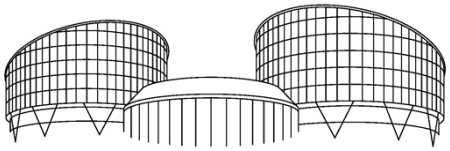

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF ASLAN ISMAYILOV v. AZERBAIJAN

(Application no. 18498/15)

JUDGMENT

Art 6 (civil) • Fair hearing • Disciplinary disbarment of practising lawyer following complaint lodged against him by a judge • Domestic courts' failure to give reasons in respect of defence arguments that were decisive for the outcome of the case

STRASBOURG

12 March 2020

FINAL

12/07/2020

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Aslan Ismayilov v. Azerbaijan,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Síofra O'Leary, *President,*
Gabriele Kucsko-Stadlmayer,
André Potocki,
Yonko Grozev,
Mārtiņš Mits,
Lətif Hüseynov,
Lado Chanturia, *judges,*

and Claudia Westerdiek, *Section Registrar,*

Having deliberated in private on 11 February 2020,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 18498/15) 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") by an Azerbaijani national, Mr Aslan Ziyaddin oglu Ismayilov (*Aslan Ziyəddin oğlu İsmayılov* - "the applicant"), on 3 April 2015.

2. The applicant, who is a lawyer based in Baku, represented himself. The Azerbaijani Government ("the Government") were represented by their Agent, Mr Ç. Əsgərov.

3. Relying on Articles 6, 10 and 14 of the Convention, the applicant alleged that the domestic proceedings concerning his disbarment had been unfair and that his disbarment had amounted to a breach of his right to freedom of expression.

4. On 3 September 2015 the Government were given notice of the application.

THE FACTS

THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1958 and lives in Baku.

A. Background

6. The applicant was a lawyer (*vəkil*) and a member of the Azerbaijani Bar Association (*Azərbaycan Respublikası Vəkillər Kollegiyası* – hereinafter "the ABA") at the time of the events described below.

7. In 1996 he founded the law firm "Visa", which has its offices in flat 1, 58 Nizami Street, in Baku. The applicant is also one of the founders of the law firm "Aslan Ismayilov and Partners", which has its offices in flat 4/6, 58 Nizami Street, in Baku. It appears from the case file that an opinion, delivered by an ABA commission and signed by its three members, confirmed that the premises of the law firm "Aslan Ismayilov and Partners" had a separate entrance and could accommodate a law firm. By a letter dated 15 September 2006, the Deputy Chairman of the ABA informed the Ministry of Justice that the constitution of the law firm "Aslan Ismayilov and Partners", located at flat 4/6, 58 Nizami Street, Baku, was in compliance with the requirements of the Law on Advocates and Advocacy Activity. The law firm "Aslan Ismayilov and Partners" was registered by the Ministry of Justice on 29 September 2006.

8. The applicant is also a civil-society activist and often appears in the media. In his media appearances he has raised various social problems and has criticised the situation in respect of the country's legal system and the functioning of different State bodies.

9. On 18 March 1999 the applicant was disbarred from the ABA. He succeeded in regaining admission on 3 June 2005.

10. On 3 November 2011 the applicant was subjected to the disciplinary sanction of reprimand following a complaint lodged against him by a client.

B. Incident of 12 February 2013

11. On 12 December 2012 the applicant signed a contract with a client (F.A.), agreeing to defend her rights in a divorce and child custody case before the Sabail District Court. On the same day another contract for the defence of F.A.'s rights before the Sabail District Court was concluded between F.A. and the law firm "Visa". The latter contract was signed on behalf of the law firm by its director, K.M. In addition, by a power of attorney issued on 12 December 2012, F.A. authorised the applicant and K.M. to represent her in the court proceedings. On the same date mandate (*order*) no. 000679 was issued, confirming that F.A. was represented by the applicant.

12. The Sabail District Court held several hearings and scheduled the last hearing for 12 February 2013. The day before that hearing, F.A. informed the applicant that she had reached a friendly settlement with the other party and wanted to withdraw her claim. The applicant forgot to transmit this information to K.M., who defended F.A.'s claim before the Sabail District Court at the hearing of 12 February 2013. At that hearing K.M. submitted to the court various documents concerning the child's health, asking that custody of the child be awarded to F.A.

