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

# FIRST SECTION

# DECISION

Application no. 47762/22
Elshan ISMAYILOV
against Azerbaijan

The European Court of Human Rights (First Section), sitting on 17 May 2023 as a Committee composed of:

Alena Poláčková*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 19 September 2022,

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

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 5 § 3 of the Convention concerning the lack of justification for pre-trial detention were communicated to the Azerbaijani Government ("the Government").

The Court received the friendly-settlement declarations, signed by the parties, under which the applicant agreed to waive any further claims against Azerbaijan in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay him the amounts detailed in the appended table. These amounts will be converted into the currency of the respondent State 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 these amounts within the above-mentioned three-month period, the Government undertake 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 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 8 June 2023.

| | |
|---|---|
| Viktoriya Maradudina<br>Acting Deputy Registrar | Alena Poláčková<br>President |

# APPENDIX

## Application raising complaints under Article 5 § 3 of the Convention (lack of justification for pre-trial detention)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Date of receipt of Government's declaration | Date of receipt of applicant's declaration | Amount awarded for non-pecuniary damage (in euros)[1] | Amount awarded for costs and expenses (in euros)[2] |
|---|---|---|---|---|---|---|
| 47762/22<br>19/09/2022 | **Elshan Yashar oglu ISMAYILOV**<br>1986 | Shahla HUMBATOVA<br>Baku | 06/03/2023 | 14/04/2023 | 2,000 | 1,500<br><br>(to be paid directly to the representative Ms Shahla Humbatova'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.