



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

FIRST SECTION

CASE OF NAMAZLI v. AZERBAIJAN

(Application no. 8826/20)

JUDGMENT

Art 8 • Private life • Correspondence • Inspection of a lawyer's documents by prison staff before and after meeting his client in prison in the absence of any suspicion of wrongdoing • Domestic provisions of a general nature with no distinction between inmates' lawyers and other visitors, in disregard of the special status of lawyers in the administration of justice • Lack of a clear and detailed framework or safeguards against possible abuse or arbitrariness • Interference not "in accordance with the law"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

20 June 2024

FINAL

20/09/2024

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

In the case of *Namazli v. Azerbaijan*,

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

Marko Bošnjak, *President*,
Alena Poláčková,
Krzysztof Wojtyczek,
Lətif Hüseynov,
Ivana Jelić,
Gilberto Felici,
Erik Wennerström, *judges*,

and Ilse Freiwirth, *Section Registrar*,

Having regard to:

the application (no. 8826/20) 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 an Azerbaijani national, Mr Fariz Mubariz oglu Namazli (*Fariz Mübariz oğlu Namazlı* - “the applicant”), on 30 January 2020;

the decision to give notice to the Azerbaijani Government (“the Government”) of the complaints concerning Articles 6, 8 and 13 of the Convention and to declare the remainder of the application inadmissible; the parties’ observations;

Having deliberated in private on 28 May 2024,

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

INTRODUCTION

1. The application mainly concerns an inspection of the documents of the applicant, a lawyer, and the alleged seizure of a written statement given to him by his client following their meeting in prison. It raises issues under Article 8 of the Convention.

THE FACTS

2. The applicant was born in 1982 and lives in Sumgayit. He was represented by Mr Y. Imanov and Mr N. Karimli, lawyers based in Azerbaijan.

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

4. The facts of the case, as submitted by the parties, may be summarised as follows.

5. The applicant is a lawyer and member of the Azerbaijani Bar Association. He represented a client, A.H., in domestic criminal proceedings and before the European Court of Human Rights (“the Court”).

6. On 10 August 2018 the applicant went to Gobustan Prison to meet A.H., who was serving his prison sentence there, to discuss some issues relating to A.H.'s cases before the Court.

7. According to the applicant, he had only been allowed to meet with A.H. after his documents had been inspected at the entrance to the prison. He had objected to the inspection of his documents, claiming it was unlawful. However, the prison staff ignored his objections. During the meeting he discussed various issues with A.H., who also gave him a written statement of five pages to be sent to the Court.

8. After the meeting had ended, when the applicant was about to leave the prison, he was subjected to a personal search by prison staff who also again inspected his documents. Although the applicant objected to the actions of the staff, they ignored his objections. During the inspection of his documents, they removed the written statement made by A.H. in order to show it to the prison governor. Approximately thirty minutes later, the staff informed the applicant that they could not return this statement to him, on the instructions of the prison governor. No record or other document was drawn up about the seizure of the written statement.

9. On 11 August 2018 the applicant lodged a complaint with the prison service of the Ministry of Justice, arguing that Gobustan Prison staff had unlawfully subjected his documents to an inspection at the prison entrance and exit and had seized the written statement that his client had given him. He argued that those actions had breached his rights as a lawyer and his privileged communications with his client.

10. On the same date the applicant also lodged a complaint with the Baku Administrative-Economic Court No. 1, complaining about the inspection of his documents and the seizure of his client's written statement by the Gobustan Prison staff. In particular, he submitted that those actions had constituted a breach of the confidentiality principle and had been unlawful.

11. By a letter dated 11 September 2018, the prison service replied to the applicant's complaint, informing him that his complaint had been examined and that it had not been established that the prison staff had taken any document belonging to A.H. or there had been any interference with A.H.'s confidential communications with the applicant.

