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

FIRST SECTION

DECISION

Application no. 9362/17
Khatai NABIYEV against Azerbaijan
and 5 other applications
(see appended table)

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 applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and their representatives is set out in the appended table.

The applicants' complaints under Article 6 of the Convention concerning the unfair trial in administrative offence proceedings were communicated to the Azerbaijani Government ("the Government").

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints. They further

requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the unfair trial in administrative offence proceedings. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications 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 cases.

The applicants were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received any response from the applicants.

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 applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases 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 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). In the absence of any arguments from the applicants 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 their 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).

Noting the admissions contained in the Government's declarations 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 applications (Article 37 § 1 (c)).

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 applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications 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 cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 8 June 2023.

Viktoriya Maradudina Acting Deputy Registrar	Alena Poláčková President

APPENDIX

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

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
1.	9362/17 11/01/2017	**Khatai Rizvan oglu NABIYEV** 1991	Asabali MUSTAFAYEV Sumgayit Ruslan MUSTAFAZADE Sumgayit	02/03/2023	1,000	300
2.	11864/17 21/01/2017	**Samir Kamil oglu MAMMADOV** 1985	Asabali MUSTAFAYEV Sumgayit Ruslan MUSTAFAZADE Sumgayit	02/03/2023	1,000	300
3.	16562/17 10/02/2017	**Emil Tofig oglu ISKANDAROV** 1979	Asabali MUSTAFAYEV Sumgayit Ruslan MUSTAFAZADE Sumgayit	02/03/2023	1,000	300

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
4.	16569/17 10/02/2017	**Islam** **Sahib oglu** **SAHIBOGLU** 1985	Asabali MUSTAFAYEV Sumgayit Ruslan MUSTAFAZADE Sumgayit	02/03/2023	1,000	300
5.	16606/17 10/02/2017	**Nijat** **Ahudar oglu** **NIZAMOV** 1989	Asabali MUSTAFAYEV Sumgayit Ruslan MUSTAFAZADE Sumgayit	02/03/2023	1,000	300
6.	81010/17 16/11/2017	**Islam** **Hilal oglu** **ISLAMZADE** 1985	Asabali MUSTAFAYEV Sumgayit Ruslan MUSTAFAZADE Sumgayit	02/03/2023	1,000	300

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