of [Abbasliyeva v. Azerbaijan](#) (19), the applicant was a former chief physician. A series of articles about the applicant was published in a local newspaper, asserting that he was unfit for his position. The author's basis for this claim was the fact that the applicant's brother had been convicted of participating in a coup attempt in 1995. Following the publication of these articles, the applicant was dismissed from his role as chief physician. He subsequently filed a lawsuit against both the employer and the newspaper, but his efforts were unsuccessful. In this particular case, the Court determined that the disputed articles had exceeded the boundaries of the right to freedom of expression, thereby infringing upon the applicant's right to respect for private life.

The case of [Dursun Aliyev v. Azerbaijan](#) (20) revolved around the initiation of a criminal case against the applicant, who was a former police officer, accused of drug trafficking. The applicant contended that he had been falsely charged and convicted based on fabricated or untrustworthy evidence, which he believed was a result of a dispute with his superiors. In this particular instance, the Court acknowledged a violation of the applicant's right to a fair trial. In **the case of Ahmadov and others v. Azerbaijan** (21), the Court identified a breach of the right to respect for private life. This violation arose from the applicants challenging the local court decisions related to the demolition of their apartment.

The case of [Aykhan Akhundov v. Azerbaijan](#) – (22) dealt with allegations of unfairness in civil proceedings, particularly regarding property rights and the right to a fair trial. The dispute involved the applicant and a private trucking company. In **the case of Latif Ahmadov v. Azerbaijan** (23), there were claims made concerning the violation of the right to property and a fair trial. The court ruled in favor of the applicants, finding a violation of Article 6 in both instances. In **the case of Lalazar Mammadov v. Azerbaijan** – (24), the applicant was left without a home in 1996 due to fraud, and as a result, she had to reside in an area belonging to the base of one of the higher education institutions. The ECtHR deliberated on the applicant's claim regarding the illegality of her occupation of a non-residential building for 15 years. Ultimately, the court concluded that Article 8 of the Convention was violated in the applicant's case.

APPLICATIONS WITHDRAWN FROM THE WAITING LIST

Applications removed from the list of cases due to friendly settlement of the case between the applicants and the government

The examination of over 80 applications submitted from Azerbaijan within six months has been finalized through friendly settlement between the parties. In these instances, the government committed to providing compensation to the applicants, and in certain cases, also agreed to execute delayed national court rulings and overturn illegal national court decisions. The ECtHR issued a total of 19 decisions on these friendly settled cases.

In [the case of Miriyev and Others v. Azerbaijan](#), where 11 applications were consolidated, there was a grievance regarding the failure to implement national court decisions (Article 6). In [the case of Samadov v. Azerbaijan](#) the complaint was centered around the imposition of disproportionate measures against the applicant, who had participated in a peaceful demonstration (Article 11).

In [the case of Ilgar Rzayev v. Azerbaijan](#), the alleged violations of Articles 5, 14, and 18 were contested, while in [the case of Zohra Hajiyeva v. Azerbaijan](#) the dispute revolved around the violation of the right to property. In [the cases of Fuzuli Huseynov and Others v. Azerbaijan](#) (involving 5 applicants), [Jabbar Savalanli and Others v. Azerbaijan](#) (involving 17 applicants), and [Rovshan Mammadli and Azer Kazimzade v. Azerbaijan](#), the applicants were political activists and opposition party members.

They raised complaints about the violation of their right to association and fair trial. In [the case of Hikmat Samadov and Others \(involving 5 applicants\) v. Azerbaijan](#), the applicants presented their arguments in court regarding the violation of their rights to property and fair trial.

The claims of violation of Article 11 in [the case of Huseynov and Others v. Azerbaijan](#) (5), violation of Articles 5 and 6 in [the case of Hasanov and Others v. Azerbaijan](#) (2), violation of Articles 11 and 6 in [the case of Abulov and Others v.](#)

[Azerbaijan](#) (8), violation of Articles 5 in [the case of Quliyev and Others v. Azerbaijan](#) (4), violation of Articles 5 and 6 in [the case of Hacıyev and Zeynalov v. Azerbaijan](#) and violation of property rights in [the case of Asgarova v. Azerbaijan](#) were raised. In [the case of Gultakin Hajbeyli v. Azerbaijan](#), the applicant who is a former member of parliament and opposition politician, lodged a complaint in the case against Azerbaijan. She contended that the domestic courts had not safeguarded her reputation, as guaranteed by Article 8 of the Convention.

