



# Azerbaijan

## Ratified the European Convention on Human Rights in 2002

### National Judge: Lətif Hüseynov

Previous judge: Khanlar Hajiyev (2003-2017) [List of judges of the Court since 1959](#)  
[Judges' CVs](#) are available on the ECHR Internet site

The Court dealt with 304 applications concerning Azerbaijan in 2018, of which 261 were declared inadmissible or struck out. It delivered 9 judgments (concerning 43 applications), which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	679	313	206
Communicated to the Government	168	238	63
Applications decided:	307	304	102
- Declared inadmissible or struck out (Single Judge)	191	230	60
- Declared inadmissible or struck out (Committee)	19	29	26
- Declared inadmissible or struck out (Chamber)	0	2	1
- Decided by judgment	97	43	15

\* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).  
Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	2182
Applications pending before a judicial formation:	2139
Single Judge	29
Committee (3 Judges)	749
Chamber (7 Judges)	1361
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## Azerbaijan and ...

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

## Noteworthy cases, judgments delivered

### Grand Chamber

#### [First judgment in infringement proceedings under Article 46 § 4 of the Convention](#)

29.05.2019

The case concerned the referral of a question to the European Court of Human Rights on 5 December 2017 by the Committee of Ministers of the Council of Europe, which is responsible for supervising the enforcement of the Court's judgments, as to whether Azerbaijan had failed to abide by a 2014 [judgment](#) by not releasing political activist Ilgar Mammadov unconditionally. The Committee was for the first time using powers set out in Article 46 § 4 of the European Convention.

[Violation of Article 46 § 1 \(binding force and execution of judgments\)](#)

The Court found that the Government had taken only limited steps to implement the judgment, which had not amounted to Azerbaijan acting in "good faith" or in a manner which was in accordance with the "conclusions and spirit" of its ruling in Mr Mammadov's case. Azerbaijan had therefore failed to fulfil its obligation to comply with the 2014 ruling. **As this was the first ruling of its kind, the Court also set out some principles on the issues to consider when dealing with such cases.**

#### [Sargsyan v. Azerbaijan](#)

16.06.2015 (on the merits) 12.12.2017 (on the just satisfaction)<sup>1</sup>

The case concerned an Armenian refugee's complaint that, after having been forced to flee from his home in the Shahumyan region of Azerbaijan in 1992 during the Armenian-Azerbaijani conflict over Nagorno-Karabakh, he had since been denied the right to return to his village and to have access to and use his property there.

[Continuing violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

<sup>1</sup> The Court held that the Azerbaijani Government had to pay the applicant 5,000 euros (EUR) in respect of pecuniary and non-pecuniary damage and EUR 30,000 in costs and expenses (see [press release](#)).

[Continuing violation of Article 8 \(right to respect for private and family life\)](#)

[Continuing violation of Article 13 \(right to an effective remedy\)](#)

In Mr Sargsyan's case, the Court confirmed that, although the village from which he had to flee was located in a disputed area, Azerbaijan had jurisdiction over it.

**It was the first case in which the Court had to decide on a complaint against a State which had lost control over part of its territory as a result of war and occupation, but which at the same time was alleged to be responsible for refusing a displaced person access to property in an area remaining under its control.**

There are currently more than one thousand similar individual applications pending before the Court.

### Chamber

#### **Right to life cases (Article 2)**

##### [Huseynova v. Azerbaijan](#)

13.04.2017

Case brought by the wife of Elmar Huseynov, a well-known journalist who was shot dead on 2 March 2005.

[No violation of Article 2 \(right to life\)](#)

[Violation of Article 2 \(right to life/investigation\)](#)

##### [Mikayil Mammadov v. Azerbaijan](#)

17.12.2009

Suicide committed by the applicant's wife allegedly in plain view of several State agents in the course of a police operation in the context of forced eviction

[No violation of Article 2](#)

[Violation of Article 2 \(investigation\)](#)

#### **Cases dealing with inhuman or degrading treatment (Article 3)**

##### [Violations of Article 3](#)

##### [Mammadov and Others v. Azerbaijan](#)

21.02.2019

The case concerned an Azerbaijani academic who complained that he had been arrested in 2007, held in unacknowledged detention for 24 hours and then sentenced to 15 days' administrative detention which he had spent in a location unknown either to his family or lawyer. He alleged that he had been ill-treated during that period and

had not been provided with medical care for high blood pressure, prostatitis and an overactive thyroid. He also complained that he had then spent over a year in pre-trial detention without a proper justification until his conviction of high treason and sentencing to 10 years' imprisonment. He died in detention in 2009 of a heart attack.