13. Following the hearing, F.A. immediately contacted the applicant, complaining about K.M.'s defence of the claim before the court. In

particular, she stated that she did not wish to pursue the court proceedings and wanted to reach a friendly settlement with the other party. The applicant informed F.A. that there had been a misunderstanding, in that he had failed to inform K.M. of the friendly settlement between her and the other party.

14. Following this conversation, at around 4.20 p.m. on the same date the applicant went to the Sabail District Court, where he asked to meet the judge (E.H.) who was in charge of the case. According to the applicant, E.H. agreed to meet him, together with K.M., and they entered E.H.'s office in the court building. The applicant explained the situation to E.H., noting that there had been a misunderstanding and that the parties had agreed to reach a friendly settlement. He asked E.H. to return the documents in support of F.A.'s claim, submitted by K.M. at the court hearing, and to help achieve the resolution of the case by a friendly settlement. According to the applicant, following his explanation the judge suddenly started insulting him, accusing him of submitting forged documents to the court.

15. In the applicant's submission, he felt that he was being framed as part of a setup against him, and wished to leave E.H.'s office immediately. However, E.H. did not open the door of his office, which was locked and could be opened only by a button situated under the judge's desk. E.H. called the duty police officer and other court employees to his office and asked them to draw up a report stating that the applicant had insulted him.

16. A report (*akt*) of 12 February 2013 was drawn up and signed by six persons; a police officer (A.), three enforcement officers (*icra məmuru*) (B., C. and D.) and two court employees (E. and F.). The relevant part of the report reads as follows:

> "We, the enforcement officers whose names are set out above and who came to the office of judge E.H., saw that Aslan Ismayilov [the applicant] insulted the judge and threatened him by shouting, told him that "he would get him fired"; at the judge's request, we took the lawyer Aslan Ismayilov out of the judge's office."

17. Following this incident, on the same day the applicant made representations to the Judicial Legal Council, complaining about E.H.'s alleged unlawful actions. In particular, he complained that the judge had insulted and threatened him in his office. He also noted that E.H. had unlawfully deprived him of his liberty, in that he had locked the door of his office and had not allowed him to leave. In that connection, he compared E.H.'s office with that of officers of NKVD (the abbreviation in Russian of the People's Commissariat for Internal Affairs known for its political repression in the 1930s and 1940s in the USSR). The applicant further noted that this attitude on the part of the judge was related to a previous judgment, delivered by him in a property dispute in 2012, which the applicant had subsequently succeeded in having overturned by the Supreme Court.

18. The applicant also sent a similar complaint to the Prosecutor General's Office and made a statement to the press.

19. By a letter of 13 May 2013 the Judicial Legal Council informed the applicant that there were no grounds for instituting disciplinary proceedings against the judge.

C. Disciplinary proceedings against the applicant

20. On 14 February 2013 E.H. sent a letter to the ABA, asking it to examine the applicant's alleged unlawful actions. In particular, the judge noted that the applicant had unlawfully requested the return of documents submitted to the court after the end of the court hearing, had unlawfully entered his office, and had insulted and threatened him, saying that "he would get him fired". The judge further noted that the applicant had compared his office with that of NKVD officers and had made a false statement that he had been prevented from leaving the judge's office.

21. On 11 April 2013 the ABA Disciplinary Commission held a meeting at which it discussed the judge's complaint against the applicant. The applicant, who attended the meeting, rejected the complaint against him, stating that he had not insulted or threatened the judge. The applicant also stated that he had entered the judge's office after obtaining his permission and had asked for the return of the documents submitted to the court. However, the judge had started insulting him, accusing him of submitting forged documents to the court. He also claimed that he had been set up, in retaliation for his involvement in a previous case that had been examined by the judge in question. It appears from the transcript of the meeting that when the chairman of the Disciplinary Commission asked the applicant why he had not submitted an official request to the court asking for the return of the documents, but had entered the judge's office to ask for them, the applicant answered that he considered his action lawful and did not intend to reply to the questions. Following another question, the applicant stated that all the members of that commission were slaves and corrupt and that, unlike them, he was not deprived of conscience.

