



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF HASANALI ALIYEV AND OTHERS v. AZERBAIJAN

(Application no. 42858/11)

JUDGMENT

Art 8 • Respect for home • Applicants' eviction from a State-owned flat allocated to the first applicant on the basis of an occupancy voucher during his military service • No adequate possibility of review of the eviction's proportionality in the light of their personal circumstances

STRASBOURG

9 June 2022

FINAL

09/09/2022

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Hasanali Aliyev and Others v. Azerbaijan,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Síofra O’Leary, *President*,

Mārtiņš Mits,

Ganna Yudkivska,

Lətif Hüseynov,

Lado Chanturia,

Arnfinn Bårdsen,

Kateřina Šimáčková, *judges*,

and Victor Soloveytchik, *Section Registrar*,

Having regard to:

the application (no. 42858/11) against the Republic of Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by five Azerbaijani nationals (see the Appendix) on 14 July 2011;

the decision to give notice to the Azerbaijani Government (“the Government”) of the application;

the parties’ observations;

Having deliberated in private on 10 May 2022,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the eviction of the applicants from a State-owned flat and raises issues mainly under Article 8 of the Convention.

THE FACTS

2. The applicants’ details are set out in the Appendix. The first two applicants are spouses. The third, fourth and fifth applicants are their sons. All applicants were represented by Mr S. Bagirov and Mr N. Heydarov, lawyers based in Azerbaijan.

3. The Government were represented by their Agent, Ç. Əsgərov.

4. The facts of the case may be summarised as follows.

5. The first applicant is a retired military officer. On 25 September 1984, while still serving in the army, the Ministry of Defence of the USSR granted the applicant an occupancy voucher for a flat in a military settlement in Nakhchivan city (Azerbaijan). It appears that no tenancy agreement was entered into, but the applicants moved into the flat and lived there on the basis of the occupancy voucher. The second and third applicants were registered in the flat in 1986 and 1992 respectively. No information is available in the case file about the residence registration date of the fourth applicant and the initial

registration date of the fifth applicant (see paragraph 9 below) in the flat in question.

6. On 2 March 1994 the Julfa District Agrarian Reform Commission decided to allocate jointly to the first, fourth and fifth applicants a plot of land for agricultural use. They were issued with a title deed on 27 October 1998. It appears that on 9 November 2000 the first applicant was issued a certificate of ownership for another plot of land (copies of these documents are not available in the case file).

7. On 4 September 2003 the first applicant was issued with an identity card according to which his residence registration address was in the village of Arafsa in the Julfa district of the Nakhchivan Autonomous Republic (“the NAR”) in Azerbaijan (a copy is not available in the case file).

8. In April 2010 the Nakhchivan District Unit for the Exploitation of Accommodation under the Ministry of Defence lodged a claim with the Nakhchivan City Court asking for termination of the residence registration of the first applicant and his family members at the flat, and their eviction. It argued that there was a need for housing for new military officers and that the first applicant had a house in Arafsa.

9. On 17 May 2010 the first, second and fifth applicants renewed their identity cards, according to which their residence registration was at the address of the flat (copies are not available in the case file).

10. On 26 May 2010 the territorial administration office of the village of Arafsa under the Julfa District Executive Authority (“the JDEA”) issued a certificate (*arayış*) to the first applicant to present to the first-instance court. The certificate stated, *inter alia*, that the first applicant (i) had been living permanently in Nakhchivan city; and (ii) did not have any flat or house in Arafsa.

11. On 23 June 2010 the first applicant lodged an objection with the Nakhchivan City Court citing numerous provisions under domestic law and submitting that he did not live in Arafsa.

12. It appears from the record of the court hearing held on the same date that the first applicant submitted that (i) he had been allocated a plot of land in Arafsa while he had his residence registration there, but he and his family had never lived there; (ii) he and his family members had been registered again at the flat on 17 May 2010, and until that time they had had their residence registration in Arafsa; and (iii) they did not have any other place to live. The Nakhchivan City Court granted the claim referring, *inter alia*, to Articles 2 and 5 of the Law on Registration of the Place of Residence and Stay, Article 12 of the Law on Land Reform and Article 60 of the Housing Code of 1982 (see paragraphs 21, 24 and 26 below). It held that the first applicant had had his residence registration in Arafsa between 4 September 2003 and 17 May 2010. It further noted that the first, fourth and fifth applicants were allocated a plot of land in Arafsa, and that persons who permanently lived at the sovkhoz (State-owned farm) or kolkhoz (collective

farm) had a right to receive shares from land belonging to the sovkhoz and kolkhoz. The court concluded that the first applicant had left the flat more than seven years ago and had been registered in Arafsa.

