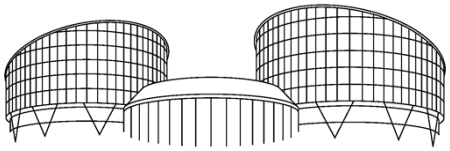

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF BAYRAMOV v. AZERBAIJAN

(Application no. 45735/21)

JUDGMENT

Art 8 • Positive obligations • Private life • Domestic courts' failure to provide adequate reasoning when dismissing a lawyer's complaint in his civil action against the police for allegedly unlawfully filming him during a traffic stop incident for alleged drinking-driving and later publishing the footage

Prepared by the Registry. Does not bind the Court.

STRASBOURG

6 May 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Bayramov v. Azerbaijan,

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

Ioannis Ktistakis*, President*,
Peeter Roosma,
Lətif Hüseynov,
Darian Pavli,
Oddný Mjöll Arnardóttir,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,

and Milan Blaško, *Section Registrar,*

Having regard to:

the application (no. 45735/21) 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 Bahruz Front oglu Bayramov (*Bəhruz Front oğlu Bayramov* – "the applicant"), on 4 September 2021;

the decision to give notice to the Azerbaijani Government ("the Government") of the complaints under Articles 6 and 8 of the Convention and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 1 April 2025,

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

INTRODUCTION

1. The application concerns the filming of the applicant when he was stopped by the State Traffic Police ("the STP") of the Baku City Police Office under the Ministry of Internal Affairs for alleged drink-driving and taken for an examination to determine his state of intoxication, and the subsequent publication of that video footage on television channels and websites.

THE FACTS

I. BACKGROUND

2. The applicant was born in 1974 and lives in Baku. He was represented by Mr Y. Imanov, a lawyer based in Azerbaijan.

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

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

5. The applicant is a lawyer and has been practising as an advocate in Azerbaijan since 2007.

A. The applicant's version of events

6. According to the applicant, on 20 October 2018 he attended a family member's birthday party and consumed a small amount of alcohol. To return home with his family, he requested and used the "sober driver" service, which provides professional drivers to safely drive individuals and their vehicles when they are unable to drive, usually due to alcohol consumption or fatigue. According to him, the "sober driver" parked his car sometime between 10 and 11 p.m., approximately 70 metres from his house, and then left. The applicant then went to a nearby shop. When he returned to his car to drive it into his yard, the STP suddenly pulled up next to him. An officer exited the vehicle and demanded his documents without identifying himself. The applicant told the officer that he had not driven his car and had used the "sober driver" service, but he was nevertheless forced to sit in the STP's vehicle. The STP officers took the applicant with them. During the journey, the STP officers called someone to ask a cameraman to come and told the applicant that they intended to record him and embarrass him in the media. They took him to the Narcology Centre of the Ministry of Health for a medical examination to determine his state of intoxication, where a report was drawn up concluding that he was drunk. The STP officers filmed his examination by a doctor and reiterated their intention to distribute the footage to the media. At 1 a.m. he was allowed to return home by taxi.

B. The Government's version of events

7. On 20 October 2018 the applicant was stopped for driving his car without a seatbelt. It was then determined that he had been driving under the influence of alcohol.

C. Publication of content about the applicant's alleged drink-driving

8. On 22 October 2018 the video footage of the applicant started to be published on various television channels and on YouTube. The footage showed the applicant arriving at the Narcology Centre in a police car, entering the building and being examined by a doctor. Several websites, citing the Press Service of the Ministry of Internal Affairs, published articles accompanied by stills from the video footage under various headlines, such as "Well-known advocate arrested drunk" (*"Tanınmış vəkil sərxoş tutuldu"*), "Well-known advocate stopped while drink-driving" (*"Tanınmış vəkil maşını sərxoş idarə edərkən saxlanıldı"*), "Operation in Baku: drunk, drugged up and 'reckless' drivers arrested – One is an advocate" (*"Bakıda reyd: Sərxoş, narkoman və 'avtoş' sürücülər tutuldu – Biri vəkildir"*).