[Violation of Article 3 as regards Mr Mammadov's ill-treatment between 2 and 17 February 2007](#)

[Violation of Article 3 because he had been deprived of medical care between 2 and 17 February 2007](#)

[Violation of Article 3 concerning the lack of an effective investigation into his allegation of ill-treatment](#)

[Violation of Article 5 § 1 \(right to liberty and security\) because the first 24 hours of his detention had not been recorded](#)

[Violation of Article 5 § 3 \(entitlement to trial within a reasonable time or to release pending trial\) because the authorities had failed to give "relevant" and "sufficient" reasons to justify his pre-trial detention between February 2007 and June 2008](#)

[No violation of Article 2 \(right to life\) as concerned his death in detention](#)

[Violation of Article 2 as concerned the authorities' failure to conduct an effective investigation into his death](#)

#### [Mustafa Hajili v. Azerbaijan](#)

24.11.2016

The applicant, Mr Mustafa Hajili, was editor-in-chief of the *Demokrat* newspaper. The case concerned his allegations that, after attempting to attend a protest in Baku's Fountains Square, he had been arrested by police and assaulted by officers whilst in custody.

#### [Yunusova and Yunusov v. Azerbaijan](#)

02.06.2016

The case concerned the allegation by Mr Yunusov and Ms Yunusova, husband and wife and well-known human rights defenders and civil society activists, that their medical care in detention had been inadequate. During the proceedings before the European Court, the couple had notably been granted their request (under Rule 39 of the Rules of Court – interim measures) to be provided with adequate medical care in prison.

#### [Emin Huseynov v. Azerbaijan](#)

07.05.2015

Police's treatment of a journalist who was arrested at a café in Baku during a private party to celebrate Che Guevara's birthday, and who had to be admitted to intensive care in a hospital following his release from police custody.

The Court found in particular that Mr Huseynov had been ill-treated during his arrest and whilst in police detention and that there had been no effective investigation in this respect. It further found that he had been unlawfully deprived of his liberty and that the police intervention had amounted to an unlawful interference with his freedom of assembly.

#### [Rizvanov v. Azerbaijan](#)

17.04.2012

The applicant, a former journalist, complained that a police officer had hit him with a truncheon in November 2005 while he was covering a demonstration in Baku held by a group of opposition political parties, and that no effective investigation had been carried out into the incident.

#### [Garayev v. Azerbaijan](#)

10.06.2010

The Court found that Azerbaijan would violate the Convention if it extradited the applicant to Uzbekistan, and that the applicant had been detained unlawfully pending extradition

#### [Muradova v. Azerbaijan](#)

02.04.2009

Excessive force used by riot police during a political demonstration.

#### [Hummatov v. Azerbaijan](#)

29.11.2007

Lack of adequate medical treatment in prison and lack of public character of appeal hearings in a high security prison

#### [Mammadov \(Jalaloglu\) v. Azerbaijan](#)

11.01.2007

Torture in police custody and lack of effective investigation

### **Cases dealing with liberty and security (Article 5)**

#### Violations of Article 5

### **Rustamzade v. Azerbaijan**

07.03.2019

The case concerned a student's arrest and detention in 2013 for allegedly filming some friends dancing in a park and uploading the video of it to YouTube. He was charged with hooliganism and spent one year in pre-trial detention. He was convicted in 2014 as charged, as well as of mass disorder and arms offences which had in the meantime been added to the list of charges, and sentenced to eight years' imprisonment.

### **Haziye v. Azerbaijan**

06.12.2018

The case concerned the detention of an Azerbaijani journalist and opposition activist following an altercation in the street. He was arrested in August 2014 and held in detention pending trial until his conviction for hooliganism in January 2015.

### **Rashad Hasanov and Others v. Azerbaijan**

07.06.2018

The case concerned the detention of the applicants, who are civil society activists, on charges of obtaining and supplying Molotov cocktails.