13. The first applicant appealed arguing, *inter alia*, that (i) the sole reason for changing his residence registration address was because of administrative formalities concerning his pension payments; (ii) the fourth and fifth applicants had attended secondary school in Nakchivan city; (iii) the applicants could not be evicted from the flat without being provided with another living space; and (iv) if evicted, the family would end up on the street.

14. In the proceedings on appeal before the Supreme Court of the NAR, acting as the appellate court, it appears that the second, third, fourth and fifth applicants joined the proceedings as defendants at the appellate court's instruction and, with the exception of the third applicant, were heard at the court hearing. They submitted that they had been living in the flat since 1984 and had not been registered at another address after their registration there. The first applicant submitted that the third applicant had been working and living with his family in Ukraine since 2009 and had not therefore been able to attend the hearing.

15. On 7 September 2010 the Supreme Court of the NAR upheld the first-instance court's judgment without providing any reasoning.

16. According to the applicants, they were evicted from the flat following the court judgment which was delivered at the end of the hearing on 7 September 2010. It appears from a video recording submitted by the applicants that at the time of the eviction the flat was fully furnished and there were household items inside.

17. On 22 October 2010 the first applicant lodged a cassation appeal, signed by him and his lawyer. In addition to his previous arguments, the first applicant argued that (i) the need to accommodate other military servicemen could not justify the applicants' eviction from the flat; (ii) if they had not been living in the flat in question the claimant would not have brought an action against them asking for their eviction; and (iii) a simple visit to the flat in question could easily have allowed verification of whether the applicants lived there or not.

18. On 8 November 2010 the first applicant entered into a rental contract for another flat for a period of two years. The contract listed the remaining applicants, except the third applicant, as his family members who would occupy the flat.

19. On 6 January 2011 the Supreme Court upheld the appellate court's judgment, providing similar reasons as the first-instance court (see paragraph 12 above). In addition, it also referred to the renewed identity cards of the second and fifth applicants (see paragraph 9 above). The text of the judgment, in certain parts, referred to the "first applicant and his family members" or "the defendants" in plural while holding that the lower court's judgment had been lawful.

RELEVANT LEGAL FRAMEWORK

I. HOUSING CODE OF 1982, IN FORCE UNTIL 30 JUNE 2009

20. Articles 10, 28, 48 and 51 of the Code are summarised in *Gulmammadova v. Azerbaijan* (no. 38798/07, § 18, 22 April 2010).

21. A tenant's family members had the same rights and obligations as the tenant (Article 53). Premises were kept for temporarily absent tenants or their family members for six months (Article 60). A tenancy agreement was considered to be null and void if a tenant and his or her family members moved to another place of permanent residence, effective from the date of such a move (Article 87). Retired and discharged military servicemen and persons living with them could be evicted from residential premises in military towns by granting them another living space (Article 93).

II. CODE OF CIVIL PROCEDURE OF 2000

22. Article 393 of the Code, as in force at the material time, provided that if no appeal was lodged against the judgment of a court of appeal, that judgment came into force two months after its delivery.

III. LAW ON PRIVATISATION OF HOUSING OF 26 JANUARY 1993

23. Flats in closed military towns, including service flats could not be privatised (Article 6).

IV. LAW ON REGISTRATION OF THE PLACE OF RESIDENCE AND STAY OF 4 APRIL 1996

24. A place of residence was considered to be, *inter alia*, a flat or service residence where a person lived permanently or most of the time, on the basis of a lease or tenancy agreement (Article 2). Place of residence of the citizens of the Republic of Azerbaijan was determined on the basis of the national identity card (Article 3). In the case of a change of place of residence, a citizen had to apply to the relevant authority for registration within ten days after his arrival at the new place (Article 5, as in force at the material time).

