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Communication from an NGO (Free Voices Collective) (31/10/2025) in the Namat Aliyev group of cases v. Azerbaijan (Application No. 18705/06).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1545e réunion (décembre 2025) (DH)

Communication d'une ONG (Free Voices Collective) (31/10/2025) dans le groupe d'affaires Namat Aliyev c. Azerbaïdjan (requête n° 18705/06) ***[anglais uniquement]***

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

FREE VOICES COLLECTIVE

DGI Directorate General of Human Rights and Rule of Law

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31 October 2025

COMMUNICATION

In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision of the execution of judgments in the *Namat Aliyev v. Azerbaijan* group of cases (18705/06)

I. INTRODUCTION

1. This submission is made by Free Voices Collective e.V. (FVC), a non-governmental human rights organization working to advance respect for human rights, to the Committee of Ministers (CM or Committee) of the Council of Europe (CoE) in respect of the *Namat Aliyev Group of Cases v. Azerbaijan*, (Application no.: 18705/06) in accordance with Rule 9.2 of the Rules of the CM for the supervision of the execution of judgments.

2. In the absence of significant progress since our last Rule 9.2 submission (October 2024)[1], this update is limited to confirming that the concerns previously raised remain valid. We note that no new legislative or administrative measures have been reported, and individual redress for the applicants is still pending. We therefore reiterate our previous recommendations and respectfully encourage the Committee to pursue close supervision of the case.

Brief summary of the cases

3. The facts in the *Namat Aliyev v. Azerbaijan* group of cases (Application No. 18705/06 and others) concern violations of the applicants' right to free elections under Article 3 of Protocol No. 1 to the European Convention on Human Rights. The applicants, who were opposition candidates or independent nominees in the 2005 and 2010 parliamentary elections, alleged serious irregularities and breaches of electoral law, including the arbitrary rejection of their candidacies and dismissal of their complaints by electoral commissions and domestic courts. The European Court of Human Rights found that the electoral commissions and courts failed to provide an effective and impartial

[1] Free Voices Collective, *Communication from an NGO concerning the Namat Aliyev group of cases v Azerbaijan* (Application No 18705/06, 17 October 2024) https://hudoc.exec.coe.int/ENG?i=DH-DD(2024)1240E accessed 7 October 2025.

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procedure for examining these complaints, noting excessive formalism, lack of independence, and decisions devoid of reasoning. In particular, the Court found that the electoral commissions had dismissed the applicants' complaints without evidence or on the basis of evidence untested for credibility; without independent examination and reasoning; and without allowing the applicants to participate in the hearings. The Court concluded that these systemic flaws rendered the applicants' right to stand for election illusory and incompatible with the principles of free and fair elections guaranteed by the Convention.

The state of implementation up to December 2024

In its latest decision[2], the CM adopted the following conclusions and recommendations summarising the state of implementation as of December 2024:

As regards individual measures:

- Noted that except for two outstanding cases, just satisfaction has been paid to the rest of the applicants;
- Observed that individual measures enabling applicants to exercise their right to stand in free elections are closely linked to the general measures still pending implementation.

As regards general measures:

- Noted the practice adopted during the 2024 parliamentary elections, whereby the Constitutional Court waited until all related judicial proceedings were completed before approving the election results;
- Encouraged the authorities to codify this practice in legislation to ensure its permanence;
- Expressed concern that, despite the Court's judgments and the Committee's long-standing requests, the main shortcomings in the procedure for determining election-related disputes remain unresolved;
- Urged the authorities to take decisive and comprehensive action to implement reforms consistent with the Court's findings and the Venice Commission's recommendations, including restructuring the electoral commissions to improve the effectiveness of the examination of individual election complaints;
- Invited the authorities to provide information on measures taken or planned to address the arbitrary seizure of case files protected by legal professional privilege.

The summary of the FPC's previous Submission

The Rule 9.2 submission of October 2024 underscored that no meaningful progress has been achieved since the Namat Aliyev judgment, and that the shortcomings identified by the Court persist and have deepened across subsequent elections in 2015, 2020, and 2024.

