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

FIRST SECTION

DECISION

Application no. 23036/19
Shahvalad Abutalib oglu NAMAZOV
against Azerbaijan

The European Court of Human Rights (First Section), sitting on 11 July 2023 as a Committee composed of:

Krzysztof Wojtyczek*, President*,
Lətif Hüseynov,
Erik Wennerström*, judges*,
and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to the above application lodged on 13 March 2019,

Having regard to the declaration submitted by the Government on 1 February 2021 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Shahvalad Abutalib oglu Namazov, is an Azerbaijani national, who was born in 1969 and lives in Baku. He was represented before the Court by Ms Z. Sadigova and Mr E. Sadigov, lawyers based in Azerbaijan.

2. The Azerbaijani Government ("the Government") were represented by their Agent, Mr Ç. Əsgərov.

3. The applicant complained under Article 2 of Protocol No. 4 to the Convention and Article 13 of the Convention that his right to leave Azerbaijan had been violated by the travel ban imposed on him by the domestic authorities and that he had no effective remedy at the domestic level in respect of that travel ban.

4. The applicant also complained under Article 10 of the Convention and Article 18 of the Convention taken in conjunction with Article 2 of Protocol No. 4 to the Convention that the imposition of a travel ban on him had violated his freedom of expression and that his Convention rights had been restricted for purposes other than those prescribed in the Convention.

5. The application had been communicated to the Government.

THE LAW

A. Alleged violation of Article 2 of Protocol No. 4 to the Convention and Article 13 of the Convention

6. After the failure of attempts to reach a friendly settlement, by a letter of 1 February 2021 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

7. The Government acknowledged a violation of the applicant's rights guaranteed under Article 2 of Protocol No. 4 to the Convention and Article 13 of the Convention. They offered to pay the applicant the sum of 5,000 euros (EUR) to cover any and all pecuniary and non-pecuniary damage and EUR 1,000 to cover any costs and expenses, plus any tax that may be chargeable to the applicant on these amounts. 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.

8. By a letter of 9 March 2021, the applicant indicated that he was not satisfied with the terms of the unilateral declaration on the grounds that the Government had omitted to acknowledge a violation of his rights guaranteed under Article 10 of the Convention and Article 18 of the Convention taken in conjunction with Article 2 of Protocol No. 4 to the Convention.

9. 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."

10. 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 applicant wishes the examination of the case to be continued (see, in particular, *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

11. The Court has established clear case-law concerning complaints concerning the imposition of travel bans on witnesses in criminal proceedings and the lack of an effective remedy in that regard (see *Mursaliyev and Others*

v. Azerbaijan, nos. 66650/13 and 10 others, §§ 29-36 and 44-47, 13 December 2018).

12. Having regard to the nature of the admission 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)).

13. 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 this part of the application (Article 37 § 1 *in fine*).

14. Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could 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).

15. In view of the above, it is appropriate to strike the application out of the list of cases as regards the complaints under Article 2 of Protocol No. 4 to the Convention and Article 13 of the Convention.

B. Other alleged violations of the Convention

16. The applicant also complained under Article 10 of the Convention and Article 18 of the Convention taken in conjunction with Article 2 of Protocol No. 4 to the Convention (see paragraph 4 above). Having regard to the facts of the case, the Government's unilateral declaration and the Court's decision to strike out the complaints under Article 2 of Protocol No. 4 to the Convention and Article 13 of the Convention, the Court considers that the main legal question raised in the present application has been resolved. It concludes, therefore, that there is no need to examine this part of the application (see *Szopa and Others v. Poland* [Committee] (dec.), nos. 63624/09 and 3 others, § 16, 18 December 2018; *Proda v. Albania* [Committee] (dec.), no. 20127/16, 5 May 2022; and *Jovanovski v. North Macedonia* [Committee] (dec.), no. 30244/18, 3 February 2022; and compare *Imranova and Others v. Azerbaijan* [Committee], nos. 59462/14 and 17 others, § 21, 16 February 2023).

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration concerning Article 2 of Protocol No. 4 to the Convention and Article 13 of the Convention 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 2 of Protocol No. 4 to the Convention and Article 13 of the Convention in accordance with Article 37 § 1 (c) of the Convention;

Decides that there is no need to examine the remaining part of the application.

Done in English and notified in writing on 7 September 2023.

Liv Tigerstedt Deputy Registrar	Krzysztof Wojtyczek President