25. It appears that residence registrations and entries on identity cards concerning a person's registration address were based, at the relevant time, on a declaration by the person concerned and did not involve any procedure for checking whether that person actually lived at the address in question.

V. LAW ON LAND REFORM OF 16 JULY 1996

26. Under Article 12.1 of the Law, among other categories, persons whose permanent residence was at the kolkhoz or sovkhoz area until the day the Law

came into force had the right to receive shares from kolkhoz or sovkhos land that was to be privatised.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

27. The applicants complained that their alleged unlawful eviction from the State-owned flat in question had violated their right to respect for their home. They relied on Article 8 of the Convention, which reads as follows:

“In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...”

A. Admissibility

28. The Government submitted that only the first applicant had lodged a cassation appeal and appeared at the court hearing before the Supreme Court. The remaining applicants had therefore failed to exhaust the domestic remedies. They further submitted that the applicants did not reside in the flat in question and could not therefore claim to be victims of a violation of Article 8 of the Convention. They argued that the claim against the applicants was sent to the first-instance court in April 2010 and that the applicants, who might have been aware of that fact, had arranged to change their residence registration, so that their residence registration was again at the flat on 17 May 2010.

29. The applicants argued that they had been represented by the first applicant in the proceedings before the Supreme Court. They further argued that the flat in question constituted their home and that they had never left it.

1. *Non-exhaustion of domestic remedies*

30. The Court observes that the cassation appeal was signed by the first applicant and his lawyer (see paragraph 17 above). There is no document in the case file showing that the remaining applicants had given a power of attorney to the first applicant or the lawyer to represent them before the Supreme Court. However, the Court firstly notes that the second, third, fourth and fifth applicants joined the domestic proceedings at the appellate court's instruction (see paragraph 14 above). Secondly, it appears from the text of the cassation appeal and submissions at the court hearing, that the first applicant and the lawyer contested the lower courts' judgments and presented arguments on behalf of all of the applicants as a family. The Supreme Court dismissed the cassation appeal and upheld the termination of the applicants' registration at the flat and the eviction order. In such circumstances, the Court does not see how the submission of a cassation appeal by the remaining four applicants could have led to a different outcome (compare *Khamzayev*

and Others v. Russia, no. 1503/02, § 155, 3 May 2011, and *Rastorguyev and Others v. Russia* [Committee], no. 11808/15 and 4 others, § 27, 25 July 2017). Moreover, the Supreme Court referred in its judgment to the other applicants as well (see paragraph 19 above) and could be seen as having ruled on the dispute as regards all applicants. In any event, even if it is considered that the Supreme Court did not directly rule on the rights of the second, third, fourth and fifth applicants, it is clear that their tenancy rights were fully dependent on the tenancy right of the first applicant and that, therefore, the essence of the dispute now before the Court was brought to the Supreme Court and it ruled on it. Accordingly, the Court dismisses the Government's objection.

2. *Applicability of Article 8*

31. The Court reiterates that the concept of "home" within the meaning of Article 8 is not limited to premises which are lawfully occupied or which have been lawfully established. It is an autonomous concept which does not depend on classification under domestic law. Whether or not particular premises constitute a "home" which attracts the protection of Article 8 will depend on the factual circumstances, namely the existence of sufficient and continuous links with a specific place (see *Prokopovich v. Russia*, no. 58255/00, § 36, ECHR 2004-XI (extracts)).

(a) **The first, second, fourth and fifth applicants**

32. The Court notes that the applicants moved into the flat on the basis of the occupancy voucher issued to the first applicant during his military service. It is not contested that they lived in the flat until 2003. According to the applicants, they lived there until their eviction in 2010, whereas the domestic courts concluded that the applicants had left the flat in 2003, mainly on the basis of (i) the renewed identity cards of the first, second and fifth applicants, and (ii) allocation of plots of land in Arafsa to the first, fourth and fifth applicants (see paragraphs 12, 15 and 19 above). While in principle it is not the Court's role to replace the national courts in their assessment of evidence (see, among other authorities, *Turek v. Slovakia*, no. 57986/00, § 114, ECHR 2006-II (extracts)), for purposes of determining whether the flat from which the applicants were evicted was their "home" within the meaning of Article 8 of the Convention, it must examine the relevant facts, including the manner in which the domestic courts came to their conclusions.

