



Forthcoming Grand Chamber judgment in infringement proceedings under Article 46 § 4 in the case of *Ilgar Mammadov v. Azerbaijan*

The European Court of Human Rights will be delivering in writing a **Grand Chamber** judgment¹ in the proceedings under Article 46 § 4 relating to the enforcement of the Court's judgment of 22 May 2014 in the case of **Ilgar Mammadov v. Azerbaijan** (application no. 15172/13) on 29 May 2019 at 11.00 a.m.

The case concerns a question referred to the Court by the Committee of Ministers of the Council of Europe, which is responsible for supervising the enforcement of the Court's judgments, as to whether Azerbaijan has failed to fulfil its obligation under Article 46 § 1 (binding force and execution of judgments) of the European Convention on Human Rights to comply with the Court's 2014 judgment in the case of political activist Ilgar Mammadov.

The Grand Chamber's judgment will be the first to be delivered under proceedings introduced by Article 46 § 4 of the Convention.

Principal facts and complaints

The applicant, Ilgar Eldar oglu Mammadov, is an Azerbaijani national who was born in 1970 and lives in Baku. He is a political blogger and activist who also tried to run as president in 2013.

He was placed in pre-trial detention in February 2013 after writing on his blog about disturbances in a town called Ismayilli. He said that people there had been reacting to the "corruption and insolence" of public officials, but he was subsequently charged with organising or actively participating in actions causing a breach of public order.

Mr Mammadov lodged an application with the Court on 25 February 2013, alleging in particular that he had been arrested and detained without a "reasonable suspicion" of a criminal offence; that his right to be presumed innocent had been breached; and that he had been prosecuted for his political views and the threat he had presented as a potential presidential candidate.

In March 2014 he was sentenced to seven years in prison on more serious charges of mass disorder and resistance to or violence against public officials.

In a [Chamber](#) judgment of 22 May 2014 the Court found violations of Article 5 § 1 (right to liberty and security); Article 5 § 4 (right to judicial review of detention); Article 6 § 2 (presumption of innocence); and Article 18 (limitation on use of restrictions on rights) in conjunction with Article 5. It also awarded him 20,000 euros in just satisfaction in respect of non-pecuniary damage.

The Court found that there was no reasonable suspicion Mr Mammadov had committed an offence and considered the actual purpose of pursuing criminal charges against him was to silence or punish him for having criticised the government.

The Committee of Ministers first examined the case in December 2014. It called among other things for Mr Mammadov's "release without delay". It regularly repeated that call in the following years, however, he continued to serve his prison sentence.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

In October 2017 the Committee put Azerbaijan on formal notice that it had failed to fulfil its obligation under the Convention to comply with the Court's 2014 judgment, the first step in an infringement procedure under Article 46 § 4 which was introduced in 2010 when Protocol No. 14 came into force.

Further to that procedure, the Committee of Ministers in December 2017 [referred](#) a question to the Court on Azerbaijan's fulfilment of its obligation under Article 46 § 1.

Procedure

The Committee of Ministers' referral was filed with the Registrar of the Court on 11 December 2017 and was allocated to the Grand Chamber.

The Committee of Ministers, the Government of Azerbaijan and Mr Mammadov made written submissions.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.