

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

FIRST SECTION

DECISION

Application no. 20591/20
Niyamaddin AHMADOV against Azerbaijan
and 3 other applications
(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 applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants' complaints under Article 6 of the Convention concerning the unfair trial in administrative offence proceedings were communicated to the Azerbaijani Government ("the Government"). In applications nos. 4165/21 and 7834/21, complaints based on the same facts were also communicated under Article 5 of the Convention.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make unilateral declarations with a

view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the unfair trial in the administrative offence proceedings. In applications nos. 4165/21 and 7834/21, they further acknowledged that the domestic authorities had violated the applicants' right guaranteed by Article 5 of the Convention. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable on the date of payment, and 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 payment will constitute the final resolution of the cases.

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

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 cases 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 unfair trial in administrative offence proceedings (see, for example, *Gafgaz Mammadov v. Azerbaijan,* no. 60259/11, 15 October 2015; *Huseynli and Others v. Azerbaijan,* nos. 67360/11 and 2 others, 11 February 2016; *Hasanov and Majidli v. Azerbaijan,* nos. 9626/14 and 9717/14, 7 October 2021; and *Hasanov v. Azerbaijan,* [Committee], no. 59202/12, 28 April 2022). It has no reasons to consider that the compensation offered by the Government constitutes inadequate or otherwise unreasonable redress for the violation of the applicants' Convention rights (see *Ryabkin and Volokitin v. Russia* (dec.), nos. 52166/08 and 8526/09, §§ 49-50, 28 June 2016; *Igranov and Others v. Russia*, nos. 42399/13 and

8 others, § 24, 20 March 2018; and, for a similar approach, *Korol v. Russia* (dec.) [Committee], no. 20129/18, 20 May 2021).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases (see *Yegorov and Others v. Russia* [Committee], nos. 32795/16 and 7 others, 12 October 2017, and *Kuratov and Others v. Russia* [Committee], nos. 24377/15 and 2 others, 22 October 2019) – the Court therefore considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

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 applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications 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 cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

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

Decides to strike the applications 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

List of applications raising complaints under Article 6 of the Convention (unfair trial in administrative offence proceedings)

No.	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 applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
1.	20591/20 22/05/2020	**Niyamaddin Arif oglu AHMADOV** 1990	Zibeyda SADIGOVA Baku	12/02/2024	-	900	225
2.	43350/20 08/09/2020	**Faig Samidkhan oglu AMIROV** 1973	Yalchin IMANOV Sumgayit	12/02/2024	-	900	225 (to be paid directly to the representative Mr Yalchin Imanov's bank account)
3.	4165/21 26/12/2020	**Elnur Movlud oglu YUSUBOV** 1982	Nemat KARIMLI Baku	12/02/2024	17/03/2024	1,800	225
4.	7834/21 06/01/2021	**Elnur Mahal oglu HASANOV** 1985	Tural AGAYEV Baku Bahruz BAYRAMOV Baku	23/04/2024	12/06/2024	1,800	225 (to be paid directly to the representative Mr Tural Agayev's bank account)

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