22. On the same day the Disciplinary Commission issued an opinion, deciding to refer the complaint against the applicant to the Presidium of the ABA (*Azərbaycan Respublikası Vəkillər Kollegiyası Rəyasət Heyəti* – hereinafter "the Presidium"). It held that the applicant had unlawfully entered the judge's office to ask for the return of the documents submitted to the court and had insulted and threatened the judge; these actions of the applicant constituted an interference with the functioning of the justice system, within the meaning of Article 9 of the Law on Courts and Judges. It also found that the applicant had failed to document the legal services provided to F.A., in breach of Article 5 of the Law on Advocates and Advocacy Activity. It further held that the fact that the law firms "Visa" and "Aslan Ismayilov and Partners" were located at the same address enabled lawyers who were not members of the ABA to share the same office as

lawyers who were members of the ABA, contrary to the requirements of Article 17 of the Law on Advocates and Advocacy Activity concerning the protection of lawyer confidentiality (*vəkil sirri*). Lastly, the Disciplinary Commission underlined that the fact that the applicant had been issued with a warning on several occasions since his readmission to the ABA on 3 June 2005 and had been subjected to the disciplinary sanction of reprimand on 3 November 2011, constituted grounds for imposing disciplinary liability.

23. On 8 May 2013 the Presidium held a meeting at which it examined the complaint against the applicant. It appears from the transcript of the meeting that it was held in the presence of the applicant, who rejected the judge's complaint, reiterating his previous submissions. He also stated that the judge's complaint against him was related to his involvement in a previous case, examined by the same judge, who had refused to rule in favour of his client. In reply to the questions of the Presidium's members, the applicant stated that he had not submitted forged documents to the Sabail District Court. However, he confirmed that he had said to the members of the Disciplinary Commission that they were slaves and corrupt. Three members of the Presidium submitted that the applicant's actions at the Sabail District Court had been unlawful and one of them noted that the applicant was acting more as a politician than a lawyer.

24. On the same day the Presidium, relying on the above-mentioned findings in the Disciplinary Commission's opinion, decided to refer the applicant's case to a court with a view to his disbarment. It also decided to suspend the applicant's activity as a lawyer pending a judicial decision.

D. Court proceedings concerning the applicant's disbarment

25. On 20 May 2013 the Presidium lodged a request with the Sabail District Court for the applicant's disbarment.

26. Following a series of procedural decisions, in July 2013 the examination of the case on the merits was attributed to the Narimanov District Court.

27. In the course of the court proceedings on 19 August 2013 the applicant lodged a request asking the court to hear K.M. as a witness, as he was the only person who had been present in the judge's office during the incident. The applicant also submitted that he could not have entered the judge's office without the latter's permission, because only the judge himself could open and lock the door of his office using a button situated under his desk; in addition, there was a police officer at the entrance. In that connection, he asked the court to examine the premises where the incident took place, in order to establish whether it was possible to enter the judge's office without his permission and whether there were security cameras in the court building. Moreover, on 26 August 2013 the applicant lodged a

request asking the court to hear the six persons who had signed the report of 12 February 2013.

28. On an unspecified date the Narimanov District Court dismissed the applicant's requests. However, it appears from the case file that on an unspecified date the Narimanov District Court asked the Sabail District Court to submit the video recordings of the security cameras situated in the court building. In reply, the Sabail District Court informed the Narimanov District Court that it was not possible to submit these video recordings because the video recordings of the security cameras were kept for a period of only five days.

29. At the hearing of 9 September 2013, the applicant reiterated his previous requests, pointing out that there was no evidence that he had insulted and threatened the judge. The applicant also stated that he had defended the rights of F.A. on the basis of a contract concluded between them and of mandate no. 000679 issued in that regard. He further stated that the law firms "Visa" and "Aslan Ismayilov and Partners" were located in the same building, but not at the same address, referring to the letter of 15 September 2006 from the Deputy Chairman of the ABA.

30. On 10 September 2013 the Narimanov District Court delivered its judgment on the merits and ordered the applicant's disbarment. It relied on the findings of the ABA Disciplinary Commission, holding that the applicant had breached the requirements of Article 9 of the Law on Courts and Judges and Articles 5 and 17 of the Law on Advocates and Advocacy Activity (see paragraph 22 above). The court made no mention of the applicant's specific arguments against the Presidium's decision and did not hear K.M. and those who signed the report of 12 February 2013.

31. On 8 October 2013 the applicant appealed against the judgment. He claimed, in particular, that the first-instance judgment had not been reasoned and had failed to address the evidence submitted in support of his claim. He further complained about the court's failure to examine the place where the incident had occurred and to hear K.M. and the six persons who signed the report of 12 February 2013.