12. It appears from the documents in the case file that on 20 September 2018 the governor of Gobustan Prison sent a letter to the Baku Administrative-Economic Court No. 1 in connection with the applicant's complaint that was pending in that court. In the letter, he said that on 10 August 2018 the applicant had arrived at Gobustan Prison where he had met with A.H. between 12.35 p.m. and 5.20 p.m. The documents in the applicant's briefcase had not been subjected to censorship, but the briefcase had been subjected to a general inspection (*ümumi baxış*). No complaint or statement written by A.H. had been seized by the employees of the prison.

13. On 14 October 2018 the applicant made a request to the Baku Administrative-Economic Court No. 1 asking it to obtain the video-recordings from the security cameras situated at the checkpoint of the prison where the inspection of his documents and the seizure of the written statement took place. He also asked the court to hear A.H. as a witness. The applicant also contested the content of the Gobustan Prison governor's letter of 20 September 2018, saying that he had not had a briefcase with him on that day and he had been holding his documents in his hands. He reiterated that the prison staff had subjected his documents to inspection by reading them and had seized the written statement made by his client.

14. On 5 March 2019 the Baku Administrative-Economic Court No. 1 gave a decision finding that the applicant's claim could not be examined because the applicant had failed to provide the court with any evidence in support of his allegations that the respondent had subjected his documents to censorship and had seized a written statement given to him by his client.

15. On 16 March 2019 the applicant appealed against that decision, arguing that the lower court's refusal to examine his complaint had been unlawful.

16. On 25 April 2019 the Baku Court of Appeal dismissed the applicant's appeal.

17. On 14 May 2019 the applicant lodged a cassation appeal, reiterating his previous complaints. He also noted that although he had asked the first-instance court to obtain the video-recordings from the cameras at the prison checkpoint and to hear A.H. as a witness, the court had failed to grant these requests.

18. On 16 July 2019 the Supreme Court dismissed the applicant's cassation appeal. It held that as the applicant had failed to submit any evidence in support of his allegations that the respondent had subjected his documents to censorship and had seized his client's written statement, the lower courts had been right in their decisions not to examine the complaint on its merits. The Supreme Court also noted that the applicant's request for the video-recordings from the security cameras had been dismissed by the first-instance court because the respondent's representative, who was present at the court hearing, stated that the video-recordings were no longer available because they had been automatically deleted one month later. Furthermore, the Supreme Court found that A.H. could not give admissible evidence because, as the applicant had said himself, the inspection of his documents and the seizure of the statement had not taken place in the presence of A.H. but at the prison checkpoint area.

19. The Supreme Court's decision was served on the applicant on 30 July 2019.

RELEVANT LEGAL FRAMEWORK

I. LAW ON ADVOCATES AND ADVOCACY ACTIVITY OF 28 DECEMBER 1999 (“THE LAW”)

20. The relevant part of the Law, as in force at the material time, provided as follows:

Article 7 Guarantee of advocacy

“I. Institutions, enterprises and organisations, regardless of their organisational form, are obliged to render assistance to the lawyers in the exercise of their professional duties.

...

III. Questioning a lawyer about facts known to him or her in connection with the performance of his professional duties is prohibited.

Documents and other evidence, lawyer’s files (records) collected by lawyers in connection with the performance of their professional duties shall not be required to be produced and seized by the investigation and judicial bodies.

...

IV. All applications to lawyers and their organisations shall remain confidential. Detained, arrested and convicted persons shall be provided with the facilities required for meetings and consultations with the lawyer in private and confidentiality.

...”

Article 16 Lawyer’s duties

“I. While performing his or her professional activity a lawyer is obliged:

to execute the requirements of the law, use all the means provided for by the legislation to protect the interests of the defended or represented person;

to preserve lawyer confidentiality, comply with the lawyer’s oath, and act in accordance with lawyer ethics ;

...”

Article 17 Lawyer confidentiality (*vəkil sirri*)

“I. The information obtained by a lawyer, and advice and information given by a lawyer in furtherance of his or her professional activity, fall under the head of lawyer confidentiality.

...”

II. THE CODE ON EXECUTION OF PUNISHMENTS (“THE CEP”)

21. Article 75 of the CEP provides that the administration of a prison is entitled to inspect (*baxış keçirmək*) people who enter and exit the facility, their belongings and their vehicles (Article 75.5). Rules on carrying out of

inspection and search are made in accordance with the Internal Prison Disciplinary Rules (Article 75.6).

