

**Aliyev v Azerbaijan (Appl. nos. 68762/14 and 71200/14)**  
**Rasul Jafarov v Azerbaijan (Appl. no. 69981/14)**  
*(examined as part of Ilgar Mammadov group)*

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**Aliyev v Azerbaijan (Appl. nos. 68762/14 and 71200/14)  
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- Individual measures
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## Individual measures

CM decision taken at the DH meeting on 23-25 September 2019:

‘...the above findings of the European Court make it clear that Azerbaijan is required rapidly to eliminate **all the remaining negative consequences of the criminal charges** brought against each of the applicants, principally by ensuring that the **convictions are quashed and deleted from their criminal records**’ (para 5)

## Case of human rights lawyer Intigam Aliyev

ECtHR judgment in Mr Aliyev's case:

*'...It should thus be left to the Committee of Ministers to supervise, on the basis of the information provided by the respondent State and with due regard to the applicant's evolving situation, **the adoption of measures aimed, among others, at restoring his professional activities.** Those measures should be feasible, timely, adequate and sufficient to ensure the maximum possible reparation for the violations found by the Court, and they should put the applicant, as far as possible, **in the position in which he had been before his arrest....'*** (para 228)

## Case of human rights lawyer Intigam Aliyev

Before his arrest: Chairman of Legal Education Society (LES), one of the most active and fully operating NGO in Baku.

After release from prison: LES no longer operating (restrictive NGO laws), frozen bank accounts (and monies), travel ban until 28 March 2021, conviction and criminal record

### Recommendations

- Request for an update on the status of the proceedings before the Supreme Court (to be concluded by 12 December 2019)
- Re-examination to be conducted in a fair and transparent manner, in line with European fair trial standards
- Travel ban lifted immediately and unconditionally
- The Government should be required to provide the CM with copies of the instructions to the banks to release the bank accounts
- Request the Government to confirm, which ECtHR cases each payment made to Mr Aliyev relate to

## **Case of human rights defender Rasul Jafarov**

### **Recommendations**

- Remaining part of the compensation and simple interests on the late payments shall be paid without further delay
- Request the Government to provide an update on the status of the proceedings before the Supreme Court (to be concluded no later than 3 months after the receipt of the ECtHR decision, in this case, by 12 December 2019)
- Re-examination shall be conducted in a fair and transparent manner, in line with European fair trial standards

## General measures

ECtHR in Mr Aliyev's case:

'[general measures] **must focus, as a matter of priority, on the protection** of critics of the government, civil society activists and human-rights defenders against arbitrary arrest and detention' ...and ... must ensure '**the eradication of retaliatory prosecutions and misuse of criminal law against this group of individuals**' (para 226).

ECtHR in the case of *Natig Jafarov v Azerbaijan* finding violations of Arts 5&18 (7 Nov 2019):

'...the restriction in question did not merely **affect** the applicant alone, or his fellow opposition activists and supporters, but **the very essence of the democracy** as a means of organising society, in which individual freedom may only be limited in the general interest...' (para 69).

Are the general measures *relevant* and *sufficient* to the aims?



## **Recommendations to the Committee of Ministers**

- Favourable legal and political environment should be created for human rights defenders to effectively and freely exercise a right to freedom of association and to operate without any hindrance
  - Laws and practice relating to status and registration of NGOs and NGO grants should be reformed