II. ADMINISTRATIVE-OFFENCE PROCEEDINGS AGAINST THE APPLICANT

9. On 20 October 2018 an administrative-offence report was drawn up against the applicant under Articles 329.1 and 333.1 of the Code of Administrative Offences ("the CAO", see paragraphs 32-33 below). The report stated that he had been stopped at 11.40 p.m. for driving his car without a seatbelt and while drunk. It also stated that he had refused to read and sign the report.

10. At the court hearing held on 3 December 2018 before the Binagadi District Court the applicant submitted that he had not driven his car after drinking and had used the "sober driver" service. He also stated that despite his repeated requests, he had not been provided with a copy of the administrative-offence report. On the same day, the court decided to return the administrative-offence report, along with the attached documents, to the STP. It held that although the medical examination report (see paragraph 6 above) had been signed, the signatory's name had not been indicated, and no document had been submitted to the court proving that a copy of it had been served on the applicant. The court also found that no documents had been submitted showing whether any attesting witnesses had been present during the examination to determine his state of intoxication.

11. The STP lodged an appeal. On 28 January 2019 the Baku Court of Appeal allowed it in part and quashed the first-instance court's decision. It found that the lower court should have examined the issue of returning the case file to the STP during the preliminary stage of the proceedings, rather than after accepting the case for examination.

12. On 29 March 2019 the first-instance court again decided to return the case file to the STP on the above-mentioned grounds (see paragraph 10 above).

13. On 27 July 2019 the STP decided to terminate the administrative-offence proceedings, in accordance with Articles 8.1 and 53.0.1 of the CAO (see paragraphs 24 and 26 below), owing to absence of any video or audio-recording or witnesses, and therefore any evidence proving that the applicant had committed an administrative offence.

14. On 21 February 2020 the STP overturned the above-mentioned decision and discontinued the administrative-offence proceedings as time-barred.

III. THE APPLICANT'S CIVIL ACTION AGAINST THE POLICE

15. In August 2019 the applicant lodged a claim with the Yasamal District Court against the STP, describing the incident in question (see paragraph 6 above) and alleging breaches of Articles 69.2, 69.3, 69.4, 96.3 and 101 of the CAO (see paragraphs 27-31 below). He argued that no report had been drawn

up about his disqualification from driving and the medical examination to determine his state of intoxication, and that no witnesses had been present during the examination, as required by domestic law. He further complained that he had not been provided with a copy of the administrative-offence report, and that the police officers in question had unlawfully filmed him and distributed the video footage to television channels and websites, damaging his reputation and causing him financial loss and emotional distress. He relied, *inter alia*, on Article 51.2 of the CAO (see paragraph 25 below), Article 32 of the Constitution (see paragraph 22 below) and Article 8 of the Convention. He asserted that, as a result of the situation complained of, he had been unable to conclude any contracts for legal services between 22 October and 22 November 2018, and that since the video footage remained accessible on YouTube and potential clients could see it when enquiring about him online, the publication of that footage continued to negatively impact his professional activities. He asked that the STP retract the information about his alleged drink-driving on the relevant television channels and websites, accompanied by the following statement: "Bayramov Bahruz Front oglu did not drive his car while drunk, [we] retract this news by officially apologising" (*"Bayramov Bəhruz Front oğlu sərxoş halda avtomobili idarə etməyib rəsmi üzr istəməklə bu xəbəri təkzib edirik"*). Additionally, he claimed compensation of 300,000 Azerbaijani manats (AZN) in respect of pecuniary and non-pecuniary damage.

