

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

FIFTH SECTION

DECISION

Application no. 47692/15
Maharramali ASGAROV
against Azerbaijan

The European Court of Human Rights (Fifth Section), sitting on 9 November 2017 as a Committee composed of:

André Potocki, *President,*
Síofra O'Leary,
Mārtiņš Mits, *judges,*

and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 16 September 2015,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Maharramali Asgarov, is an Azerbaijani national, who was born in 1951 and lives in Baku. The applicant was represented by Mr A. Aliyev, a lawyer practising in Azerbaijan.

The applicant's complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention concerning the non-enforcement of a domestic decision were communicated to the Azerbaijani Government ("the Government").

On 27 October 2016 and 23 February 2017 the Court received friendly-settlement declarations under which the applicant agreed to waive any further claims against Azerbaijan in respect of the facts giving rise to the application, subject to an undertaking by the Government to pay him 1,200 (one thousand two hundred) euros (EUR) to cover non-pecuniary damage and EUR 500 (five hundred) to cover any costs and expenses, plus any tax that may be chargeable to him on this amount. This amount will be

converted into Azerbaijani manats at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government will pay simple interest on it, 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 also undertook to ensure the enforcement of the domestic decision under consideration in the case within the same three-month period and to pay any costs of the domestic enforcement proceedings.

The payment and enforcement of the decision in the case will constitute the final resolution of the case.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 30 November 2017.

Liv Tigerstedt
Acting Deputy Registrar

André Potocki
President