In [the case of Azer Aliyev and Others v. Azerbaijan](#) (1), the applicants asserted that the administrative proceedings against them entailed a breach of Article 6 of the Convention. In [the case of Elshan Ismayilov v. Azerbaijan – Elşən İsmayilov Azərbaycanca qarşı](#), the applicants contested the violation of their right to freedom and immunity due to the alleged unreasonableness of their arrest. In [the case of Anar Mammadov and Others](#), four applicants claimed that they were subjected to illegal or disproportionate measures during the mass protests.

In [the case of Afgan Sadigov and Others](#) (8), all of the applicants raised complaints regarding the lack of fairness in the courts during the administrative offense proceedings. Additionally, one of the applicants filed a complaint concerning the violation of his right to freedom and immunity.

Applications removed from the list of cases due to unilateral declarations of the Government

During the first half of 2023, the ECtHR released six decisions based on the government's unilateral declaration, which encompassed over 40 applications altogether. In these cases, the government acknowledged the alleged violations and committed to providing compensation to the applicants.

In [the case of Jabbar Jabbarov and others v. Azerbaijan](#), where 8 applications were combined, the applicants were arrested during the "Nardaran incidents". The convicted individuals contended that there were violations of Articles 3 and 13 of the Convention.

The [case of Ramil Shaliyev v. Azerbaijan](#) contested a violation of Article 6, while concerns about a violation of Article 11 were raised in [the case of Arastun Bakhshaliyev v. Azerbaijan](#). In [the case of Umman Safarov and others](#) (19), the applicants who were political activists claimed that their rights to a fair trial and to liberty and security had been infringed.

In [the case of Ruslan Garayev and Others v. Azerbaijan](#) (9), the applicants claimed that their right to a fair trial was violated during administrative proceedings against them. A dispute arose concerning the violation of Article 6 of the Convention in [the case of Khatai Nabiyeu and Others v. Azerbaijan](#) (5), as it was in [the case of Ruslan Garayev and Others](#).

Applications removed from the list of cases for other reasons

[The case of Adil Ismayilov and Partners v. Azerbaijan](#) revolved around the freezing of the bank accounts belonging to the applicant company, a law firm. This action was taken as part of a criminal case initiated against them, pertaining to the alleged illegal activities of several non-governmental organizations.

The representative of the applicant company, who contested the violation of their property rights before the ECtHR, did not respond to the letters from the ECtHR. [The case of Sardar Gasimov v. Azerbaijan](#) pertained to the freezing of the bank accounts belonging to the applicant, who is a lawyer.

The local courts made this decision within the context of a criminal case involving non-governmental organizations. The applicant contended before the ECtHR that the seizure of his bank accounts infringed upon his property rights. However, this application was taken off the list as no communication was received from the applicant.

APPLICATIONS DECLARED INADMISSIBLE BY THE ECtHR

In the first half of 2023, the ECtHR declared 14 applications from Azerbaijan inadmissible. During that period, a total of 8 decisions pertaining to inadmissibility were officially announced.

The [case of Gunel Yusifli and Others. v. Azerbaijan](#) consist of the consolidation of 7 applications and revolved around alleged violations related to the privatization of state property.

In [the cases of Azer Mehtiyev v. Azerbaijan](#), [Yashar Aghazade v. Azerbaijan](#) and [Khalid Agaliyev v. Azerbaijan](#) the applicants asserted that their right to freedom of expression was infringed due to the state agencies' failure to respond to their information requests. In its decision, the court expressed that the applicants failed to substantiate their role as journalists and their intention to acquire information for the purpose of contributing to public discussions.

In [the case of Caucasus Media Research Center v. Azerbaijan](#), where the violation of Articles 6, 11, 13 and 18 of the Convention was disputed, the ECtHR decided on inadmissibility on the grounds that the applicant had not exhausted the domestic remedies. In [the case of Basti Ordukhanov v. Azerbaijan](#) which involved claims of a fair trial (domestic courts lasting 7 years – a reasonable period) and violation of property rights, the ECtHR ruled that it applicant couldn't substantiate her claims.

Additionally, the ECtHR declared [the cases of Shahmar Mammadov v. Azerbaijan](#) and ["Yevlakh Avtovagzal" Open Joint Stock Company v. Azerbaijan](#) with the similar allegations of violations, inadmissible.