33. Under domestic law, citizens' place of residence was determined on the basis of the information on their national identity cards (see paragraph 24 above). It has been established that the first applicant did indeed have his residence registration in Arafsa between 2003 and 2010 (see paragraphs 7, 9 and 12 above). The Court observes that the applicants' submissions before the domestic courts concerning the residence registration address of the

remaining applicants were not unequivocal; the first applicant submitted at the first-instance court hearing that he and his family members had their residence registration in Arafsa before being registered at the flat again in 2010, whereas the other applicants submitted at the appellate court hearing that they had not been registered at another address (see paragraphs 12 and 14 above). However, the domestic courts did not comment on this discrepancy and the Court does not find it decisive in the circumstances of the present case.

34. In particular, the Court has previously found that the sole fact of being registered at a different address was not sufficient to conclude that the person had established his or her home there (compare *Bagdonavicius and Others v. Russia*, no. 19841/06, § 89, 11 October 2016, and *Yevgeniy Zakharov v. Russia*, no. 66610/10, § 32, 14 March 2017). That is so because the factual existence of sufficient and continuous links is determinative for purpose of the concept of “home” under Article 8 (see the case-law cited in § 31 above). When deciding, therefore, whether the flat in question constituted the applicants’ home, the fact that some applicants had been registered at a different address during a certain period cannot be decisive, and all the relevant circumstances have to be taken into account. The Court notes the following in this regard.

35. While the first, fourth and fifth applicants had been allocated plots of land in Arafsa (see paragraph 6 above), it has never been established by the domestic courts that there was any house present on that land. Despite the applicants’ repeated submissions before the domestic courts that they had never actually left the flat, and had no other place to live (contrast *Lazarenko and others v. Ukraine* (dec.), no. 27427/02, § 60, 11 December 2012), the domestic courts failed to address this argument, and the Government, omitted to indicate, in this connection, what premises could have been their “home” (compare *Prokopovich*, cited above, § 38). The Court also notes that following their eviction, the first applicant rented a dwelling for his family (with exception of the third applicant) which can be seen as confirmation of their assertion that they did not have a place to live other than the flat from which they were evicted (see paragraph 18 above).

36. Additionally, it appears from the case file that at the time of the eviction the flat was fully furnished (see paragraph 16 above; compare *McKay-Kopecka v. Poland* (dec.), no. 45320/99, 19 September 2006; *Sagan v. Ukraine*, no. 60010/08, § 52, 23 October 2018; and *Halabi v. France*, no. 66554/14, § 43, 16 May 2019). Moreover, by the time the domestic courts examined the claim against the applicants, the first, second and fifth applicants were again registered at the flat in question (see paragraph 9 above).

37. In sum, the Court considers that the flat in question constituted the first, second, fourth and fifth applicants’ home for the purposes of Article 8 of the Convention. Article 8 is therefore applicable.

(b) The third applicant

38. As it appears from the case file, the third applicant had been living with his own family in Ukraine since 2009 (see paragraph 14 above). It has not been argued nor demonstrated that he lived in the flat in question after 2009 and at the time of the eviction (contrast *Orlić v. Croatia*, no. 48833/07, § 55, 21 June 2011) or that he had been staying there occasionally after he had left for Ukraine (contrast *McKay-Kopecka*, and *Halabi*, § 40, both cited above). In these circumstances, the Court does not find it established that the third applicant retained sufficient and continuous links with the flat in question for it to be considered his home (compare *Boyko v. Ukraine* (dec.), no. 17382/04, 23 October 2007).

39. It therefore rejects the third applicant's complaint as being incompatible *ratione materiae* with the provisions of the Convention, pursuant to Article 35 §§ 3 (a) and 4 of the Convention (compare *Nasirov and Others v. Azerbaijan*, no. 58717/10, § 75, 20 February 2020).

3. Conclusion as regards admissibility

40. The Court notes that, in respect of the first, second, fourth and fifth applicants, this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

41. The applicants argued that in accordance with Article 93 of the Housing Code they could not be evicted from the flat without being provided with another living space. They further argued that they had been evicted from the flat after the hearing at the appellate court, before its judgment came into force under domestic law (see paragraph 22 above).