16. On 15 October 2019 the Yasamal District Court dismissed the applicant's claim, finding that information about his being stopped by the STP and drink-driving had been shared on social media and news websites, where the Press Service of the Ministry of Internal Affairs had been indicated as the source. The court held, however, that since the applicant had admitted to being drunk when stopped by the STP, he had failed to prove that the publication of the information in question actually constituted defamation, and that it was the STP which had made that information and the video footage of him available to the media.

17. The applicant appealed, reiterating his previous arguments (see paragraph 15 above). He also argued that the first-instance court had failed to examine all the relevant factual circumstances of the case and that its judgment was unlawful and unsubstantiated.

18. On 12 February 2020 the Baku Court of Appeal allowed the applicant's appeal in part and awarded him AZN 1,000 (approximately 540 euros at the relevant time) in respect of non-pecuniary damage. The court held that since there was no proof that the STP had made the information in question available to the media, it could not be held responsible for that. However, it found that the STP had to be held responsible for the unlawful actions of its officials, as the commission of an administrative offence by the applicant had not been proved.

19. Following cassation appeals by both parties, on 21 July 2020 the Supreme Court quashed the appellate court's judgment and remitted it for fresh examination. The court firstly held that, while under domestic law damages resulting from the actions of State authorities had to be paid by the Ministry of Finance, the lower court had failed to explore the possibility of substituting the defendant – subject to the applicant's consent – or involving the Ministry of Finance as another defendant in the proceedings. It also held that while the administrative-offence proceedings had been terminated on 27 July 2019 for lack of evidence, that decision had later been overturned by the STP on 21 February 2020 and the proceedings had been discontinued as time-barred (see paragraphs 13-14 above).

20. On 6 October 2020 the Baku Court of Appeal upheld the first-instance court's judgment. The court reiterated that the applicant had failed to prove that the police had distributed the information about his alleged drink-driving to the media. It held that while an excerpt from one website (atmosfer.az) indicated that the information had been given by the Press Service of the Ministry of Internal Affairs, it had not specified "which official exactly". The court also referred to a letter from the STP dated 1 February 2020, in which it denied distributing the information to the media. It further referred to a letter from a television channel (Real TV) addressed to the STP indicating that its employees had shared a video on YouTube with the title "Operation in Baku – well-known advocate among drunk drivers" (*"Bakıda reyd-sərxoş sürücülər arasında tanınmış vəkil də var"*) but had later removed it "taking into account the discontent". The court added that the claim had not been brought against the correct defendant, as the STP could not be liable to pay damages and State control over the budget was exercised by the Ministry of Finance. It also found that the grounds for the termination of the administrative-offence proceedings against the applicant had no bearing on the examination of the claim.

21. On 1 April 2021 the Supreme Court dismissed the applicant's cassation appeal and upheld the appellate court's judgment, giving the same reasons.

RELEVANT LEGAL FRAMEWORK

I. THE 1995 CONSTITUTION

22. Article 32 of the Constitution provides as follows:

Article 32. Right to personal inviolability

"I. Everyone has the right to personal inviolability.

II. Everyone has the right to keep their private and family life secret. It is prohibited to interfere with a person's private or family life, except where permitted by law.

Everyone has the right to be protected from unlawful interference in his or her private and family life.

III. No one may collect, keep, use or publish information about a person's private life without his or her consent. Except in cases prescribed by law, no one may be subjected to being followed, videotaped, photographed or tape recorded or subjected to other similar action without his or her knowledge or against his or her will.

IV. The State guarantees everyone the right to the confidentiality of their correspondence, telephone communications, post, telegraph messages and information sent by other means of communication. This right may be restricted by a procedure provided for by law in order to prevent crime or to discover the facts when investigating a criminal case.

V. Except where otherwise prescribed by law, everyone may have access to information about him or her. Everyone has a right to request the correction or deletion of information about him or her which does not correspond to the truth, is incomplete or has been collected in violation of the requirements of the law ..."

23. Article 46 of the Constitution provides:

"I. Everyone has the right to defend his or her honour and dignity.

