

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

FIRST SECTION

DECISION

Application no. 48395/11
Hajibaba SEYIDOV
against Azerbaijan

The European Court of Human Rights (First Section), sitting on 28 May 2013 as a Committee composed of:

Julia Laffranque, *President,*
Khanlar Hajiyev,
Dmitry Dedov, *judges,*

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 8 July 2011,

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

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Hajibaba Seyidov, is an Azerbaijani national, who was born in 1952 and lives in Baku. He was represented before the Court by Mr C. Mirzoyev, a lawyer practising in Azerbaijan.

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

The applicant complained under Article 6 of the Convention about the non-enforcement of a domestic judgment in his favour and under Article 1 of Protocol No. 1 to the Convention about the violation of his right to peaceful enjoyment of his possessions as a result of non-enforcement of the judgment.

On 31 October 2012 the Government submitted a friendly settlement proposal, which read as follows:

> "In the light of the judgment of the European Court of Human Rights in the case of *Zulfali Huseynov v. Azerbaijan* (no. 56547/10, 26 June 2012), the Government of the Republic of Azerbaijan are ready to pay EUR 1,900 (one thousand and nine hundred euros) to the applicant. This sum shall cover any pecuniary and non-pecuniary damage as well as costs and expenses and it will be payable within three months starting from the notification of the judgment delivered by the Court pursuant to Article 39 of the Convention for the Protection of Human Rights and Fundamental Freedoms. This payment will constitute the final resolution of the case. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay, until settlement, simple interest on the amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
>
> This resolution does not exempt the Government from their obligation to enforce the court's judgment delivered in the applicant's favour.
>
> This declaration does not entail any acknowledgement by the Government of a violation of the European Convention on Human Rights in the present case.
>
> The Government further undertake not to request the referral of the case to the Grand Chamber under Article 43 § 1 of the Convention."

On 14 December 2012 the applicant submitted a declaration accepting the Government's friendly settlement proposal.

## 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 its Protocols 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.

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| André Wampach | Julia Laffranque |
| Deputy Registrar | President |