[2] Committee of Ministers of the Council of Europe, *Decision CM/Del/Dec(2024)1514/H46-08, Supervision of the Execution of Judgments of the European Court of Human Rights – Namat Aliyev Group v Azerbaijan*, 1514th meeting (December 2024) (DH) https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2024)1514/H46-08E

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The submission documented the following:

- The Azerbaijani Government, in its October 2024 Action Plan[3], claimed to have largely implemented the Namat Aliyev group judgments, noting full payment of just satisfaction in all but two cases, training activities for judges and election officials, and alleged improvements to the Election Code and electoral dispute procedures. It highlighted the Constitutional Court's 2024 practice of validating election results only after the completion of all appeals as evidence of reform. However, the Action Plan failed to address the core structural deficiencies repeatedly identified by the Committee of Ministers and the Venice Commission, namely, the lack of independence and pluralism within election commissions, the arbitrary handling of candidate registration and complaints, and the ineffectiveness of judicial review. The measures reported remain mostly declarative, without legislative amendments or institutional reforms capable of remedying the systemic problems at the heart of the violations.
- The continuing dominance of the ruling party within all levels of election commissions, the arbitrary rejection of opposition and independent candidates on minor technical grounds, and the purely formal character of commission and court proceedings, where decisions are prepared in advance, complaints dismissed without reasoning, and no adversarial examination takes place, remains a wide-spread practice.
- The submission further noted that the Constitutional Court continues to validate national election results before pending appeals are resolved, rendering judicial remedies ineffective. The declining voter turnout and the shrinking number of independent candidates illustrate the erosion of public confidence in electoral integrity. The submission therefore urged the Committee of Ministers to call on Azerbaijan to fundamentally reform the composition of election commissions, ensure independent complaint mechanisms, and revise the Election Code in line with the Venice Commission and OSCE/ODIHR recommendations.

II. INDIVIDUAL MEASURES

Restitutio in Integrum

4. Since the Committee's December 2024 decision[4], no tangible progress has been achieved in implementing the individual measures required in the *Namat Aliyev v. Azerbaijan* group of cases. The authorities have not demonstrated any concrete action to ensure that the applicants can effectively exercise their electoral rights, nor have they completed the outstanding payments of just satisfaction. In particular, no steps were taken to reopen or re-examine the applicants' electoral complaints, to restore their candidate status or annul the decisions that unlawfully invalidated their mandates, or to provide them with a judicial or administrative mechanism for such redress. The Government could have, for example, initiated a review of the applicants' cases before the Central

[3] Government of Azerbaijan, *Action Plan/Report concerning the Namat Aliyev group of cases v Azerbaijan* (DH-DD(2024)1161E, 14 October 2024) https://hudoc.exec.coe.int/ENG?i=DH-DD(2024)1161E accessed 7 October 2025.

[4] Committee of Ministers, *Decision concerning the Namat Aliyev group of cases v Azerbaijan* (1514th Human Rights meeting, 10–12 December 2024) CM/Del/Dec(2024)1514/H46-8 https://hudoc.exec.coe.int/ENG?i=CM/Del/Dec(2024)1514/H46-08E accessed 7 October 2025.

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Election Commission or the domestic courts, introduced ad hoc legislative or administrative measures allowing wrongly disqualified candidates to participate in subsequent elections, or issued formal acknowledgments of the violations and rehabilitated the applicants' political rights. The Committee's reminder that these individual measures are inseparable from broader systemic reforms has gone unanswered, and the Government has failed to submit any updated information since its October 2024 Action Plan.

5. The 2024 parliamentary elections confirmed that the same procedural flaws identified by the Court and noted repeatedly by the Committee persist in full. As already detailed in our earlier submission, the electoral commissions once again operated under the same composition dominated by the ruling party, with decisions routinely dismissing opposition candidates and complaints without proper reasoning. The complaints procedure remained opaque, and the expert and working groups under the election commissions continued to function without independence or transparency. The domestic courts likewise maintained a formalistic approach, failing to examine the evidence or ensure effective remedies.

III. GENERAL MEASURES

6. The Government has not submitted any new or updated information since its October 2024 Action Plan; however, independent reporting from the OSCE/ODIHR[5] and Freedom House[6] demonstrates that the structural deficiencies identified by the Court and the Committee remain unaddressed in practice.

7. The OSCE/ODIHR's final report on the 2024 parliamentary elections confirmed that the composition of election commissions continues to be dominated by representatives of the ruling New Azerbaijan Party, undermining their independence and impartiality. It further documented that the complaints and appeals procedures remained opaque, decisions were often template-based and unreasoned, and candidates were denied registration on arbitrary or technical grounds, without an effective right of appeal.

8. Freedom House's Freedom in the World 2025 report similarly found that electoral bodies operate under tight government control, and that both the presidential and parliamentary elections in 2024 were neither free nor fair, with independent observers and opposition candidates facing harassment and exclusion. These findings confirm that, notwithstanding the Government's formal claims of reform, no meaningful legislative or institutional changes have been introduced to guarantee impartial examination of election-related complaints or to align electoral practice with Convention standards.