II. The dignity of a person is protected by the State. No circumstance can justify the humiliation of a person by an affront to that person's dignity ..."

II. THE 2016 CODE OF ADMINISTRATIVE OFFENCES

24. Article 8.1 of the Code of Administrative Offences provides that if the guilt of a person against whom administrative-offence proceedings are being conducted is not proven in accordance with the procedure set out in the Code, and this is not determined by decision of the judge or competent body (official) that heard the case, the person is considered innocent.

25. Article 51.2, as in force at the material time, provided that a photograph taken, or a video or audio-recording made, in the course of administrative-offence proceedings could not be published in the mass media without the consent of the person against whom the proceedings were being conducted.

26. Article 53.0.1 (which became Article 53.1.1 after 23 February 2021) provided that administrative-offence proceedings could not be initiated if no administrative offence had been committed, and that any proceedings already initiated had to be terminated.

27. Articles 69.2 to 69.4, in force at the material time, provided for the mandatory attendance of attesting witnesses during certain procedures, including examinations to determine a person's state of intoxication. These provisions required that the involvement of attesting witnesses, along with any comments they had regarding the procedural steps taken, be documented in the corresponding report. Witnesses confirmed the procedural steps carried out in their presence, including their content and results, by signing the report.

28. Article 96.3 provides that a report must be drawn up on a driver's disqualification from driving, the use of special technical means to determine his or her state of intoxication or referral for a medical examination.

29. Article 96.5 provides that the report on a driver's disqualification from driving, the use of special technical means to determine his or her state of intoxication or referral for a medical examination must be signed by the official who drew up the report and the driver to whom the above-mentioned measures are applied. If the driver refuses to sign the report, a corresponding note is made in the report. The driver has the right to explain and provide comments on the content of the report, as well as to indicate the reasons for refusing to sign it. The explanation and comments are added to the report. A copy of the report must be provided to the driver.

30. Article 96.6 provides that the report on the medical examination to determine a driver's state of intoxication is attached to the relevant report.

31. Article 101 provides that an administrative-offence report must be drawn up immediately after the offence is discovered. In cases where additional clarification of the circumstances, as well as information about the identity of the person, are needed, the administrative-offence report must be drawn up within two days of the offence being discovered.

32. Article 329.1 provides that driving without a seatbelt is punishable by a fine of AZN 40.

33. Article 333.1 provides that drink-driving is punishable by a fine of up to AZN 400 or a ban on driving for six months to a year.

III. THE 2000 CIVIL CODE

34. Article 23 of the Civil Code, as in force at the material time, provided as follows:

> "23.1. An individual is entitled to obtain, by way of a court order, a retraction of information harming his or her honour, dignity or business reputation, disclosing secrets relating to his or her private or family life or breaching his or her personal or family inviolability, provided that the person who disseminated such information fails to prove that the information was true. The same rule shall also apply in cases of incomplete publication of factual information if, as a result, the honour, dignity or business reputation of an individual is harmed ...
>
> 23.2. If information harming the honour, dignity or business reputation of an individual or invading the secrecy of his or her private or family life is disseminated in the mass media, the information shall be retracted in the same mass media source ...
>
> 23.3. If the mass media publish information breaching an individual's rights and interests protected by law, that individual has the right to publish his or her reply in the same mass media source.
>
> 23.4. In addition to the right to seek a retraction of the information harming his or her honour, dignity or business reputation, the individual has the right to claim compensation for damage caused by the dissemination of such information ..."

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

35. The applicant complained, under Articles 6 and 8 of the Convention, that the unlawful filming of him and the subsequent publication of that footage by the STP had breached his right to respect for his private life, and that the domestic courts had failed to provide adequate reasoning in their judgments when dismissing his claim.

