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

FIRST SECTION

DECISION

Application no. 70305/17
Azad ABBASOV and Others
against Azerbaijan
(see appended table)

The European Court of Human Rights (First Section), sitting on 11 July 2024 as a Committee composed of:

Krzysztof Wojtyczek*, President*,
Lətif Hüseynov,
Erik Wennerström*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 15 September 2017,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and their representative is set out in the appended table.

The applicants' complaint under Article 6 § 1 of the Convention that they were not duly notified of the hearings in cassation proceedings were communicated to the Azerbaijani Government ("the Government").

THE LAW

The Government informed the Court that they proposed to make unilateral declaration with a view to resolving the issues raised by this complaint. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged that the domestic authorities had violated the applicants' rights guaranteed by the Convention. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37

§ 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The Government further undertook to take all measures to reopen the cassation appeal proceedings in order to guarantee the examination of the applicants' cassation appeal in accordance with the requirements of Article 6 of the Convention.

The applicants were sent the terms of the Government's unilateral declaration several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the failure by the domestic courts to duly notify the applicants and/or their lawyers of the hearings (see, for example, *Abbasov v. Azerbaijan*, no. 24271/05, §§ 28-34, 17 January 2008; *Maksimov v. Azerbaijan*, no. 38228/05, §§ 36-43, 8 October 2009; and *Pirali Orujov v. Azerbaijan*, no. 8460/07, §§ 40-46, 3 February 2011).

Having regard to the nature of the admissions contained in the Government's unilateral declaration, as well as the scope and extent of the various undertakings given therein, together with the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)) (compare *Seydiyev v. Azerbaijan* (dec.), no. 13648/06, 20 May 2010; *Jamiyev v. Azerbaijan* (dec.), no. 11916/06, 30 September 2010; *Aliyev v. Azerbaijan* [Committee] (dec.), no. 7477/15, 16 January 2020; and *Ibrahim v. Azerbaijan* [Committee] (dec.), no. 24127/17, 12 March 2024).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 5 September 2024.

Viktoriya Maradudina Acting Deputy Registrar	Krzysztof Wojtyczek President

APPENDIX

Application raising complaint under Article 6 § 1 of the Convention

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicants' comments	Amount awarded for pecuniary and non-pecuniary damage jointly for applicants (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
70305/17 15/09/2017 (3 applicants)	**Azad Najaf oglu ABBASOV** 1959 **Akif Najaf oglu ABBASOV** 1961 **Novruzali Safar oglu RAHIMOV** 1948	Nuru GULIYEV Ganja	19/04/2024	07/06/2024	3,600	500

[1] Plus any tax that may be chargeable to the applicants.
[2] Plus any tax that may be chargeable to the applicants.