42. The Government submitted that the fact that the first, fourth and fifth applicants had received land shares in Arafsa proved that they had permanently resided there.

2. The Court's assessment

43. Having established that the flat in question was the first, second, fourth and fifth applicants' home (see paragraph 37 above), the Court finds that their eviction constituted an interference with their right to respect for their home. Such an interference would violate Article 8 unless it was lawful, pursued a legitimate aim and was necessary in a democratic society for the achievement of this aim.

44. In the present case, as regards the lawfulness of the interference, the Court notes that while ordering the applicants' eviction the domestic courts

relied mainly on Article 60 of the Housing Code which provided that premises allocated to the tenants and their family members were kept for them for six months in case of their temporary absence (see paragraph 21 above). The applicants considered that provision inapplicable arguing that they had never left the flat and stated that their eviction had been unlawful as it had taken place before the appellate court judgment had come into force.

45. The Court observes that the first applicant did not raise the latter issue in his cassation appeal and that there is no evidence in the case file concerning the exact date of the eviction, although it appears undisputed that it took place between September and November 2010. The Court also finds that the question whether the domestic courts established in a reliable manner that the applicants had left the flat for more than six months is an issue central to the necessity and proportionality of the interference. In the light of the above, and considering, for the reasons set out below, that the interference in any event fell short of being necessary in a democratic society, the Court does not consider it necessary to resolve the disputed points of the application of domestic law and to decide whether the interference met the requirement of lawfulness.

46. It does not appear disputed that the applicants' eviction took place in the context of management of State-owned housing and could in principle be seen as aiming at the fair distribution of the State housing and, therefore, as pursuing a legitimate aim in the interest of the economic well-being of the country and the protection of the rights of others, within the meaning of Article 8.

47. Under the Court's well-established case-law, while Contracting parties enjoy a wide margin of appreciation in determining and enforcing housing policies and rules, since the loss of one's home is the most extreme form of interference with the right to respect for the home, any person at risk in this regard should in principle be able to have the proportionality of the measure determined by an independent tribunal in the light of the relevant principles under Article 8 of the Convention. The procedural safeguards available to the individual will be especially material in determining whether the respondent State has remained within its margin of appreciation. In particular, the Court must examine whether the decision-making process leading to measures of interference was fair and such as to afford due respect to the interests safeguarded to the individual by Article 8 (see *Yordanova and Others v. Bulgaria*, no. 25446/06, § 118, 24 April 2012). Where relevant arguments concerning the proportionality of the interference have been raised by the applicants, the domestic courts should examine them in detail and provide adequate reasons (see, among other authorities, *Lushkin and Others v. Russia*, nos. 29775/14 and 29967/14, § 45, 15 December 2020, and *Ahmadova v. Azerbaijan*, no. 9437/12, § 46, 18 November 2021, with references therein).

48. In the present case, in the course of the judicial proceedings the applicants presented numerous arguments in support of their position that they had continued to live in the flat in question despite being registered at a different address, that they had no other place to live and that they would end up on the street if evicted (see paragraphs 12-14 and 17 above). However, the domestic courts failed to address those arguments and focused exclusively on the residence registration information on the identity cards of the first, second and fifth applicants and the allocation of plots of land in Arafsa to the first, fourth and fifth applicants. As noted above (see paragraph 35 above), the courts never established that there was a house on those plots of land. Their refusal to examine the reality of the applicants' housing situation and their formalistic reliance on administrative registrations is incompatible with the Contracting States' duties under Article 8 of the Convention, as set out in the preceding paragraph. At no stage of the proceedings did the courts consider whether the applicants would be rendered homeless if evicted, as claimed by them (compare *Kryvitska and Kryvitsky v. Ukraine*, no. 30856/03, § 50, 2 December 2010).

49. The Court therefore finds that the approach taken by the domestic courts amounts to a failure by them to assess the proportionality of the applicants' eviction (see, *mutatis mutandis*, *Yordanova and Others*, cited above, §§ 122-23, and *Sadovyak v. Ukraine*, no. 17365/14, § 33, 17 May 2018). It thus concludes that the applicants were not afforded a procedure enabling them to obtain an adequate review of the proportionality of the interference in the light of their personal circumstances (compare *Ahmadova*, cited above, § 52) and that therefore the interference was not necessary in a democratic society within the meaning of Article 8 § 2 of the Convention.