APPLICATIONS COMMUNICATED WITH THE GOVERNMENT OF AZERBAIJANI DURING FIRST HALF OF 2023.

During the initial half of 2023, the ECtHR initiated communication with the government of Azerbaijan regarding 23 cases. a total of 32 applications were communicated within the context of these cases, as the ECtHR consolidated similar applications into single cases.

The applications communicated to the Government are allege violations of Articles 2 (right to life), Article 3 (inadmissibility of torture), Article 5 (right to liberty and security), Article 6 (right to a fair trial), Article 7 (inadmissibility of extrajudicial punishment) of the Convention), Article 8 (right to respect for private life), Article 9 (right to freedom of thought, conscience and religion), Article 10 (freedom of expression), Article 11 (freedom of association), Article 13 (right to an effective remedy), Article 14 (prohibition of discrimination), Article 18 (limitation on use of restrictions on rights), as well as Article 1 of Protocol No. 1 (protection of property), Article 2 of Protocol No. 7 (right of appeal in criminal matters) and Article 2 of Protocol No. 4 (right to freedom of movement).

Upon analyzing the 23 cases communicated during the first half of 2023, it is evident that the most common complaint among the applicants pertains to the violation of the right to a fair trial. The ECtHR directed 13 questions to the government specifically concerning the violation of Article 6, in the context of communication on 32 applications within the six-month period. Following this, the next frequent allegations involve violations of Articles 5 and 10 of the Convention, which the ECtHR is examining in 8 cases.

EXECUTION OF DECISIONS OF THE ECtHR ON AZERBAIJAN - FIRST HALF OF 2023

During the initial half of 2023, seven judgments of the ECtHR concerning Azerbaijan were deemed as implemented. The Committee of Ministers of the Council of Europe (CoE), responsible for overseeing the execution of these judgments, closed the supervision of the implementation process for those seven judgements in relation to fifteen applicants over the course of six months.

Three of the cases where execution control was finalized were resolved through friendly settlement between the parties involved.

Additionally, three cases were repetitive in nature, while one case held a prominent and one leading. In the cases of [Balammedov and others v. Azerbaijan](#), [Isbatov v. Azerbaijan](#) and [Mahmudov v. Azerbaijan](#) the parties reached an amicable settlement.

The Committee of Ministers of the Council of Europe (CoE) concluded its monitoring of the implementation of decisions in three repeated cases: Mustafa Chingiz v. Azerbaijan – [13 April 2023](#), Aliyev and others (involving 5 applications) v. Azerbaijan – [5 April 2023](#), and Mirgadirov v. Azerbaijan and Turkey – [15 March 2023](#).

In the case of Aliyev and others (5 applications) v. Azerbaijan, the non-registration of NGOs was acknowledged as a violation of freedom of association. It is indicated in the current case that the government registered the applicants and fulfilled the specified compensation requirements.

In the case of Mirgadirov, who is a journalist, the ECtHR acknowledged violations of Articles 5, 6, and 8 of the Convention. The specific measures outlined in the decision have been carried out, and the implementation of broader measures will be overseen as part of the process of implementing similar decisions.

The supervision of the case of [Par and Hyodo v. Azerbaijan](#), which was in the list of the judgement execution controlled by the Committee of Ministers of the Council of Europe (CoE) was closed on [February 01, 2023](#). The case was related to the allegations of the illegality of the confiscation of large amounts of money belonging to the applicants who were foreign nationals visiting Azerbaijan (violation of Article 1 of Protocol No. 1). The government reimbursed the funds taken from the applicants.

The list of the cases the status of implementation has been reviewed by the Committee of Ministers of the Council of Europe (CoE) in 2022

Apart from the decisions for which execution control has been concluded, the Committee of Ministers of the Council of Europe (CoE) examined the implementation progress of over 35 judgments by the ECtHR concerning Azerbaijan during the first half of 2023.

These decisions encompassed cases involving the *Anar Mammadli Group*, the *Qafqaz Mammadov Group*, as well as the decision of *Makuchyan and Minasyan* against Azerbaijan.