36. Being the master of the characterisation to be given in law to the facts of a case (see, for example, *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018), the Court considers that the complaint falls to be examined solely under Article 8 of the Convention, which 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

1. Applicability

37. The Court observes at the outset that the Government did not raise any objection as regards the applicability of Article 8 to the present case. As the question of applicability is an issue of the Court's jurisdiction *ratione materiae*, the Court will examine it at the admissibility stage (see *Denisov v. Ukraine* [GC], no. 76639/11, § 93, 25 September 2018, and *Liebscher v. Austria*, no. 5434/17, § 30, 6 April 2021).

38. The Court reiterates that the right to protection of reputation is a right which is protected by Article 8 of the Convention as part of the right to respect for private life. In order for that provision to come into play, an attack on a person's reputation must attain a certain level of seriousness and in a manner causing prejudice to personal enjoyment of the right to respect for private life (see *Axel Springer AG v. Germany* [GC], no. 39954/08, § 83, 7 February 2012). This requirement covers social reputation in general, as well as professional reputation in particular (see *Denisov*, cited above, § 112).

39. The Court further reiterates that the concept of private life extends to aspects relating to personal identity, such as a person's name or photograph, or to physical and moral integrity: the guarantee afforded by Article 8 is primarily intended to ensure the development, without outside interference, of the personality of each individual in his or her relations with other human

beings. There is therefore a zone within which a person interacts with others which, even in a public context, may fall within the scope of private life. The publication of a photograph may therefore intrude upon a person's private life even where he or she is a public figure. The Court has stated that a person's image constitutes one of the chief attributes of his or her personality, as it reveals the person's unique characteristics and distinguishes the person from his or her peers. The right to the protection of one's image is therefore one of the essential components of the development of a person's individuality. It mainly presupposes the individual's right to control the use of that image, including the right to refuse publication of it (see *Von Hannover v. Germany (no. 2)* [GC], nos. 40660/08 and 60641/08, §§ 95-96, ECHR 2012, and *Margari v. Greece*, no. 36705/16, §§ 27-28, 20 June 2023). The Court has previously held that even a neutral photograph accompanying a story portraying an individual in a negative light constitutes a serious intrusion into the private life of a person who does not seek publicity (see *Rodina v. Latvia*, nos. 48534/10 and 19532/15, § 131, 14 May 2020).

40. In the light of the above, the Court considers that the publication of the video footage in question, which suggested that the applicant, an advocate, had been drink-driving affected his private life to such a degree as to engage Article 8 (compare *Cemalettin Canlı v. Turkey*, no. 22427/04, §§ 35-37, 18 November 2008). Article 8 is therefore applicable in the present case.

2. Non-exhaustion of domestic remedies

41. The Government argued that the applicant had failed to exhaust domestic remedies. They submitted that he should have brought civil or criminal proceedings for defamation against the relevant websites and news channels, instead of the STP, as there was no evidence that the latter had disseminated the video footage in question.

42. The applicant disagreed, maintaining that he had lodged his civil claim against the STP and had requested a retraction and apology because they had distributed the video footage to the media and had been indicated as the source of information about his alleged drink-driving. He therefore argued that bringing civil or criminal proceedings against the media entities had been unnecessary in his case. He also submitted that the articles about his alleged drink-driving remained on certain websites and provided links to two of them where the Ministry of Internal Affairs had been indicated as the source of the information in question.

43. The Court considers that, in the specific circumstances of the present case, the Government's preliminary objection of non-exhaustion of domestic remedies is closely linked to the merits of the applicant's complaint and that it should therefore be joined to the merits of the case.