50. There has therefore been a violation of Article 8 of the Convention.

II. ALLEGED VIOLATIONS OF ARTICLE 6 OF THE CONVENTION AND ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION

51. The applicants complained that the domestic courts had delivered unreasoned judgments, in breach of the requirements of Article 6 § 1 of the Convention. The applicants also complained that they had been deprived of their property as a result of the allegedly unlawful court decisions.

52. Having regard to the conclusion reached above under Article 8 of the Convention (see paragraphs 27-50 above) and the parties' submissions, the Court considers that there is no need to give a separate ruling on the admissibility and merits of these complaints (compare *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

53. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

54. The applicants claimed 124,200 Azerbaijani manats (AZN) (approximately 62,230 euros (EUR) at the time of the submission of the claim) in respect of pecuniary damage, comprising the following: (i) AZN 97,500 (approximately EUR 48,860) in compensation for the apartment; (ii) AZN 3,500 (approximately EUR 1,750) for damaged household goods; (iii) AZN 21,700 (approximately EUR 10,870) for the rental fee for the period of seven years and seven months; and (iv) AZN 1,500 (approximately EUR 750) for medical expenses. They also claimed AZN 150,000 (approximately EUR 75,180) for non-pecuniary damage.

55. The Government submitted that the applicants had failed to submit any proof in respect of the pecuniary damage claimed. They also submitted that the claimed sums were excessive and unsubstantiated.

56. The Court notes that the applicants were tenants in the flat in question and therefore considers that their claim for its value is not supported by any convincing evidence (see *Prokopovich*, cited above, § 49; see also, for illustration purposes, *Cravcişin v. the Republic of Moldova and Russia* [Committee], no. 43176/13, § 51, 28 September 2021). As to the claim concerning the alleged damage to the household goods and the rental expenses, no relevant supporting documents have been provided. The Court does not discern any causal link between the violation found and the applicants' claim for pecuniary damage relating to medical expenses. Therefore, it rejects the claim for pecuniary damage in its entirety.

57. However, it considers that the first, second, fourth and fifth applicants must have sustained non-pecuniary damage which cannot be sufficiently compensated by the finding of a violation. Ruling on an equitable basis, it awards them EUR 7,000 jointly in respect of non-pecuniary damage, plus any tax that may be chargeable on this amount.

B. Costs and expenses

58. The applicants also claimed AZN 3,500 (approximately EUR 1,750) for the costs and expenses incurred before the domestic courts and the Court. This sum included legal fees, translation costs and postal expenses but the applicants did not submit an itemised claim. They submitted postal receipts in support of thereof.

59. The Government stated that the applicants had failed to submit any itemised particulars of the claim and documentary proof in support of their claims.

60. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. Under Rule 60 of the Rules of Court any claim made under Article 41 of the Convention must be submitted together with the relevant supporting documents, failing which the Court may reject the claim in whole or in part. Having regard to the documents in its possession, the Court considers that the first, second, fourth and fifth applicants should only be awarded EUR 94 for their postal expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 8 of the Convention in respect of the first, second, fourth and fifth applicants admissible and the remainder of this complaint inadmissible;
2. *Holds* that there has been a violation of Article 8 of the Convention in respect of the first, second, fourth and fifth applicants;
3. *Holds* that there is no need to examine the admissibility and merits of the complaints under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention;
4. *Holds*
 - (a) that the respondent State is to pay jointly to the first, second, fourth and fifth applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 7,000 (seven thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 94 (ninety-four euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
5. *Dismisses* the remainder of the applicants' claim for just satisfaction.

HASANALI ALIYEV AND OTHERS v. AZERBAIJAN JUDGMENT

Done in English, and notified in writing on 9 June 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik
Registrar

Síofra O’Leary
President

APPENDIX

List of applicants:

No.	Applicant's Name	Year of birth
1.	Hasanali ALIYEV	1952
2.	Rukhsara ALIYEVA	1956
3.	Anar ALIYEV	1975
4.	Emin ALIYEV	1977
5.	Ramzi ALIYEV	1983