The Council of Ministers is monitoring the implementation of approximately 30 decisions in the *Qafqaz Mammadov Group*. These decisions pertain to the suppression of peaceful protests organized by opposition forces, numerous violations of the petitioners' freedom of assembly, as well as the detention, short-term imprisonment, and deprivation of liberty of protestors. In these judgements, the ECtHR expressed concern about the unpredictable and imprecise nature of legislation

governing public gatherings, which could potentially lead to their abuse. While most of the individual actions resulting from these judgments have been executed, only 3 judgments remain pending in terms of compensation to the applicants. As for the general measures, the government has not yet presented an action plan to the Committee of Ministers outlining how they intend to address the deficiencies highlighted in the ECtHR judgments. On March 9, 2023, the Committee of Ministers of the Council of Europe (CoE) adopted a resolution regarding the status of the decisions encompassed in this group, and the monitoring of their implementation will persist.

In the Anar Mammadli Group, the implementation of five judgments concerning Azerbaijan – applications of Anar Mammadli, Intigam Aliyev, Ibrahimov and Mammadov, Kh. Ismayilova (2), Arif and Leyla Yunus are controlled the Committee of Ministers of the Council of Europe (CoE). The judgments in concern are linked to the applicants' pre-trial detention and deprivation of liberty in violation of Article 18 of the Convention, as they were related to the applicants' active political and social engagement, criticism of the government, and their involvement in human rights and election monitoring activities. The implementation of these judgments has encountered difficulties, and both the individual and general measures required to address the issues raised by the rulings have not yet been put into effect.

In the most recent communication from the Government of Azerbaijan, it was indicated that the remaining cases within this group are currently under review in the Plenum of the Supreme Court, and they have been brought to the attention of the Supreme Court for thorough consideration. In [March 09, 2023](#) and [June 07, 2023](#), the Committee of Ministers of the Council of Europe (CoE) adopted two resolutions regarding the implementation status of the judgments related to this group. The control of the implementation will be continued.

Implementation: general overview – As of the beginning of July 2023, the execution supervision for 105 out of the 407 judgments declared by the ECtHR regarding Azerbaijan has been concluded. This constitutes 26 percent of the total number of ECtHR judgments concerning Azerbaijan. At present, 74 percent of the judgments relating to Azerbaijan are still awaiting implementation. As for leading judgments, Azerbaijan has executed 19 percent of them, accounting for 12 judgments. However, most of the leading judgment, 81 percent (51 judgment), are yet to be implemented. Presently, there are 302 judgment of the ECtHR concerning Azerbaijan awaiting implementation, and out of those, 251 judgments are repeated cases. These statistics indicate that Azerbaijan has the lowest implementation rate among the countries covered by the European Council.

TABLES

1. Statistics of violations established by the ECtHR in the first half of 2023

During the initial half of 2023, the ECtHR identified the highest number of property rights violations in cases involving Azerbaijan. Specifically, the ECtHR acknowledged the violation of Article 1 of Protocol No. 1 concerning 21 applicants. Additionally, in relation to 14 applicants, the ECtHR ruled that there had been a breach of the right to a fair trial. The Court concluded that the right to freedom of assembly for 8 applicants had been disrupted. Within a six-month period, the ECtHR made 4 decisions stating that the state failed to meet its obligations under Article 34.

| | | | | | | | |
|------------------------------------|-----------|-----------|-----------|-----------|------------|------------|----------------|
| <i>Alleged violation (Article)</i> | Article 3 | Article 5 | Article 6 | Article 8 | Article 10 | Article 11 | Article 1/Pr.1 |
| <i>Number of violations</i> | 2 | 3 | 14 | 6 | 4 | 8 | 21 |

Furthermore, the government of Azerbaijan acknowledged violations of Articles 3 and 13 of the Convention concerning 8 applicants, violations of Article 5 concerning 20 applicants, and violations of Article 6 concerning 36 applicants.

2. Statistics of fair compensation (*pecuniary, non-pecuniary damage, costs and expenses*) determined by the ECtHR in the first half of 2023

| | <i>Non-pecuniary damage</i> | <i>Costs and expenses</i> | <i>Total</i> | <i>Total (over the half-year)</i> |
|---|-----------------------------|---------------------------|--------------|-----------------------------------|
| <i>Just satisfaction as determined in judgments on the merits</i> | EUR 152,400 | EUR 35,130 | EUR 187,530 | EUR 551,490 |
| <i>Just satisfaction determined in decisions made on the basis of friendly settlements</i> | EUR 191,400 | EUR 59,660 | EUR 251,060 | |
| <i>Just satisfaction determined in decisions made on the basis of unilateral declarations</i> | EUR 105,300 | EUR 7,600 | EUR 112,900 | |

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