32. On 25 November 2013 the Baku Court of Appeal dismissed the appeal, finding that the first-instance court's judgment was reasoned. The appellate court was silent as to the specific complaints raised by the applicant in his appeal.

33. On 3 April 2014 the Supreme Court quashed the Baku Court of Appeal's judgment of 25 November 2013 and remitted the case to the appellate court for a fresh examination. The Supreme Court held, in particular, that the lower courts had failed to hear K.M. and the persons who signed the report of 12 February 2013, despite a clear request from the applicant to this effect.

34. On 7 July 2014 the Baku Court of Appeal delivered a new judgment on the merits and upheld the Narimanov District Court's judgment of

10 September 2013. It appears from the judgment that in the course of its proceedings the appellate court heard K.M., and three of the six persons (A., C. and D.) who had signed the report of 12 February 2013. The judgment does not provide any reason for the appellate court's failure to hear the other three persons who signed the report. It appears from the judgment that K.M. stated before the appellate court that he and the applicant had entered the judge's office with the judge's permission, and that the applicant had not insulted or threatened the judge. He further noted that when the applicant had wanted to leave the judge's office the judge had not allowed him to do so and had summoned the court employees, asking them to draw up a report. For his part, A. stated that when he went into the judge's office the applicant and the judge were arguing. However, the police officer did not state that the applicant had insulted or threatened the judge. In their statements, C. and D. stated that they had heard the expression of "I [shall] get you fired". The appellate court held that when assessing K.M.'s statement it had to take into consideration the fact that he worked with the applicant. The appellate court also held that the very fact that the applicant entered the judge's office and discussed a case with him was contrary to the requirements of the law, and thus the applicant's argument that he could not enter the judge's office without that latter's permission, which could be proved by security cameras, was irrelevant.

35. On 3 December 2014 the Supreme Court upheld the Baku Court of Appeal's judgment of 7 July 2014.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

36. The applicant complained under Article 6 of the Convention that his right to a fair trial had been breached on account of the domestic courts' unfair and unreasoned decisions. The relevant part of Article 6 reads as follows:

> "In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ..."

A. Admissibility

37. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

38. The applicant submitted that the domestic proceedings had been in breach of the requirements of the right to a fair trial. In particular, the domestic courts' decisions ordering his disbarment had not been reasoned and had merely repeated the findings set out in the ABA Disciplinary Commission's opinion. The domestic courts had failed to assess the relevant evidence submitted by him, which clearly contradicted the findings of the ABA Disciplinary Commission's opinion. They had also failed to take account of the statement by K.M., who was the only eyewitness to the incident of 12 February 2013.

39. The Government submitted that the domestic courts had delivered reasoned judgments and examined all the relevant evidence. They had heard the witnesses presented by both parties and had reached the conclusion that the applicant's disbarment had been lawful and justified.

2. The Court's assessment

40. The Court reiterates that, according to Article 19 of the Convention, its duty is to ensure the observance of the engagements undertaken by the Contracting Parties to the Convention. In particular, it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention. While Article 6 of the Convention guarantees the right to a fair hearing, it does not lay down any rules on the admissibility of evidence or the way it should be assessed, which are therefore primarily matters for regulation by national law and the national courts (see *Schenk v. Switzerland*, 12 July 1988, §§ 45-46, Series A no. 140, and *García Ruiz v. Spain* [GC], no. 30544/96, § 28, ECHR 1999-I).

41. The Court also reiterates that, in view of the principle that the Convention is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective (see *Cudak v. Lithuania* [GC], no. 15869/02, § 58, ECHR 2010), the right to a fair trial cannot be seen as effective unless the requests and observations of the parties are truly "heard", that is to say, properly examined by the tribunal (see *Donadzé v. Georgia*, no. 74644/01, §§ 32 and 35, 7 March 2006, and *Carmel Saliba v. Malta*, no. 24221/13, § 65, 29 November 2016).

