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

THIRD SECTION

DECISION

Application no. 39963/20
Mustafa HAJILI
against Azerbaijan

The European Court of Human Rights (Third Section), sitting on 5 May 2026 as a Committee composed of:

Canòlic Mingorance Cairat*, President*,
Lətif Hüseynov,
Vasilka Sancin*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 39963/20) against the Republic of Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 17 July 2020 by an Azerbaijani national, Mr Mustafa Mustafa oglu Hajili ("the applicant"), who was born in 1972, lives in Baku and was represented by Mr N. Karimli and Mr O. Kazimov, lawyers based in Azerbaijan;

the decision to give notice of the complaints under Article 6 §§ 1 and 2 and Articles 10, 14 and 18 of the Convention to the Azerbaijani Government ("the Government"), represented by their Agent, Mr Ç. Əsgərov, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns criminal proceedings against the applicant, a journalist and opposition politician, in connection with publications on a website (bastainfo.com) personally owned and operated by him.

2. In early July 2018 the Prosecutor General's Office and the Baku City Prosecutor's Office instituted criminal proceedings in connection with various articles published on bastainfo.com and several other websites, including articles about the attempted murder of the head of the Ganja City Executive Authority and ensuing episodes of civil unrest and violence which

had taken place in Ganja. On 9 July 2018 the Prosecutor General's Office issued a press statement informing the public of the criminal proceedings.

3. In July 2018 access to bastainfo.com was restricted by the Ministry of Transport, Communications and High Technologies following a request by the Prosecutor General's Office. Complaints lodged by the applicant challenging the blocking of access to the website were declared inadmissible by the domestic courts on various procedural grounds by final decisions delivered in 2018 and 2019 (for more details, see *Hajili v. Azerbaijan* (dec.), no. 27329/19, 1 April 2025).

4. In the meantime, in the framework of the criminal proceedings mentioned above, on 30 November 2018 the applicant was charged with criminal offences under Articles 281.2 (public incitement against the State, committed repeatedly or by a group of persons), 309.2 (exceeding official authority, with use or threat of use of force, or with use of weapons or other special means, or resulting in serious consequences) and 313 (forgery by an official) of the Criminal Code, in connection with the articles published on bastainfo.com. Following a trial, the applicant was convicted on all counts and given a suspended sentence of five and a half years' imprisonment (with two years' probation) and a two-years ban on holding public office. The conviction was upheld by a final decision of the Supreme Court of 13 November 2019, which was sent to the applicant on 30 December 2019.

5. The applicant complained that the criminal proceedings against him had been in breach of his rights under Article 6 §§ 1 and 2 and Articles 10, 14 and 18 of the Convention.

THE COURT'S ASSESSMENT

6. For the purposes of the below analysis, the Court will proceed on the premise that the final domestic decision, within the meaning of Article 35 § 1 of the Convention, in respect of all of the applicant's complaints raised in the present case was the Supreme Court's decision of 13 November 2019, which was delivered in the framework of the criminal proceedings against him. The Court notes that that decision was served on the applicant on 30 December 2019 (see paragraph 4 above). Although the application form lodged with the Court was dated and signed by the applicant's representative on 10 June 2020, the information obtained from the postal tracking number on the envelope in which it was sent indicates that it was posted on 17 July 2020. Accordingly, the date of the lodging of the application with the Court is 17 July 2020 – that is, more than six months after the final decision was served on him. The Court must therefore ascertain whether the applicant complied with the six-month rule set out in Article 35 § 1 of the Convention, as applicable at the material time.

7. The Court notes that, as regards applications lodged in 2020, the method of calculation of the six-month rule has been adjusted in order to

handle the difficulties to which the global COVID-19 pandemic and widespread lockdown measures gave rise and to preserve the essence of the right of individual petition under Article 34 of the Convention. In particular, the six-month rule was exceptionally considered to have been suspended for three calendar months in total, whenever a calendar six-month period either started to run or was due to expire at any time between 16 March and 15 June 2020 (see *Saakashvili v. Georgia* (dec.), nos. 6232/20 and 22394/20, §§ 46-59, 1 March 2022).

8. In the present case, the six-month time-limit started to run on 30 December 2019 and expired on 30 June 2020. Those dates do not fall within the above-mentioned period (from 16 March until 15 June 2020). The exceptional measure is therefore not applicable in the present case (see *Kitanovska and Barbulovski v. North Macedonia*, no. 53030/19, §§ 39-40, 9 May 2023, and *Masse v. France* (dec.), no. 47506/20, 25 March 2025).

9. It follows that the application was lodged out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 May 2026.

Olga Chernishova Deputy Registrar	Canòlic Mingorance Cairat President