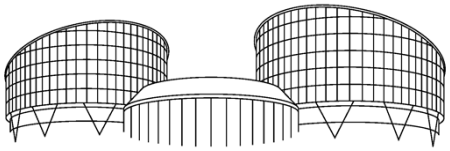

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF RAMIZ JAFAROV v. AZERBAIJAN

(Application no. 40424/12)

JUDGMENT

Art 6 § 1 (civil) • Reasonable time • Excessive length of proceedings

STRASBOURG

16 June 2022

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Ramiz Jafarov v. Azerbaijan,

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

Síofra O'Leary, *President,*
Mārtiņš Mits,
Stéphanie Mourou-Vikström,
Lado Chanturia,
Ivana Jelić,
Arnfinn Bårdsen,
Kateřina Šimáčková, *judges,*
and Victor Soloveytchik, *Section Registrar,*

Having regard to:

the application (no. 40424/12) 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 Ramiz Ismayil oglu Jafarov (*Ramiz İsmayıl oğlu Cəfərov* – "the applicant"), on 14 June 2012;

the decision to give notice to the Azerbaijani Government ("the Government") of the complaints under Articles 6 and 14 of the Convention and Article 1 of Protocol No. 1 to the Convention concerning the length of the domestic proceedings, the alleged breach of the applicant's right to peaceful enjoyment of his possessions and the alleged discrimination in the enjoyment of this right, and to declare inadmissible the remainder of the application;

the parties' observations;

Having regard to the withdrawal of Judge L. Hüseynov, the judge elected in respect of Azerbaijan (Rule 28 of the Rules of Court) and the decision of the President of the Chamber to designate Judge L. Chanturia to sit as an *ad hoc* judge (Rule 29 § 2 (b) of the Rules of Court)

Having deliberated in private on 17 May 2022,

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

INTRODUCTION

1. Relying on Article 1 of Protocol No. 1 to the Convention and Article 14 of the Convention, the applicant complained that the domestic authorities' refusal to grant him a special pension for his years of service with the prosecution authorities had breached his property rights and had been discriminatory. He also complained, under Article 6 of the Convention, that the domestic proceedings had been excessively lengthy.

THE FACTS

2. The applicant was born in 1954 and lives in Baku. He was represented by Mr A. Layij, a lawyer based in Azerbaijan.

3. The Government were represented by their Agent, Mr Ç. Əsgərov.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

5. The applicant, who graduated from Baku State University's law faculty in 1977, held various positions (investigator, deputy prosecutor and prosecutor) between 1 August 1977 and 1 September 2000 (a total of twenty-three years and one month). He worked as a judge from 1 September 2000 to 28 July 2007.

6. In April 2007 the applicant, who had not yet reached pensionable age (sixty-two for men at the material time), applied to the State Social Protection Fund (*Dövlət Sosial Müdafiə Fondu* – "the SSPF") for a special pension for his years of service with the prosecution authorities.

7. By a letter dated 22 May 2007, the SSPF dismissed his request, informing him that he had not completed the statutory minimum period of service with the prosecution authorities (twenty-five years at the material time) to be entitled to the pension claimed.

8. On 20 November 2007 the applicant brought an action against the SSPF, asking the court to declare its refusal unlawful. He argued that the SSPF had incorrectly calculated his years of service with the prosecution authorities since it had not taken into account his five years at the law faculty between 1972 and 1977 and seven years serving as a judge between 2000 and 2007.

9. On 17 December 2007 the Yasamal District Court partly allowed the applicant's claim, holding that his years of service as a judge should be taken into account in calculating his length of service with the prosecution authorities and that he should be granted a pension as an employee of the prosecution authorities as from 1 January 2006.

10. Following an appeal by both parties, on 7 May 2008 the Baku Court of Appeal dismissed the SSPF's appeal and partly allowed the applicant's appeal. The appellate court held that the applicant's years of service as a judge should be taken into account and that he should be granted 50% of the pension of an employee of the prosecution authorities for the period from 1 August 2002 to 27 June 2007 and the full amount as from 27 June 2007.

11. Both parties appealed in cassation. On 26 September 2008 the Supreme Court allowed the SSPF's cassation appeal and remitted the case for fresh examination, finding that the lower court had failed to correctly apply the relevant law.