22. Article 81 (meeting of inmates with their relatives, lawyers and other persons) of the CEP provides that at the request of the inmates, their close relatives or their legal representatives, inmates are allowed to meet lawyers or other people entitled to provide them with legal assistance (Article 81.7). Such meetings between inmates and lawyers are not restricted as to their number or duration and they must be conducted in accordance with the Internal Prison Disciplinary Rules (Article 81.8). A lawyer or other person entitled to provide legal assistance is allowed to enter the prison establishment on presentation of his or her identity card and documents showing his or her professional status (Article 81.9).

III. THE INTERNAL PRISON DISCIPLINARY RULES, APPROVED BY DECISION No. 7-N OF 29 DECEMBER 2011 OF THE COLLEGIUM OF THE MINISTRY OF JUSTICE (“THE INTERNAL PRISON DISCIPLINARY RULES”)

23. Section 1 provides that the Internal Prison Disciplinary Rules define the mechanism for implementing the rules for executing and serving sentences of detention for a fixed term or for life: those Rules were prepared in accordance with the European Prison Rules.

24. Section 32 deals with meetings with the Ombudsman of the Republic of Azerbaijan, the members of the national preventive group of the Ombudsman and lawyers with the inmates. It provides that at the request of the inmates, their close relatives and their legal representatives, the inmates are allowed to meet lawyers. The lawyer is allowed to enter the prison on presentation of his or her identity card and the documents showing his or her professional status.

IV. THE RULES ON ENTERING PRISONS IMPLEMENTING SENTENCES OF DETENTION FOR A FIXED TERM OR FOR LIFE, APPROVED BY DECISION No. 7-N OF 29 DECEMBER 2011 OF THE COLLEGIUM OF THE MINISTRY OF JUSTICE (“THE RULES ON ENTERING PRISONS”)

25. Article 2.1 of the Rules on Entering Prisons provides a list of persons entitled to enter prisons and the conditions under which they can enter. In accordance with Article 2.1.10, a lawyer or other person entitled to provide legal assistance is allowed to enter the prison on presentation of his or her identity card and documents showing his or her professional status.

26. The prison administration is entitled to inspect (*baxış keçirmək*) people who enter and exit the facility, their belongings and their vehicles. Persons listed in Articles 2.1.1. and 2.1.9, namely judges, representatives of

international organisations entitled to visit prisons and representatives of embassies and consulates of foreign States in Azerbaijan may not be subjected to inspection (Article 2.4.1).

27. The inspection of a person and belongings must be carried out in accordance with the rules provided in the Internal Disciplinary Rules (Article 2.4.2).

V. RELEVANT INTERNATIONAL DOCUMENT

28. The recommendation of the Committee of Ministers to Member States of the Council of Europe on the European Prison Rules (Rec (2006)2-rev, adopted by the Committee of Ministers on 11 January 2006, at the 952nd meeting of the Ministers' Deputies and revised and amended by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies), in so far as relevant, reads as follows:

“Legal advice

23.1 All prisoners are entitled to legal advice, and the prison authorities shall provide them with reasonable facilities for gaining access to such advice.

23.2 Prisoners may consult on any legal matter with a legal adviser of their own choice and at their own expense.

23.3 Where there is a recognised scheme of free legal aid, the authorities shall bring it to the attention of all prisoners.

23.4 Consultations and other communications, including correspondence about legal matters between prisoners and their legal advisers, shall be confidential.

23.5 A judicial authority may, in exceptional circumstances, authorise restrictions on such confidentiality to prevent serious crime or major breaches of prison safety and security.

23.6 Prisoners shall have access to, or be allowed to keep in their possession, documents relating to their legal proceedings.”

