



Judgments and decisions of 19 September 2019

The European Court of Human Rights has today notified in writing 14 judgments¹ and 82 decisions²: two Chamber judgments are summarised below;

12 Committee judgments, concerning issues which have already been submitted to the Court, and the 82 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgments below are available only in English.

Akif Hasanov v. Azerbaijan (application no. 7268/10)

The applicant, Akif Hasanov, is an Azerbaijani national who was born in 1955 and lives in Baku.

The case concerned proceedings brought against Mr Hasanov for allegedly insulting his brother and neighbour in the street.

He was found guilty of minor hooliganism in November 2007 and sentenced to five days' administrative detention. He was immediately detained and served his sentence.

After his release he appealed, arguing that he had been in hospital at the time of the alleged offence and that he had a disability which should have precluded his detention. His appeal was dismissed in December 2007. He alleges that he only received a copy of this decision in August 2009, despite repeated complaints with the judicial and executive authorities.

Relying in particular on Article 34 (right of individual petition) of the European Convention on Human Rights, Mr Hasanov complained that his entire case file relating to his application before the European Court had been seized from his lawyer's office in 2014 when proceedings had been brought against the latter for, among other things, tax evasion.

Violation of Article 34

Just satisfaction: 500 euros (EUR) (costs and expenses)

Andersena v. Latvia (no. 79441/17)

The applicant, Kerija Andersena, is a Latvian national who was born in 1970 and lives in Riga.

The case concerned Latvian court orders in proceedings under the Hague Convention that the applicant's daughter should be returned to Norway where her father lived.

Ms Andersena married a Norwegian citizen in 2013 and the couple had a daughter the same year. They all lived in Norway, however, the relationship deteriorated and the husband moved out of the family home in 2017. The applicant returned to Latvia in July of that year, taking the child with her.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

The husband began proceedings to have the child returned to Norway under the Hague Convention on the Civil Aspects of International Child Abduction and he won an order to that effect from the Latvian courts. They ruled that Norway had been the child's habitual place of residence, that the parents had had joint custody and that the applicant had taken her to Latvia without the father's consent. They dismissed the applicant's allegations about physical and psychological violence in the family as unestablished and rejected her claim that the daughter's return to Norway would expose her to harm.

Relying on Article 6 § 1 (right to a fair hearing) and Article 8 (right to respect for family life) of the Convention, the applicant complained that the Latvian courts had not taken proper account of her objections to the child being returned to Norway and had failed to provide proper reasoning. She also complained that the proceedings had been flawed, in particular because she had not taken part in the hearings at first instance and had not been represented by an authorised representative; that her request for an oral hearing during her appeal (ancillary-complaint proceedings) had been refused; and because she had not been informed of the other party's observations in the appeal proceedings.

Violation of Article 6 – with respect to the right to adversarial proceedings and equality of arms

No violation of Article 6 – with respect to the remainder of Ms Andersena's complaints under this provision

No violation of Article 8

Just satisfaction: EUR 2,000 (non-pecuniary damage)

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.