12. On 14 January 2009 the Baku Court of Appeal quashed the Yasamal District Court's judgment of 17 December 2007 and dismissed the applicant's claim. It held that, under Article 9.4 of the Law on Work Pensions and Article

32.4 of the Law on Service with the Prosecution Authorities, a person who had served at least twenty-five years with the prosecution authorities was entitled to an old-age pension for his years of service. However, the applicant had only served twenty-three years and one month with the prosecution authorities and, on his own initiative, had left that post in order to become a judge before reaching the requisite twenty-five years of service. The appellate court also found that domestic law did not at the material time provide for years of study to be taken into account for the purposes of calculating years of service with the prosecution authorities for entitlement to a pension. Lastly, it held that the applicant's years of service as a judge, his last place of work, should not be added to his years of service with the prosecution authorities, his former place of work; on the contrary, his years of service with the prosecution authorities should be added to the calculation of his years of service as a judge.

13. On 21 April 2009 the Supreme Court quashed the appellate court's judgment of 14 January 2009 and remitted the case to the lower court for fresh examination.

14. On 26 August 2009 the Baku Court of Appeal delivered a new judgment, again quashing the Yasamal District Court's judgment of 17 December 2007 and dismissing the applicant's claim. Its reasoning was similar to that of 14 January 2009.

15. On 25 December 2009 the Supreme Court quashed the appellate court's judgment of 26 August 2009 and remitted the case to the lower court for fresh examination.

16. On 3 February 2010 the Baku Court of Appeal delivered a new judgment, partly quashing the Yasamal District Court's judgment of 17 December 2007 and allowing the applicant's appeal in full. It held that the applicant's years of study at the law faculty and years of service as a judge should be taken into account in calculating his years of service with the prosecution authorities and that, accordingly, he was entitled to a pension for his years of service with the prosecution authorities as from 19 July 2001.

17. On 27 May 2010 the Supreme Court upheld the Baku Court of Appeal's judgment of 3 February 2010.

18. Following an additional cassation appeal by the Prosecutor General's Office, on 11 November 2010 the Plenum of the Supreme Court quashed the Supreme Court's decision of 27 May 2010 and the Baku Court of Appeal's judgment of 3 February 2010 and remitted the case to the appellate court for fresh examination.

19. On 10 February 2011 the Baku Court of Appeal delivered a new judgment, again quashing the Yasamal District Court's judgment of 17 December 2007 and dismissing the applicant's claim.

20. On 8 June 2011 the Supreme Court quashed the Baku Court of Appeal's judgment of 10 February 2011 and delivered a new judgment on the merits. It dismissed the applicant's request for his years of study at the law

faculty to be taken into account in calculating his years of service with the prosecution authorities, but found that his years of service as a judge should be taken into consideration in that calculation.

21. Following a request by the Prosecutor General's Office, on 18 May 2012 the Constitutional Court delivered a decision on the constitutionality of the Supreme Court's decision of 8 June 2011. It held that the decision in question was contrary to the provisions of Article 32.5 of the Law on Service with the Prosecution Authorities and Article 9.4.1 of the Law on Work Pensions.

However, in the same decision, it also recommended to the Milli Mejlis (Parliament) of the Republic of Azerbaijan that it improve the legislation on social protection of employees of the prosecution authorities and judges in the light of the provisions of Article 14 of the Convention. The relevant part of its decision reads as follows:

> "In that connection, it should be noted that, in accordance with Article 32.4 of the Law on Service with the Prosecution Authorities, employees who have served with the prosecution authorities for at least twenty-five years before reaching the age limit are entitled to a pension for years of service and may be removed from service at their request. At the same time, Article 9 of the Law on Work Pensions, dealing with other persons entitled to a work pension on preferential terms, which subsequently entered into force, also establishes the right to a pension of employees of the prosecution authorities who have served with the prosecution authorities for at least twenty-five years (Article 9.4.1).
>
> In order to clarify the notion of service with the prosecution authorities, it is necessary to have regard to Article 32.5 of the Law on Service with the Prosecution Authorities. Thus, under this provision, when employees of the prosecution authorities are transferred to the judiciary [the post of judge] or other law-enforcement bodies, their years of service with the prosecution authorities are included in the years of service with those bodies. The years of service of employees recruited from those bodies, as well as positions related to the coordination of law-enforcement agencies, legislative or organisational support, shall be included in the years of service with the prosecution authorities in accordance with the procedure established by the Prosecutor General of the Republic of Azerbaijan.
>
> Accordingly, the legislation provides for two possibilities for entitlement to a pension of employees of the prosecution authorities – twenty-five years of service with the prosecution authorities or the inclusion of the years of service with other relevant bodies, including the judiciary [the post of judge], when transferred to the prosecution authorities. In this case, when a former judge joins the prosecution authorities and his years of service in the judiciary [the post of judge] are included in the years of service with the prosecution authorities, that person may be entitled to a preferential right to a pension as an employee of the prosecution authorities. On the other hand, the above-mentioned legislative acts do not provide a person who has worked most of the length of his service with the prosecution authorities but has moved from the prosecution authorities to other relevant bodies, including the judiciary [the post of judge], without having completed twenty-five years of service with the prosecution authorities with a preferential right to a pension as an employee of the prosecution authorities by merging his subsequent service as a judge with his years of service with the prosecution authorities.