[5] OSCE Office for Democratic Institutions and Human Rights (ODIHR), Republic of Azerbaijan – Early Parliamentary Elections, 1 September 2024: Statement of Preliminary Findings and Conclusions (OSCE, 2 September 2024) https://www.osce.org/odihr/elections/575509 accessed 7 October 2025.

[6] Freedom House, *Azerbaijan: Freedom in the World 2025* (Freedom House, 2025) https://freedomhouse.org/country/azerbaijan/freedom-world/2025 accessed 7 October 2025.

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9. Moreover, the conduct of the 2024 parliamentary elections again revealed the ineffectiveness of the measures purportedly adopted to address the structural shortcomings identified in the *Namat Aliyev group of cases*. As documented in the most recent Rule 9.2 submission and corroborated by official CEC records, candidates from opposition parties such as Musavat were denied registration on trivial or technical grounds, for example, discrepancies in property declarations or minor inconsistencies in signature sheets, without being given the opportunity to correct them, contrary to Article 53.7 of the Election Code. In multiple cases, including the complaints of Osman Kazimov and Dunyakhanim Jarullayeva, the CEC issued standardized, unreasoned decisions that merely reiterated the findings of lower commissions, reflecting the same formalistic practices censured by the Court. Expert and working groups under the commissions continued to be composed of civil servants from ministries and state agencies, depriving them of the independence necessary for impartial assessment. Judicial oversight likewise remained ineffective: appeals against these decisions were examined superficially, without evidentiary review or engagement with the substance of complaints. These developments confirm that the procedural amendments cited in the Government's Action Plan have not produced meaningful change.

10. As the Venice Commission has repeatedly underlined, notably in its 2011 Opinion on the Electoral Code of Azerbaijan[7], genuine electoral reform requires fundamental restructuring of the election administration system. In its 2011 opinion, the Commission explicitly recommended revising the composition of the Central, Constituency, and Precinct Election Commissions to ensure genuine political pluralism and equal representation of the opposition, replacing the current structure dominated by the ruling party. It further advised that complaint procedures be made transparent and adversarial, with reasoned decisions and judicial remedies capable of producing real redress. None of these recommendations has been implemented; the composition, functioning, and complaint mechanisms of the electoral commissions remain unchanged, continuing to preclude impartial adjudication of election-related disputes.

IV. RECOMMENDATIONS

11. In light of the long-standing failure of the Azerbaijani authorities to adopt the necessary reforms to ensure the resolution of the structural problems identified by the Court in this group of cases, we respectfully recommend that the Committee of Ministers continue monitoring closely this group of cases under the enhanced supervision procedure, schedule the group of cases for examination again as soon as possible in 2026, and consider all means at the Committee's disposal to ensure the restoration of communication channels with the Azerbaijani authorities and the resumption, on the authorities' side, of their reporting activities to the Committee of Ministers.

[7]European Commission for Democracy through Law (Venice Commission), *Opinion on the Electoral Code of the Republic of Azerbaijan* (CDL-AD(2011)003, 18 March 2011)
https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)003-e

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12. We furthermore respectfully recommend that the Committee of Ministers urge the Azerbaijani authorities to take immediate, concrete and measurable steps to comply with their obligations under Article 46 of the Convention. This includes:

    A) As regards individual measures:
        - Proceeding without further delay to the payment of the remaining outstanding just satisfaction amounts;
        - Proceeding, as a matter of urgency and utmost priority, to the adoption of the general reforms required to ensure full redress for the individual applicants concerned by the present group of cases;

    B) As regards general measures:
        - Taking decisive action to implement comprehensive reforms to respond to the Court's findings and the Venice Commission and OSCE/ODIHR's recommendations, in particular by initiating and rapidly and effectively carrying out legislative reforms to ensure:
            - political balance in the composition of electoral commissions;
            - the establishment of independent expert and working groups;
            - and guarantees of transparent and reasoned adjudication of electoral complaints by domestic courts.

13. Ultimately, given the long-standing, 15-year-long failure of the Azerbaijani authorities to proceed to the required reforms, we kindly recommend that the Committee of Ministers consider instructing the Secretariat to prepare a draft interim resolution for the Committee's consideration in respect of this group of cases, in the event that no tangible progress has been made by the next examination of this group.

On behalf of Free Voices Collective e.V.,

Nijat Mammadbayli,

Co-founder