3. Conclusion

44. The Court notes that the 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

45. The applicant argued that contrary to the Government's submissions (see paragraph 46 below), the video footage in question had not been captured by independent journalists or other third parties. He submitted that he had been stopped late in the evening and that there was no evidence, including in content published, that media personnel or anyone else had been present during the incident in question. He further argued that the examination to determine his state of intoxication had been carried out by a doctor at the Narcology Centre of the Ministry of Health, in a closed room where no third parties, including the media, had been authorised to enter. He also argued that even if a third party had been present during the examination, it could only have happened with the permission of the STP officers who had taken him there. He maintained that the video footage had been distributed to television channels and websites by the STP to defame him, and that despite the numerous arguments and pieces of evidence he had submitted to the domestic courts, they had failed to consider them. He stated, in particular, that various media outlets had cited the STP as the source, while some had referred to the Ministry of Internal Affairs, and that there had been no indication of media involvement during the police operation (*reyd*) in the news shared by those outlets.

46. The Government argued that it was clear from the articles posted on several websites and the video footage shared on YouTube that they were the work of independent journalists and "reviewers", and that there was no indication that the information had been leaked by the STP. The Government submitted that the law-enforcement agencies carried out periodic checks to prevent individuals from driving while intoxicated, and that during such operations, third parties or media employees could randomly take photographs or record videos. The Government therefore argued that there had been no interference by any State authority with the applicant's rights protected under Article 8 of the Convention. As regards the State's positive obligations under that provision, the Government reiterated that the applicant had failed to exhaust domestic remedies (see paragraph 41 above).

2. The Court's assessment

47. The Court has held on various occasions that the recording of videos in a law-enforcement context or the release of applicants' photographs by the

police to the media constitutes an interference with the right to respect for private life (see, for example, *Peck v. the United Kingdom*, no. 44647/98, §§ 62-63, ECHR 2003-I; *Sciacca v. Italy*, no. 50774/99, §§ 26-29, ECHR 2005-I; *Khuzhin and Others v. Russia*, no. 13470/02, § 116, 23 October 2008; and *Khmel v. Russia*, no. 20383/04, §§ 42-44, 12 December 2013).

48. In the present case, the parties are in dispute as regards the existence of an interference by the State authorities. The applicant asserted that he had been filmed by the STP officers, who had later distributed the video footage in question to the media, whereas the Government denied any involvement of the STP and argued that the content in question was the work of independent journalists and passers-by (see paragraphs 41 and 46 above; contrast *Sciacca*, cited above, § 26). Having regard to the facts of the case and the sequence of the events, the Court does not exclude the possibility of the STP's involvement in leaking the video footage in question to the media. However, considering the parties' arguments and the available material, and in view of its reasoning below, the Court does not find it necessary to resolve this matter in the present case.

49. The Court reiterates that, although the object of Article 8 is essentially to protect the individual against arbitrary interference by public authorities, it does not merely compel the State to abstain from such interference. In addition to this primarily negative undertaking, there may be positive obligations inherent in an effective respect for private or family life. These obligations may require measures to be taken which are designed to secure respect for private and family life even in the sphere of the relations of individuals between themselves. Moreover, the boundaries between the State's positive and negative obligations under Article 8 do not always lend themselves to precise definition. The applicable principles are nonetheless similar. In particular, in both instances regard must be had to the fair balance which has to be struck between the competing interests (see *Odièvre v. France* [GC], no. 42326/98, § 40, ECHR 2003-III).

50. The Court observes that throughout the domestic proceedings the applicant consistently argued that the STP officers had filmed him and distributed the video footage suggesting that he had been drink-driving to the media, in breach of the provisions of domestic law and the Convention (see paragraphs 15 and 17 above). While doing so, he pointed out that many of those channels and websites had cited the STP or the Ministry of Internal Affairs as the source of the information in question. Despite acknowledging that the relevant websites had indeed indicated the Press Service of the Ministry of Internal Affairs as the source of the information shared about the applicant's alleged drink-driving, the domestic courts dismissed the applicant's claim finding that he had failed to prove that the police had distributed the information in question to the media. They held, on the basis of an excerpt from one website, that the article did not specify which official

of the Press Service of the Ministry of Internal Affairs had given that information (see paragraphs 16 and 20-21 above).