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

29. The applicant complained under Article 8 of the Convention that his Convention rights had been breached as a result of the inspection of his documents and the seizure of his client's statement by the prison administration. Article 8 of the Convention reads as follows:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the

country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

A. Admissibility

30. The Court notes that 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

31. The applicant maintained his complaint, arguing that the Gobustan Prison staff had subjected his documents to an inspection at the prison entrance and exit and had seized a written statement given to him by his client. Those actions constituted an interference with his right to private life and correspondence within the meaning of Article 8 of the Convention and which was not in accordance with the law. He also submitted that the inspection of his documents and the seizure of the statement did not pursue any legitimate aim and were not justified.

32. The Government submitted that the applicant's belongings had been subjected to examination at the entrance and exit of Gobustan Prison in accordance with the legislation, but none of his documents or belongings had been seized. In particular, they contested the applicant's submissions, pointing out that there was no evidence in the case file in support of the applicant's allegation of the seizure of the written statement given to him by his client.

33. As regards the examination of the applicant's belongings, the Government submitted that this examination constituted an interference with the applicant's rights under Article 8 of the Convention. The interference had been in accordance with the law, had pursued a legitimate aim and had been necessary in a democratic society. The Government submitted that lawyers were not included in the category of persons entitled to enter prisons without any hindrance and without prior notice, upon presenting their professional card, under Article 75.5 of the CEP and the Rules on Entering Prisons. The inspection of persons entering prisons is necessary in a democratic society for objective security reasons for the purposes of the prevention of crime and disorder.

2. The Court's assessment

(a) General principles

34. The Court refers to the general principles established in its case-law as set out in *Michaud v. France* (no. 12323/11, §§ 117-19, ECHR 2012) and

Laurent v. France (no. 28798/13, §§ 35 and 44, 24 May 2018), which are equally pertinent to the present case.

35. The Court also considers it necessary to reiterate the central role of the legal profession in the administration of justice and the maintenance of the rule of law. The freedom of lawyers to practise their profession without undue hindrance is an essential component of a democratic society and a necessary prerequisite for the effective enforcement of the provisions of the Convention, in particular the guarantees of fair trial and the right to personal security. Persecution or harassment of members of the legal profession thus strikes at the very heart of the Convention system (see, *mutatis mutandis*, *Elçi and Others v. Turkey*, nos. 23145/93 and 25091/94, § 669, 13 November 2003).

36. Moreover, correspondence with lawyers, whether it concerns contemplated or pending proceedings or is of a general nature, is in principle privileged under Article 8 of the Convention. Its routine scrutiny, particularly by individuals or authorities who may have a direct interest in the subject matter contained therein, is not in keeping with the principles of confidentiality and professional privilege attaching to relations between a lawyer and his client (see *Campbell v. the United Kingdom*, 25 March 1992, §§ 47-48, Series A no. 233, and *Piechowicz v. Poland*, no. 20071/07, § 239, 17 April 2012).

37. The Convention does not prohibit the imposition on lawyers of certain obligations likely to concern their relationships with their clients. This is the case in particular where credible evidence is found of the participation of a lawyer in an offence, or in connection with efforts to combat certain practices. On that account, however, it is vital to provide a strict framework for such measures, since lawyers occupy a vital position in the administration of justice and can, by virtue of their role as intermediary between litigants and the courts, be described as officers of the law (see *André and Another v. France*, no. 18603/03, § 42, 24 July 2008, and *Altay v. Turkey (no. 2)*, no. 11236/09, § 56, 9 April 2019).

(b) Application of the general principles to the present case

(i) Whether there was interference

38. The Court observes at the outset that the applicant's and the Government's versions of events differ as regards the allegation that a written statement given to the applicant by his client was seized by the prison staff. In particular, while the applicant maintained that that had happened, the Government submitted that none of the applicant's documents or belongings had been seized by the prison staff (see paragraphs 31 and 32 above). However, having regard to the parties' submissions and the documents available in the case file, in the particular circumstances of the present case the Court does not find it necessary to resolve those discrepancies, since it

considers that they do not affect the main issues raised in the present case. As the Court has previously held, bearing in mind that the Convention is intended to safeguard rights that are “practical and effective”, it must look behind appearances and investigate the realities of the situation complained of (see *Par and Hyodo v. Azerbaijan*, nos. 54563/11 and 22428/15, § 47, 18 November 2021, and *Shenturk and Others v. Azerbaijan*, nos. 41326/17 and 3 others, § 101, 10 April 2022).

