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Permanent Representatives to the Council of
Europe

20 October 2017

**SUPPORT INFRINGEMENT PROCEDURE UNDER ARTICLE 46.4 ECHR ON ILGAR MAMMADOV V.
AZERBAIJAN**

Dear Permanent Representative to the Council of Europe,

Amnesty International and Human Rights Watch have welcomed the longstanding efforts by various institutions within the Council of Europe to secure the release of the Azerbaijani political activist and prisoner of conscience Ilgar Mammadov. In the absence of any decisive progress, we now call on you to support the adoption of a Committee of Ministers' interim resolution that initiates an infringement procedure under Article 46.4 of the European Convention on Human Rights (ECHR) in the case of Ilgar Mammadov v. Azerbaijan.

As you are well aware, Ilgar Mammadov is currently serving his fifth year in prison following his conviction under trumped up charges of inciting mass violence. He was arrested in February 2013 after traveling to the northern Azerbaijani city of Ismayili to observe and report on riots, and sentenced to seven years in prison.

The Azerbaijani authorities have refused to release Ilgar Mammadov despite the European Court of Human Rights' 2014 ruling finding that Ilgar Mammadov's arrest and prosecution contravened the Convention, 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.¹ Following the Court's ruling, the Committee of Ministers has consistently demanded that Ilgar Mammadov be released without delay. However, Azerbaijan has refused to release Ilgar Mammadov in blatant defiance of the Court's judgment and its obligations under the Convention.

Already in December 2016, the Committee of Ministers reiterated "that it is not acceptable that ... an individual remains deprived of his liberty on the basis of proceedings carried out in violation of the Convention in order to punish him for having criticised the government". The Committee further "affirmed their determination to ensure the ... [release of Ilgar Mammadov] by considering using all the means at the disposal of the Organisation, including under Article 46, paragraph 4 of the Convention."²

¹[Ilgar Mammadov v. Azerbaijan](#) (Application No. 15172/13), 22 May 2014.

²[Decision of the Committee of Ministers DH-DD\(2016\)1296](#), 1273rd meeting – 6-8 December 2016.

Azerbaijan must respect and protect the rights of those who exercise their human rights peacefully rather than prosecute and imprison them for their critical views. It must fulfil its international legal obligations and implement the Court's judgment by releasing Ilgar Mammadov immediately and unconditionally. Having blatantly failed to do so, it must also face consequences.

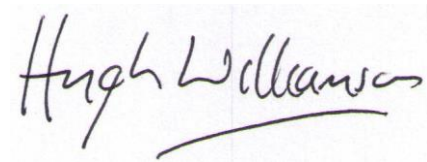
On 25 October, the Committee of Ministers will decide on the adoption of an interim resolution giving formal notice to Azerbaijan of the Committee's intention to bring before the European Court of Human Rights the question on whether Azerbaijan has failed to fulfil its obligation to "abide by the final judgment of the Court", as prescribed by Article 46.1 of the ECHR.

We urge you to deliver justice for Ilgar Mammadov and uphold the integrity of the Convention system by lending your strong support to the Article 46.4 procedure.

Yours sincerely,



John Dalhuisen,
Director
Europe and Central Asia Regional Office
Amnesty International



Hugh Williamson
Director
Europe and Central Asia Division
Human Rights Watch