42. The Court further notes that according to its established case-law reflecting a principle linked to the proper administration of justice, judgments of courts and tribunals should adequately state the reasons on which they are based. The extent to which this duty to give reasons applies may vary according to the nature of the decision and must be determined in the light of the circumstances of the case (see *García Ruiz*, cited above,

§ 26, and *Tibet Menteş and Others v. Turkey*, nos. 57818/10 and 4 others, § 48, 24 October 2017). Without requiring a detailed answer to every argument advanced by the complainant, this obligation presupposes that parties to judicial proceedings can expect to receive a specific and explicit reply to the arguments which are decisive for the outcome of those proceedings (see *Moreira Ferreira v. Portugal (no. 2)* [GC], no. 19867/12, § 84, 11 July 2017; *Cihangir Yıldız v. Turkey*, no. 39407/03, § 42, 17 April 2018; and *Orlen Lietuva Ltd. v. Lithuania*, no. 45849/13, § 82, 29 January 2019).

43. Turning to the circumstances of the present case, the Court observes that, relying on the findings of the ABA Disciplinary Commission, the domestic courts ordered the applicant's disbarment on three grounds: (i) the applicant had failed to document the legal service provided to the client; (ii) the law firms "Visa" and "Aslan Ismayilov and Partners" were located at the same address; and (iii) the applicant had unlawfully entered the judge's office to request the return of the documents submitted to the court and had insulted and threatened the judge (see paragraphs 22 and 30 above).

44. However, the Court considers that in the course of the domestic court proceedings the applicant put forward a number of arguments, supported by evidence, which were decisive for the outcome of his case, to which the domestic courts failed to reply.

45. In particular, the Court observes that the applicant produced evidence clearly proving that he had documented the legal service provided to the client, F.A. It appears from the documents in the case file that there existed contracts between the applicant and the client, as well as between the "Visa" law firm and the client. By a power of attorney issued on 12 December 2012, she also authorised the applicant and K.M. to represent her in the court proceedings. Moreover, mandate no. 000679 was issued, confirming that the client was represented by the applicant (see paragraph 11 above). The domestic courts' judgments contained no assessment of these documents.

46. The domestic courts also failed to give any response to the applicant's argument that the law firms "Visa" and "Aslan Ismayilov and Partners" were located in the same building, but not at the same address, and that this fact had been confirmed in documents issued by the ABA itself (see paragraph 7 above).

47. As regards the incident of 12 February 2013, the Court observes at the outset that it is undisputed by the parties that on 12 February 2013, after the court hearing had ended, the applicant went to the judge's office and asked the judge to return to him the documents submitted by K.M. at the hearing, instead of making an official written request to that effect. The applicant was not, however, subjected to the disciplinary sanction merely on account of his request for the return of the documents, but also because of the judge's complaint that the applicant had insulted and threatened him.

48. In this connection, the Court notes that the report dated 12 February 2013 was the only evidence in support of the judge's complaint. However, although the only eyewitness to the incident, K.M., who was heard by the Baku Court of Appeal following repeated requests by the applicant and the remittal of the case to the appellate court by the Supreme Court, provided evidence supporting the applicant's version of events (see paragraph 34 above), the domestic courts paid no heed to his statement. In particular, the appellate court did not provide sufficient explanation as to why it considered unreliable K.M.'s statement on the grounds that he worked with the applicant, but readily accepted as reliable the statements made by those who worked with the judge and signed the report of 12 February 2013. Equally, the Court notes that the appellate court's judgment gave no explanation as to why the Baku Court of Appeal heard only three of the six persons who had signed the report in question.

49. The Court considers that the foregoing considerations are sufficient to enable it to conclude that the domestic courts fell short of their obligation under Article 6 § 1 to provide adequate reasons for their decisions, in view of their failure to give reasons in respect of those of the applicant's arguments which were decisive for the outcome of the case.

50. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

51. Relying on Articles 10 and 14 of the Convention, the applicant complained that his disbarment had amounted to an infringement of his right to freedom of expression. The Court considers that this complaint falls to be examined solely under Article 10 of the Convention, which reads as follows:

> "1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
>
> 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

52. The Government contested that argument. They submitted that there was no evidence demonstrating that the decision concerning the applicant's disbarment had been related in any way to the exercise of the applicant's

right to freedom of expression. The Government invited the Court to dismiss the applicant's complaint for lack of evidence.

53. The applicant maintained his complaint. He argued that he had been persecuted because he had expressed his position as an independent citizen about various negative phenomena in society and had constantly criticized the authorities for their negligent actions. He submitted that he had numerous followers on social media and benefited from wide support within society. He further referred to the alleged pressure that the law-enforcement authorities had exerted on him, after his disbarment, on account of his involvement in the defence of an arrested person.