39. In that connection, the Court emphasises that the gist of the applicant’s complaint is not about a routine security check carried out in a non-intrusive way, such as a lawyer may face in the context of admission to a prison in order to visit his client, but about the inspection of the documents of a lawyer, before and after his meeting with his client, by prison staff in the absence of any suspicion of wrongdoing.

40. The Court reiterates that any measure – if it is no different from a search in its manner of execution and its practical effects – amounts, regardless of its characterisation under domestic law, to an interference with an applicant’s rights under Article 8 of the Convention (see *Avanesyan v. Russia*, no. 41152/06, § 39, 18 September 2014, and *Kruglov and Others v. Russia*, nos. 11264/04 and 15 others, § 123, 4 February 2020). The Court observes that in the present case it appears from the letter from the Gobustan Prison governor dated 20 September 2018 that when on 10 August 2018 the applicant went to Gobustan Prison to meet his client, his documents were subjected to a general inspection at the prison entrance and exit (see paragraph 12 above). It has not been argued by the Government, and the Court sees no reason to believe, that the authorities were acting on any suspicion, let alone any material evidence of wrongdoing by the applicant, when they decided to inspect his documents before and after his meeting with his client in prison. The Government accepted that the applicant’s belongings had been examined at the prison entrance and exit and that this had constituted an interference with the applicant’s rights under Article 8 of the Convention (see paragraphs 32 and 33 above).

41. In these circumstances, the Court considers that the inspection of the applicant’s documents before and after his meeting with his client in prison, regardless of its classification under domestic law, constituted an interference with the applicant’s “private life” and “correspondence” within the meaning of Article 8 § 1 of the Convention (see, *mutatis mutandis*, *Ivashchenko v. Russia*, no. 61064/10, §§ 68-69, 13 February 2018, and *Yunusova and Yunusov v. Azerbaijan (no. 2)*, no. 68817/14, § 148, 16 July 2020).

(ii) *Whether the interference was justified*

42. Such an interference will be in breach of Article 8 of the Convention unless it can be justified under paragraph 2 of Article 8 as being in accordance with the law, pursuing one or more of the legitimate aims listed therein, and

being necessary in a democratic society in order to achieve the aim or aims concerned.

43. The Court reiterates that, according to its well-established case-law, the wording “in accordance with the law” requires the impugned measure to have some basis in domestic law and to be compatible with the rule of law, which is expressly mentioned in the Preamble to the Convention and inherent in the object and purpose of Article 8 (see *Azer Ahmadov v. Azerbaijan*, no. 3409/10, § 63, 22 July 2021). The expression “in accordance with the law” also refers to the quality of the law in question, requiring that it should be accessible to the persons concerned and foreseeable as to its effects (see *Guliyev v. Azerbaijan*, no. 54588/13, § 50, 6 July 2023). In order for the law to meet the criterion of foreseeability, it must set forth with sufficient precision the conditions in which a measure may be applied, to enable the persons concerned – if need be, with appropriate advice – to regulate their conduct (see *Altay (no. 2)*, cited above, § 54).

44. Moreover, for domestic law to meet the qualitative requirements, it must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention. In matters affecting fundamental rights it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the Convention, for a legal discretion granted to the executive to be expressed in terms of an unfettered power. Consequently, the law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise (see *Selahattin Demirtaş v. Turkey (no. 2)* [GC], no. 14305/17, §§ 249-50, 22 December 2020, with further references, and *Zayidov v. Azerbaijan (no. 2)*, no. 5386/10, § 68, 24 March 2022).

45. In assessing the lawfulness of an interference, and in particular the foreseeability of the domestic law in question, the Court has regard both to the text of the law and to the manner in which it was applied and interpreted by the domestic authorities. The practical interpretation and application of the law by the domestic courts must give individuals protection against arbitrary interference (see *Guliyev*, cited above, § 51).