51. When dismissing the applicant's claim, the domestic courts also referred to the letters from the STP and a television channel (see paragraphs 20-21 above). The Court notes in this connection that the domestic courts merely relied on the STP's letter denying any wrongdoing and failed to provide adequate reasoning in respect of the applicant's arguments in this regard (compare *Biba v. Albania*, no. 24228/18, § 73, 7 May 2024). They also failed to explain how the letter from Real TV was relevant to determining whether the video footage of the applicant had been published by the STP. Having regard to these considerations, the Court concludes that the domestic courts dismissed the applicant's complaint in respect of the alleged actions on the part of the STP – namely, the unlawful filming of him and the subsequent publication of that footage – without sufficient reasoning (compare *D.H. and Others v. North Macedonia,* no. 44033/17, § 65, 18 July 2023).

52. The Government argued that the video footage of the applicant could have been captured by passers-by and independent journalists (see paragraphs 41 and 46 above). The Court firstly observes that the domestic courts never made such a finding in their judgments, nor did the Government adduce any evidence in support of that argument. Furthermore, they failed to explain how third parties could have filmed the applicant during the medical examination to determine his state of intoxication, given that it took place in a doctor's room at the Narcology Centre of the Ministry of Health (see paragraphs 6-7 above).

53. The Court considers that, in the circumstances of the present case, it was not unreasonable for the applicant to bring proceedings against the STP rather than against the television channels and websites, and dismisses the Government's objection that he failed to exhaust domestic remedies (compare *Cemalettin Canlı*, cited above, §§ 28-29, and *Toma v. Romania*, no. 42716/02, §§ 83-85, 24 February 2009).

54. The foregoing considerations are sufficient for the Court to conclude that the respondent State has failed to fulfil its positive obligations under Article 8 of the Convention. There has accordingly been a violation of that provision.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

55. 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

56. The applicant claimed Azerbaijani manats 24,000 (AZN) (approximately 13,330 euros (EUR) at the date of submission of the claim) in respect of pecuniary damage, the amount he was supposed to receive under a two-year contract for legal services that was allegedly terminated by his client after the publication of the video footage. He also claimed EUR 20,000 in respect of non-pecuniary damage.

57. The Government submitted that the applicant had never disputed the termination of the above-mentioned contract before the domestic courts and that, in any event, there was no causal link between its termination and the pecuniary damage alleged. They also invited the Court to dismiss his claim in respect of non-pecuniary damage, arguing that the finding of a violation would in itself constitute sufficient just satisfaction.

58. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. However, ruling on an equitable basis, as required by Article 41 of the Convention, it awards the applicant EUR 4,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

59. The applicant submitted that under the contract for legal services concluded with Mr Y. Imanov he was bound to pay the latter AZN 3,500 for costs and expenses incurred before the Court and asked to be awarded the euro equivalent of that amount at the rate applicable at the date of the conclusion of the contract (approximately EUR 1,740). He submitted a copy of the said contract.

60. The Government argued that the amount claimed was excessive, given the circumstances of the case and the applicant's profession as a practising advocate. They considered that EUR 500 would be a reasonable amount for the legal services provided by the applicant's lawyer.

61. 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 (see, for example, *Vegotex International S.A. v. Belgium* [GC], no. 49812/09, § 167, 3 November 2022, and *Malik Babayev v. Azerbaijan*, no. 30500/11, § 97, 1 June 2017, with further references). In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 1,000 for the costs and expenses before the Court, plus any tax that may be chargeable to the applicant, to be paid directly into the bank account of his representative, Mr Y. Imanov.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join to the merits the Government's preliminary objection concerning the non-exhaustion of domestic remedies and *dismisses* it;

2. *Declares* the application admissible;

3. *Holds* that there has been a violation of Article 8 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 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses, to be paid directly into the bank account of his representative, Mr Y. Imanov;
   (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.

Done in English, and notified in writing on 6 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško Registrar	Ioannis Ktistakis President