54. The Court considers it necessary to ascertain first whether the measure complained of amounted to an interference with the applicant's exercise of the right to freedom of expression. In order to answer that question the scope of the measure must be determined by putting it within the context of the facts of the case and of the relevant legislation (see *Baka v. Hungary* [GC], no. 20261/12, § 143, ECHR 2016, and *Hajibeyli and Aliyev v. Azerbaijan*, nos. 6477/08 and 10414/08, § 49, 19 April 2018).

55. In that connection, the Court observes that the applicant did not claim in his observations that his disbarment amounted to a breach of his right to freedom of expression on account of his statements during the incident of 12 February 2013 or in the course of the disciplinary proceedings instituted against him, but rather because of the stands taken by him as an active citizen with regard to negative phenomena in society and in the functioning of official bodies. However, the Court sees no evidence in the case file in support of the applicant's allegation that his disbarment was in any way related to the exercise of his freedom of expression (see, by contrast, *Hajibeyli and Aliyev*, cited above, § 49).

56. In particular, the fact that the applicant had numerous followers on social media and benefited from wide support within society, as alleged by the applicant himself, is not sufficient to prove that he was disbarred on account of being active on social media. Moreover, the applicant did not refer to any particular article, statement or posting in support of his allegation. The Court also cannot accept his reliance on the pressure that the law-enforcement authorities allegedly exerted on him because of his involvement in defending an arrested person. Without speculating on the veracity of the applicant's allegation, the Court notes that in any event the alleged pressure took place after the applicant's disbarment and nothing in the case file indicates the existence of a link between this incident and the applicant's disbarment.

57. Equally, the Court notes that the applicant repeatedly stated before the domestic authorities and in the course of the disciplinary proceedings instituted against him that the judge's attitude and complaint against him had been related to the applicant's involvement in a previous case examined by the same judge (see paragraphs 17, 21 and 23 above).

58. The Court considers that there is no evidence that the applicant's disbarment was the consequence of the exercise of his freedom of expression, as argued by the applicant.

59. Having regard to the above, the Court finds that the complaint under Article 10 of the Convention is manifestly ill-founded within the meaning of Article 35 § 3 (a) and must be rejected, pursuant to Article 35 § 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

60. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

61. The applicant did not submit any claim for just satisfaction in his observations dated 7 March 2017, made in reply to the Government's observations. In their further observations dated 8 May 2017, the Government submitted that they had taken note of the fact that the applicant had not submitted any claim for just satisfaction and, accordingly, no compensation could be awarded to him. In the meantime, in a letter dated 4 May 2017 and received by the Court on 15 May 2017, the applicant submitted his claims for just satisfaction, noting that the delay of the submission of his claims was due to a late delivery of a financial document from the archives, which he attached.

62. By a letter of 24 May 2017, the Court informed the applicant that his claims for just satisfaction were submitted outside the time-limit and that the Chamber would determine, if appropriate, whether or not these claims should be taken into account (Rule 60 § 3). The applicant's submissions were also sent to the Government, who were invited to submit to the Court by 21 June 2017 any comments they may wish to make. No comments were submitted from the Government.

63. The Court reiterates that an applicant must submit itemised particulars of all claims, together with any relevant supporting documents, within the time-limit fixed for the submission of the applicant's observations on the merits unless the President of the Chamber directs otherwise (Rule 60 § 2). If the applicant fails to comply with the relevant requirements the Chamber may reject the claims in whole or in part (Rule 60 § 3). In the present case, the applicant submitted his claims for just satisfaction outside the time-limit set by the Court. In that connection, the Court cannot accept the applicant's argument that the delay in question was due to the late delivery of a financial document from the archives. The applicant did not refer to any such situation in his observations dated 7 March 2017 and, in any event, he failed to submit any documentary

evidence in support of his argument. Accordingly, the Court considers that there is no call to award him any sum under Article 41 (see *Yeranosyan and Others v. Armenia*, no. 13916/06, § 37, 20 July 2010, and *Apostu v. Romania*, no. 22765/12, § 136, 3 February 2015).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning Article 6 admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 6 of the Convention;

3. *Dismisses* the applicant's claim for just satisfaction.

Done in English, and notified in writing on 12 March 2020, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Claudia Westerdiek	Síofra O'Leary
Registrar	President