...

It appears from the above explanations that a privileged difference in terms of social security appeared between a person who had spent most of his service with the prosecution authorities but without reaching twenty-five years of service became a judge, and a person who was transferred from the judiciary [the post of judge] to the prosecution authorities.

In this connection, it should be kept in mind that in accordance with Article 14 of the Convention ... the enjoyment of the rights and freedoms set forth in this shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

...

In this regard, the Plenum of the Constitutional Court notes that such a distinction in the matter of preferential pensions in social security between persons occupying a similar position within the judiciary power is not based on any objective and justified reasons.

For these reasons, the Plenum of the Constitutional Court concludes that:

The Milli Mejlis of the Republic of Azerbaijan should be recommended to improve the provisions of the legislation on social security of employees of the prosecution authorities, as well as judges, in accordance with Chapter VII of the Constitution, as well as Article 14 of the Convention;

The decision of the Supreme Court's Civil Chamber dated 8 June 2011 in the civil case concerning R. Jafarov's claim should be considered contrary to Article 60 of the Constitution, as well as Article 32.5 of the Law on Service with the Prosecution Authorities and Article 9.4.1 of the Law on Work Pensions, and the case shall be reconsidered in accordance with this decision pursuant to the procedure established by the civil procedure legislation of the Republic of Azerbaijan.

At the same time, as resolving the civil case in compliance with the requirements of the Constitution, as well as the Convention, makes it necessary to improve the regulation of the right to a preferential pension of employees of the prosecution authorities, the Plenum of the Constitutional Court considers that the civil case concerning R. Jafarov's claim should be reconsidered by the court following the improvement of the legislation by the legislature."

22. It appears from the documents in the case file that in 2013 the Milli Mejlis discussed the matter but did not amend the legislation.

23. By a decision of 30 October 2015, the Plenum of the Supreme Court, referring to the Constitutional Court's decision of 18 May 2012 (see paragraph 21 above), quashed the Supreme Court's decision of 8 June 2011 and the Baku Court of Appeal's decision of 10 February 2011 and remitted the case to the appellate court for fresh examination.

24. On 28 January 2016 the Baku Court of Appeal delivered a new judgment on the merits. The appellate court quashed the Yasamal District Court's judgment of 17 December 2007 and dismissed the applicant's claim, finding that he was not entitled to the special pension claimed under the relevant domestic law.

25. On 6 March 2017 the Supreme Court upheld the Baku Court of Appeal's judgment of 28 January 2016.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. CONSTITUTION OF THE REPUBLIC OF AZERBAIJAN

26. The relevant part of Article 7 of the Constitution provides:

> "III. State power in the Republic of Azerbaijan shall be based on the principle of separation of powers: legislative power shall be exercised by the Milli Mejlis of the Republic of Azerbaijan; executive power shall be vested in the President of the Republic of Azerbaijan; judicial power shall be exercised by the courts of the Republic of Azerbaijan.
>
> IV. In accordance with the provisions of the present Constitution the legislative, executive and judicial power interact and are independent within the limits of their respective authority."

Article 60 of the Constitution read, at the material time, as follows:

> "I. The rights and liberties of everyone are guaranteed in courts.
>
> II. Everyone may appeal against the decision and actions (or inaction) of state bodies, political parties, trade unions and other public associations and their officials in courts."