46. Turning to the circumstances of the present case, the Court observes at the outset that the domestic law does not contain express provisions about the inspection of a lawyer’s documents at the prison entrance and exit. The Government, however, apparently rely on Article 75.5 of the CEP (see paragraph 21 above), read in the light of the provisions of the Rules on Entering Prisons (see paragraphs 25-27 above), as the legal basis for the interference with the applicant’s rights. In particular, they have argued that the interference was in accordance with the law because in the relevant domestic law lawyers were not in the category of the persons entitled to enter prisons without hindrance and without prior notice on presenting their professional card (see paragraph 33 above).

47. In that connection, the Court observes that Articles 7 and 17 of the Law clearly protect the privilege accorded to the lawyer-client relationship and the confidentiality principle as it applies to the information and documents obtained by a lawyer in the exercise of his professional activity (see paragraph 20 above). The Court also notes that Article 81 of the CEP regulating inmates' meetings with their lawyers provides that a lawyer is allowed to enter a prison on presentation of his identity card and documents proving his professional status (Article 81.9) and is silent as to the question of the inspection of a lawyer's documents by prison staff (see paragraph 22 above). However, Article 75 of the CEP sets out a general rule empowering the prison staff to inspect people going in and out, their belongings and their vehicles (Article 75.5), without making any distinction between the different categories of people or clarifying how the inspection should be conducted (see paragraph 21 above).

48. The Court observes that in the present case the domestic courts refused to examine the applicant's complaint concerning the lawfulness of the inspection of his documents on the merits and it does not seem that there exists any reported domestic case-law clarifying the exact purport of the above-mentioned provisions of the domestic law. Moreover, neither the domestic courts in their decisions nor the Government in their submissions before the Court gave any explanation as to how Articles 7 and 17 of the Law and Article 81.9 of the CEP interplayed with the general power of prison staff to inspect people going in and out and their belongings under Article 75.5 of the CEP.

49. In any event, even assuming that Article 75.5 of the CEP, read in the light of the provisions of the Rules on Entering Prisons, may provide, as asserted by the Government, a legal basis for the inspection of the applicant's documents that took place in the present case, the Court does not consider that such a general provision meets the quality of the law requirement within the meaning of Article 8 of the Convention.

50. In that connection, the Court draws attention to the strengthened protection that exchanges between lawyers and their clients enjoy under Article 8 of the Convention (see *Michaud*, cited above, § 118) and the need to provide a strict framework for imposition of any measure in this context (see the case-law cited in paragraph 37 above). The Court also emphasises that a search represents a serious interference with Article 8 rights, and must accordingly be based on law that is particularly precise. It is essential to have clear, detailed rules setting out safeguards against possible abuse or arbitrariness (see, *mutatis mutandis*, *Sorvisto v. Finland*, no. 19348/04, § 118, 13 January 2009, and *Heino v. Finland*, no. 56720/09, § 43, 15 February 2011).

51. However, Article 75.5 of the CEP, read in the light of the provisions of the Rules on Entering Prisons, does not provide a clear and detailed legal framework or safeguards against possible abuse or arbitrariness. On the

contrary, those provisions draw no distinction between inmates' lawyers and other visitors such as family members and they disregard the special status of lawyers in the administration of justice. Under those provisions, prison staff could in practice exercise an unfettered discretion to inspect the documents of a lawyer visiting his or her client in prison and would not even be required to provide any reason or justification for their decisions.

52. The Court considers that such an interpretation and application of the relevant domestic law would render the privilege accorded to the lawyer-client relationship devoid of any substance in the context of persons deprived of their liberty. In particular, it would be incompatible with respect for the confidentiality of lawyer-client communications as protected under Article 8 of the Convention if the inspection of a lawyer's documents before and after visiting his or her client in prison were at the discretion of prison staff as the Government seem to have suggested in the present case.

