

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

FIRST SECTION

CASE OF HASANOV v. AZERBAIJAN

(Application no. 39472/16)

JUDGMENT

STRASBOURG

14 March 2024

This judgment is final but it may be subject to editorial revision.



In the case of Hasanov v. Azerbaijan,

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

Péter Paczolay*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 15 February 2024,

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

PROCEDURE

1. The case originated in an application against Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 16 June 2016.

2. The Azerbaijani Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's and his lawyer's details and information relevant to the application are set out in the appended table.

4. The applicant complained under Article 6 of the Convention of the unfair trial in administrative offence proceedings.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

5. Relying on Article 6 of the Convention, the applicant complained that that he had not had a fair hearing, since the domestic court decisions had lacked adequate reasoning and he did not have access to a lawyer of his own choice. The Court considers that these complaints fall to be examined solely under Article 6 § 1 of the Convention (see *Hasanov v. Azerbaijan,* [Committee], no. 59202/12, § 16, 28 April 2022, and *Ahmadli v. Azerbaijan*, [Committee], 52286/11, § 7, 30 June 2022).

6. In the leading cases of *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; *Savalanli v. Azerbaijan,* [Committee], no. 30608/14, 14 January 2021; and *Ibrahimov v. Azerbaijan,* [Committee], no. 39466/16, 14 January 2021 the Court already found a violation in respect of Article 6 § 1 of the Convention related to the fairness of administrative offence proceedings.

7. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of the complaints raised in the present case. Having regard to its case-law on the subject, the Court considers that the administrative-offence proceedings against the applicant, considered as a whole, were not in conformity with the guarantees of a fair hearing under Article 6 § 1 of the Convention.

8. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

9. Regard being had to the documents in its possession and to its caselaw (see, in particular, *Yegorov and Others v. Russia* [Committee], nos. 77208/16 and 4 others, 28 May 2019; *Kuratov and Others v. Russia* [Committee], nos. 24377/15 and 2 others, 22 October 2019; *Shaliyev v. Azerbaijan* [Committee], no. 80814/17, 9 March 2023; *Safarov and Others v. Azerbaijan* [Committee], nos. 1476/18 and 19 others, 23 March 2023; and *Mammadov and Others v. Azerbaijan* [Committee], nos. 23689/14 and 7 others, 21 September 2023), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the unfair trial in administrative offence proceedings;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (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.

4. *Dismisses* the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 14 March 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Péter Paczolay President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Administrative charges	Penalty	Name of court Date of final domestic decision	Specific defects in respect of the main complaints	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
39472/16 16/06/2016	**Nazim Shakur oglu HASANOV** 1976	Yalchin IMANOV Sumgayit	Article 298 of the CAO	One month of administrative detention	Shirvan Court of Appeal, 03/02/2016	Unfairness of the administrative offence proceedings taken as a whole, in particular due to insufficient or manifestly unreasonable justification of court decisions and lack of own choice of legal assistance (see *Gafgaz Mammadov v. Azerbaijan*, no. 60259/11, §§ 83-94, 15 October 2015; *Huseynli and Others v. Azerbaijan*, nos. 67360/11 and 2 others, §§ 119-34, 11 February 2016; and *Hasanov and Majidli v. Azerbaijan,* nos. 9626/14 and 9717/14, §§ 35-41, 7 October 2021).	1,000	250

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