II. LAW OF 29 JUNE 2001 ON SERVICE WITH THE PROSECUTION AUTHORITIES

27. The relevant part of Article 32 (age limit of service with the prosecution authorities) of the Law on Service with the Prosecution Authorities read, at the material time, as follows:

> "32.4. Employees of the prosecution authorities who have served with the prosecution authorities for at least twenty-five years before reaching the age limit are entitled to a pension for years of service and may be removed from service at their request.
>
> 32.5. Employees of the prosecution authorities, when transferred to the judiciary [the post of judge] or other law-enforcement bodies, including the emergency services, their years of service with the prosecution authorities are included in their years of service with those bodies. The years of service of employees recruited from those bodies, as well as from positions related to the coordination of law-enforcement agencies, legislative or organisational support, shall be included in the years of service with the prosecution authorities in accordance with the procedure established by the Prosecutor General of the Republic of Azerbaijan."

III. LAW OF 7 FEBRUARY 2006 ON WORK PENSIONS

28. The relevant part of Article 9 (other persons entitled to a work pension on preferential terms) of the Law on Work Pensions read, at the material time, as follows:

"9.4. The following persons who have served with the prosecution authorities have the right to an old-age pension (*yaşa görə əmək pensiyası*):

9.4.1. Employees of the prosecution authorities who have served with the prosecution authorities for at least twenty-five years;"

THE LAW

I. SCOPE OF THE APPLICATION

29. In his observations in reply to those of the Government, submitted on 23 July 2019, the applicant appeared to complain of a breach of the legal certainty principle under Article 6 of the Convention on account of the domestic courts' contradictory judgments in his case.

30. However, the Court observes that on 13 December 2018 the Government were given notice of the applicant's original complaint, raised in his application under Article 6 of the Convention, concerning the length of the domestic proceedings. The Court considers that the applicant's complaint concerning the alleged breach of the legal certainty principle cannot be regarded as an elaboration on his original complaint under Article 6 of the Convention concerning the length of the domestic proceedings. Accordingly, it is not appropriate to take up this matter in the context of the present case (see *Aliyeva and Others v. Azerbaijan*, nos. 66249/16 and 6 others, §§ 94-96, 21 September 2021).

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION TAKEN ALONE AND IN CONJUNCTION WITH ARTICLE 14 OF THE CONVENTION

31. The applicant complained that the domestic authorities' refusal to grant him a special pension for his years of service with the prosecution authorities had breached his property rights and had been discriminatory. He relied on Article 1 of Protocol No. 1 to the Convention and Article 14 of the Convention, which read as follows:

Article 1 of Protocol No. 1

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

Article 14

> "The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

32. The Government contested that argument.

33. The applicant maintained his complaint.

34. The Court observes that the Government did not raise any plea of inadmissibility before it regarding compatibility *ratione materiae* with the Convention and the Protocols thereto. However, it considers that this question concerns a matter which goes to its jurisdiction and that, as such, it is not prevented from examining it of its own motion (see *Béláné Nagy v. Hungary* [GC], no. 53080/13, § 71, 13 December 2016).

35. Accordingly, the main question which the Court must determine at the outset is whether the domestic authorities' refusal to grant the applicant the special pension in question in the particular circumstances of the present case amounted to an interference with his right to the peaceful enjoyment of his possessions within the meaning of Article 1 of Protocol No. 1 to the Convention.

36. The Court reiterates that the concept of "possession" within the meaning of Article 1 of Protocol No. 1 has an autonomous meaning which is not limited to ownership of material goods and is independent from the formal classification in domestic law: certain other rights and interests constituting assets can also be regarded as "property rights", and thus as "possessions" for the purposes of this provision (see *Iatridis v. Greece* [GC], no. 31107/96, § 54, ECHR 1999-II).

37. Although Article 1 of Protocol No. 1 applies only to a person's existing possessions and does not create a right to acquire property (see *Stummer v. Austria* [GC], no. 37452/02, § 82, ECHR 2011), in certain circumstances a "legitimate expectation" of obtaining an asset may also enjoy the protection of Article 1 of Protocol No. 1 (see, among many authorities, *Anheuser-Busch Inc. v. Portugal* [GC], no. 73049/01, § 65, ECHR 2007-I).

