

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

THIRD SECTION

DECISION

Application no. 19201/13
Pasha DADASHOV
against Azerbaijan
(see appended table)

The European Court of Human Rights (Third Section), sitting on 24 April 2025 as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 27 February 2013,

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

The applicant's complaints under Article 5 § 1 and Article 6 § 1 of the Convention concerning his unlawful arrest and detention and lack of adequate reasoning by the domestic courts of their decisions adopted in the administrative offence proceedings against the applicant were communicated to the Azerbaijani Government ("the Government"). Complaints based on the same facts were also communicated under Article 7 of the Convention.

THE LAW

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the violation of the applicant's rights guaranteed by Articles 5 and 6 of 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.

The payment will constitute the final resolution of the case.

The applicant was 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 applicant 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 an application under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes 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 unlawful detention and 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).

Noting the admissions contained in the Government's declaration as well as 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 in the part covered by the unilateral declaration (Article 37 § 1 (c)). In the absence of any arguments from the applicant to the contrary, the Court has no reasons to consider that the compensation offered by the Government constitutes inadequate or otherwise unreasonable redress for the violation of his Convention rights (see *Ryabkin and Volokitin v. Russia* (dec.), nos. 52166/08 and 8526/09, §§ 49-50, 28 June 2016, and *Igranov and Others v. Russia*, nos. 42399/13 and 8 others,

§ 24, 20 March 2018, and, for a similar approach, *Antovski and Others v. North Macedonia* (dec.) [Committee], no. 68160/17, 8 December 2022).

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 in the part covered by the unilateral declaration of the Government (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 as regards the complaints under Article 5 § 1 and Article 6 § 1 of the Convention.

As regards the applicant's complaint under Article 7 of the Convention that his administrative-offence conviction was unlawful, the Court considers that by way of the above-mentioned unilateral declaration and the Court's decision to strike out the complaints under Article 5 § 1 and Article 6 § 1 of the Convention, the main legal questions raised in the present application have been addressed. The Court concludes, therefore, that there is no need to examine this part of the application separately (see, among other authorities, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 165, ECHR 2014; for the similar approach in strike-out decisions see *Ponari v. Albania*, [Committee], no. 945/16, 24 February 2022, and *Robert Bosch d.o.o. v. Croatia*, [Committee], no. 6598/22, 10 November 2022).

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 as regards the complaints under Article 5 § 1 and Article 6 § 1 of the Convention in accordance with Article 37 § 1 (c) of the Convention;

Decides that there is no need to examine the remaining complaint.

Done in English and notified in writing on 15 May 2025.

Viktoriya Maradudina Acting Deputy Registrar	Oddný Mjöll Arnardóttir President

APPENDIX

Application raising complaints under Articles 5 and 6 of the Convention (unlawful detention and unfair trial in administrative offence proceedings)

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	Amount awarded for pecuniary and non-pecuniary damage (in euros)[1]	Amount awarded for costs and expenses (in euros)[2]
19201/13 27/02/2013	**Pasha Dadash oglu DADASHOV** 1959	Asabali MUSTAFAYEV Sumgayit Ruslan MUSTAFAZADE Sumgayit	20/12/2023	29/02/2024	2,250	450 (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.