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

FIRST SECTION

DECISION

Application no. 66535/13
Mahammad BOYUKKISHIYEV
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 11 June 2013,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's reply to this declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's and his representative's details are set out in the appended table.

The applicant's complaint under Article 6 § 1 of the Convention that he had not been duly notified of the hearings of the appellate and cassation courts in the administrative proceedings initiated by him was communicated to the Azerbaijani Government ("the Government").

The Government informed the Court that they proposed to make a 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 applicant's rights guaranteed in the Convention". They offered to pay the applicant 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 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. They further undertook to take all measures to reopen the cassation appeal proceedings in order to guarantee the examination of the applicant's cassation appeal in accordance with the requirements of Article 6 of the Convention.

The applicant informed the Court that he "did not object to the Court's acceptance of" the unilateral declaration submitted by the Government.

THE LAW

The Court finds that, following the applicant's agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore 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 the 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 5 September 2024.

Viktoriya Maradudina Acting Deputy Registrar	Krzysztof Wojtyczek President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (right to a fair trial)

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 acceptance	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
66535/13 11/06/2013	**Mahammad BOYUKKISHIYEV** 1956	Asabali MUSTAFAYEV Sumgayit	19/04/2024	30/04/2024	3,600	500 (to be paid directly to the representative Mr Asabali Mustafayev's bank account)

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