38. Thus, where a proprietary interest is in the nature of a claim, the person in whom it is vested may be regarded as having a "legitimate expectation" if there is a sufficient basis for the interest in national law, for example where there is settled case-law of the domestic courts confirming its existence (see *Kopecký v. Slovakia* [GC], no. 44912/98, § 52, ECHR 2004-IX). However, no legitimate expectation can be said to arise where there is a dispute as to the correct interpretation and application of domestic law and the applicant's submissions are subsequently rejected by the national courts (ibid., § 50). Furthermore, the belief that the law then in force would be changed to the applicant's advantage cannot be regarded as a form of legitimate expectation for the purposes of Article 1 of Protocol No. 1. There is a difference between a mere hope, however understandable that hope may

be, and a legitimate expectation, which must be of a nature more concrete than a mere hope and be based on a legal provision or a legal act such as a judicial decision (see *Gratzinger and Gratzingerova v. the Czech Republic* (dec.) [GC], no. 39794/98, § 73, ECHR 2002-VII).

39. The Court also reiterates that Article 1 of Protocol No. 1 does not guarantee, as such, any right to a pension of a particular amount (see *Béláné Nagy*, cited above, § 84, and *Yavaş and Others v. Turkey*, no. 36366/06, § 40, 5 March 2019). Furthermore, where the amount of a benefit is reduced or discontinued, this may constitute an interference with possessions which requires to be justified (see *Rasmussen v. Poland*, no. 38886/05, § 71, 28 April 2009). Where, however, the person concerned does not satisfy, or ceases to satisfy, the legal conditions laid down in domestic law for the grant of such benefits, there is no interference with the rights under Article 1 of Protocol No. 1 (see *Bellet, Huertas and Vialatte v. France* (dec.), no. 40832/98 27 April 1999; *Richardson v. the United Kingdom* (dec.), no. 26252/08, § 17, 10 April 2012; and *Damjanac v. Croatia*, no. 52943/10, § 86, 24 October 2013).

40. Turning to the circumstances of the present case, the Court notes that the principal issue for it is to determine whether there was a sufficient basis in the relevant domestic law, as interpreted by the domestic courts, for the applicant to claim the special pension in question (compare *Kopecký*, § 54, and *Damjanac*, § 87, both cited above).

41. In that connection, the Court observes that the domestic courts at all levels, including the Constitutional Court, were called upon to interpret the relevant domestic law and concluded, albeit after initially taking divergent positions, that the relevant legal provisions at the material time did not confer a right on the applicant to claim the special pension in question on the grounds that he had not completed the statutory minimum period of service with the prosecution authorities to be granted such a pension.

42. In these circumstances, having regard to the fact that it is in the first place for the domestic authorities, namely the courts, to interpret and apply domestic law, the Court finds that neither domestic law nor the domestic courts' case-law can be considered to have given rise to a legitimate expectation on the part of the applicant that he would be entitled to the special pension claimed.

43. Moreover, the Court does not consider that the Constitutional Court's recommendation to improve the relevant legislation can be considered to be a legal ground for establishing the applicant's legitimate expectation. The Court notes that the Constitutional Court did not declare the relevant provisions of domestic law unconstitutional, even though it could have done so, and instead confined itself to recommending to Parliament that it amend the relevant legislation. However, this mere recommendation does not prevent the Parliament from freely exercising its legislative function in compliance with the Constitution (see paragraph 26 above and compare

Sukhanov and Ilchenko v. Ukraine, nos. 68385/10 and 71378/10, § 37, 26 June 2014). It then clearly appears to the Court that there was no legal basis on which the applicant could rely to justify his claim of a special pension.

44. Accordingly, in the particular circumstances of the present case, the Court cannot but conclude that the applicant did not have a "possession" within the meaning of Article 1 of Protocol No. 1. His complaint under this provision is therefore incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 and must be rejected pursuant to Article 35 § 4.

45. As regards the applicant's reliance on Article 14, the Court reiterates that that provision has no independent existence, since it has effect solely in relation to the rights and freedoms safeguarded by the other substantive provisions of the Convention and its Protocols. Its application presupposes that the facts of the case fall "within the ambit" of one or more of the provisions in question (see, among many other authorities, *Andrejeva v. Latvia* [GC], no. 55707/00, § 74, ECHR 2009).

46. The Court concludes that the facts of the case do not fall within the ambit of Article 1 of Protocol No. 1. It follows that Article 14 is likewise not applicable and that this part of the application should also be rejected as being incompatible *ratione materiae* with the provisions of the Convention in accordance with Article 35 §§ 3 and 4 (see *Gratzinger and Gratzingerova*, cited above, §§ 76-77, and *Persjanow v. Poland* (dec.), no. 39247/12, §§ 55-56, 11 December 2018).