53. The foregoing considerations are sufficient to enable the Court to conclude that the interference in question was not "in accordance with the law" within the meaning of Article 8 § 2 of the Convention. In view of this conclusion, the Court is dispensed from having to examine whether the interference pursued any of the legitimate aims referred to in Article 8 § 2 and was necessary in a democratic society.

54. There has accordingly been a violation of Article 8 of the Convention.

II. ALLEGED VIOLATION OF ARTICLES 6 AND 13 OF THE CONVENTION

55. The applicant complained under Articles 6 and 13 of the Convention of a lack of access to a court and of effective remedies.

56. Having regard to the facts of the case, the submissions of the parties, and its findings under Article 8 of the Convention, the Court considers that it has examined the main legal question raised in the present application, and that there is no need to give a separate ruling on the admissibility and merits of the above-mentioned complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and *Azer Ahmadov*, cited above, § 79).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

57. 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

58. The applicant claimed 20,000 euros (EUR) in respect of non-pecuniary damage.

59. The Government submitted that the amount claimed by the applicant was unsubstantiated and excessive and that a finding of a violation would constitute sufficient just satisfaction.

60. The Court considers that the applicant has suffered non-pecuniary damage which cannot be compensated for solely by the finding of a violation, and that compensation should therefore be awarded. Making its assessment on an equitable basis, as required by Article 41 of the Convention, the Court awards the applicant the sum of EUR 4,500 under this head, plus any tax that may be chargeable on that amount.

B. Costs and expenses

61. The applicant claimed EUR 30 for legal costs and EUR 9.56 for postal expenses incurred in the proceedings in the domestic courts and submitted receipts in support of his claim. He also claimed EUR 993 for legal costs incurred in the proceedings before the Court. In that connection, the applicant attached to his observations submitted on 14 November 2022 a contract with his representatives (dated 5 July 2021) which he had not signed.

62. In further observations submitted on 15 December 2022, the Government asserted that the amount claimed by the applicant was unsubstantiated and excessive. In particular, the Government disputed the validity of the contract concerning the legal costs incurred in the proceedings before the Court on the grounds that the contract had not been signed by the applicant. They also submitted that it was not clear why the applicant, who had extensive experience in representing clients before the Court, had needed to be represented before the Court by two lawyers.

63. On 23 December 2022 the applicant sent the Court a signed version of the same contract, submitting that he had mistakenly attached the unsigned version of the contract to the observations he had submitted on 14 November 2022.

64. By a letter of 17 January 2023, the Court informed the applicant that he had not been invited by the Court to make further submissions and that the Chamber would determine whether or not it was appropriate to take those claims into account (Rule 60 §§ 2 and 3 of the Rules of Court).

65. The Court reiterates that an applicant must submit itemised particulars of all claims, together with any relevant supporting documents, within the time-limit fixed for the submission of the applicant's observations on the merits unless the President of the Chamber directs otherwise (Rule 60 § 2). If the applicant fails to comply with the relevant requirements the Chamber may reject the claims in whole or in part (Rule 60 § 3). In the present case, regard

being had to the documents in its possession and the above criteria, the Court finds no basis to accept the applicant's claim for legal costs incurred before the Court since the applicant failed to submit a signed copy of the contract within the time-limit and gave no convincing explanation for his failure to comply with the relevant requirements. It follows that this part of the claim must be rejected (see *Aslan Ismayilov v. Azerbaijan*, no. 18498/15, § 63, 12 March 2020).

66. As to the part of the claim concerning legal costs and postal expenses incurred in the proceedings in the domestic courts, the Court considers it reasonable to award the applicant the sum of EUR 39.56, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning Article 8 of the Convention admissible;
2. *Holds* that there has been a violation of Article 8 of the Convention;
3. *Holds* that there is no need to examine the admissibility and merits of the complaints under Articles 6 and 13 of the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, 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 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 39.56 (thirty-nine euros and fifty-six cents), plus any tax that may be chargeable to the applicant, 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 applicant's claim for just satisfaction.

NAMAZLI v. AZERBAIJAN JUDGMENT

Done in English, and notified in writing on 20 June 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth
Registrar

Marko Bošnjak
President