



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

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**THIRD SECTION**

Application no. 18316/22  
Jeyhun RZAYEV  
against Azerbaijan  
lodged on 23 March 2022  
communicated on 2 October 2026

**SUBJECT MATTER OF THE CASE**

The application concerns administrative conviction of the applicant, who describes himself as a political activist, for “minor hooliganism” under Article 510 and “failure to comply with a lawful order of a police officer” under Article 535.1 of the Code of Administrative Offences.

On 4 October 2021 the applicant affixed photographs of two fellow activists to the official vehicle of the Head of the Mingachevir City Executive Authority, in protest against their allegedly unlawful arrests. On the same day he was taken to a police station, where an administrative-offence report was drawn up, and the applicant was charged with the above-mentioned offences.

By a judgment of 4 October 2021, the Mingachevir City Court, relying on the administrative-offence report and statements of police officers, convicted the applicant as charged and sentenced him to fifteen days’ administrative detention. The court stated that the applicant had disturbed public order by using offensive language and had failed to comply with the lawful order of police officers who had instructed him to cease the disturbance. By a final decision of 29 October 2021, the Shaki Court of Appeal upheld the lower court’s judgment. The appellate court considered that the applicant’s statement that he would continue his protest until his demands were met constituted a failure to comply with a lawful order of the police.

Relying on Articles 6 and 10 of the Convention, the applicant complains of the alleged unfairness of the domestic proceedings and of a violation of his right to freedom of expression.

### QUESTIONS TO THE PARTIES

1. Did the applicant have a fair hearing in the determination of the criminal charge against him, in accordance with Article 6 § 1 of the Convention? In particular, were the principle of equality of arms and the applicant's right to a reasoned decision respected (see *Huseynli and Others v. Azerbaijan*, nos. 67360/11 and 2 others, §§ 119-24, 11 February 2016)? Was the applicant afforded legal assistance during the pre-trial stage and during the proceedings before the first-instance court, within the meaning of Article 6 § 3 (c) of the Convention (ibid., §§ 125-34)?

2. Has there been an interference with the applicant's freedom of expression, within the meaning of Article 10 § 1 of the Convention? If so, was that interference prescribed by law and necessary in terms of Article 10 § 2 (see *Ibrahimov and Mammadov v. Azerbaijan*, nos. 63571/16 and 5 others, §§ 170-74, 13 February 2020, and *Hasanov and Majidli v. Azerbaijan*, nos. 9626/14 and 9717/14, §§ 53-68, 7 October 2021)?

The parties are requested to submit copies of all documents relating to the administrative proceedings, which have not yet been submitted (including the applicant's statement (*izahat*) to the police and the administrative-offence report).