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

47. The applicant complained that the domestic proceedings had been excessively lengthy. The relevant part of Article 6 of the Convention reads as follows:

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

A. Admissibility

48. The Government submitted that the applicant had failed to exhaust the available domestic remedies because he had not lodged a complaint regarding a breach of the reasonable time requirement and claiming compensation for the alleged violation.

49. The applicant maintained his complaint.

50. A similar objection was already raised by the Government in a previous case against Azerbaijan and was dismissed by the Court, which found that they had not shown that such a separate claim was capable of providing the applicant with direct and speedy redress, by expediting the

proceedings at issue. The Court also held that the Government have not shown that such a claim offered any reasonable prospects of obtaining adequate compensation for the delay that had already occurred and the proceedings for obtaining the compensation for the length of the proceedings operated without excessive delays (see *Hajibeyli v. Azerbaijan*, no. 16528/05, § 44, 10 July 2008). The Court sees no reason to depart from that finding in the present case and considers that the Government's objection should be dismissed.

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

B. Merits

52. The applicant maintained his complaint.

53. The Government pointed to the absence of substantial periods of inactivity on the part of the domestic courts and the complexity of the domestic proceedings.

54. The Court notes that in the present case the period to be taken into consideration began on 20 November 2007, the date on which the civil proceedings were instituted, and ended on 6 March 2017, the date on which the Supreme Court delivered its final decision. Thus, in total, the proceedings lasted more than nine years, three months and fourteen days.

55. The Court reiterates that it is for the Contracting States to organise their judicial systems in such a way that their courts are able to guarantee the right of everyone to obtain a final decision on disputes concerning civil rights and obligations within a reasonable time (see *Lupeni Greek Catholic Parish and Others v. Romania* [GC], no. 76943/11, § 142, 29 November 2016). The reasonableness of the length of proceedings must be assessed, in accordance with well-established case-law, in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII, and *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, § 209, 27 June 2017).

56. The Court observes that the domestic proceedings were not characterised by particularly long periods of inactivity on the part of the domestic courts, except for the period between the delivery of the Constitution Court's decision on 18 May 2012 and the Plenum of the Supreme Court's decision of 30 October 2015, which lasted around three years, five months and twelve days. In any event, the total length of the proceedings was excessive, which seems to have been caused by the fact that the case was examined on numerous occasions at various levels of jurisdiction.

57. The Court is of the view that the case was not particularly legally complex, but involved a different interpretation of the relevant domestic law by various domestic courts and examination by the Constitutional Court.

58. Moreover, as regards what was at stake for the applicant, special diligence was required in the present case, which concerned a pension dispute (see *Pejčić v. Serbia*, no. 34799/07, § 70, 8 October 2013, and *Somorjai v. Hungary*, no. 60934/13, § 71, 28 August 2018).

59. Having examined all the material submitted to it, the Court considers that the length of the proceedings as a whole was excessive and failed to meet the reasonable time requirement. It follows that there has been a violation of Article 6 § 1.

IV. 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."

A. Damage

61. The applicant claimed 177,783 Azerbaijani manats in respect of pecuniary damage for his inability to obtain the special pension claimed. He also claimed 10,000 euros (EUR) in respect of non-pecuniary damage.

62. The Government submitted that the amounts claimed by the applicant were unsubstantiated and excessive.

63. The Court does not discern any causal link between the violation found and the pecuniary damage claimed by the applicant. However, the Court considers that he has suffered non-pecuniary damage on account of the excessive length of the proceedings which cannot be compensated for solely by the finding of violation, and that compensation should thus be awarded. Making its assessment on an equitable basis, as required by Article 41 of the Convention, the Court awards the applicant the sum of EUR 2,000 under this head, plus any tax that may be chargeable on this amount.

B. Costs and expenses

64. The applicant claimed EUR 2,000 for legal services incurred before the Court. He submitted a contract concluded with his representative in support of his claim and asked that the compensation in that connection be paid directly into his representative's bank account.

65. The Government considered that the amount claimed by the applicant was unsubstantiated and excessive.

66. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the amount of work carried out by the applicant's representative, the Court considers it reasonable to award the sum of EUR 1,000 covering costs under all heads, plus any tax that may be chargeable to the applicant. The amount awarded in that respect is to be paid directly into the bank account of the applicant's representative.

C. Default interest

67. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 of the Convention concerning the length of the proceedings admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State, at the rate applicable at the date of settlement:
      (i) EUR 2,000 (two thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 16 June 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik Registrar	Síofra O'Leary President