The Court also held that there had been a violation of Article 18 (limitation on use of restrictions on rights) finding that the action taken against the applicants had been because they were members of NIDA, which had been part of a wider crackdown on civil society in Azerbaijan.

### **Mammadli v. Azerbaijan**

19.04.2018

The case concerned the arrest and detention of a well-known Azerbaijani civil society activist and human rights defender, Anar Asaf oglu Mammadli. He runs several non-governmental organisations involved in election monitoring. He was arrested in December 2013 and held in pre-trial detention until his conviction in May 2014 for a number of offences, including illegal entrepreneurship, tax evasion and abuse of power.

### **Rasul Jafarov v. Azerbaijan**

17.03.2016

The case concerned the complaint by a well-known human rights defender that his arrest and pre-trial detention had been unjustified.

The Court also held that the Government of Azerbaijan had failed to comply with their obligations under Article 34 (right of individual petition).

### **Muradverdiyev v. Azerbaijan** **Farhad Aliyev v. Azerbaijan**

09.11.2010

The applications were brought by former high-profile government officials and businessmen who complained that they had been arrested, detained for longer than authorised by domestic law before being brought before a judge, and accused of planning a coup d'état before the parliamentary elections of 2005.

### **Ilgar Mammadov v. Azerbaijan (No. 2)**

16.11.2017

The case concerned the criminal proceedings brought against a prominent Azerbaijani opposition politician, Ilgar Eldar oglu Mammadov, following protests in the town of Ismayilli in 2013. Mr Mammadov was subsequently charged and convicted of mass disorder. This is the second case he has brought before the European Court of Human Rights; the first concerned his arrest and pre-trial detention following the same events (see summary below).

Violation of Article 6 § 1 (right to a fair trial)

### **Ilgar Mammadov v. Azerbaijan**

22.05.2014

Arrest and detention pending trial of an opposition politician and blogger following his reports on street protests in the town of Ismayilli in January 2013.

Violation of Article 5 § 1 (right to liberty and security)

Violation of Article 5 § 4 (right to judicial review of one's detention)

Violation of Article 6 § 2 (presumption of innocence)

Violation of Article 18 (limitation on use of restrictions on rights)

### Cases concerning Article 6

#### Right to a fair trial

##### Violations of Article 6

#### [Abdullayev v. Azerbaijan](#)

07.03.2019

The case concerned the prosecution and conviction of a former member of parliament on account of his fight with another deputy during parliamentary session.

#### [Ilgar Mammadov v. Azerbaijan \(No. 2\)](#)

16.11.2017

The case concerned the criminal proceedings brought against a prominent Azerbaijani opposition politician, Ilgar Eldar oglu Mammadov, following protests in the town of Ismayilli in 2013. Mr Mammadov was subsequently charged and convicted of mass disorder. This is the second case he has brought before the European Court of Human Rights; the first concerned his arrest and pre-trial detention following the same events.

#### [Sakit Zahidov v. Azerbaijan](#)

12.11.2015

The case concerned Mr Zahidov's allegation that he had been convicted of a drugs offence on the basis of planted evidence.

#### [Huseyn and Others v. Azerbaijan](#)

26.07.2011

Complaints by four opposition activists about the unfairness of criminal proceedings brought against them for their role in clashes between demonstrators after the presidential elections of 15 October 2003.

#### [Rahmanova v. Azerbaijan](#)

10.07.2008

Breach of the principle of legal certainty by way of quashing of a final judgment by the Plenum of the Supreme Court under a procedure of "additional cassation".

#### [Abbasov v. Azerbaijan](#)

17.01.2008

Cassation hearing held in the absence of the applicant and his lawyer.

### Cases concerning private and family life (Article 8)

#### Violation of Article 8

#### [Khadija Ismayilova v. Azerbaijan](#)

10.01.2019

### Freedom of expression cases (Article 10)

#### Violations of Article 10

#### [Khadija Ismayilova v. Azerbaijan](#)

10.01.2019

The case concerned an alleged smear campaign against a well-known journalist, Khadija Rovshan qizi Ismayilova. In particular, she was sent a letter threatening her with public humiliation if she did not stop her investigative reporting. When she refused, a "sex video" filmed without her knowledge of her and her then boyfriend was posted on the Internet. Around the same time, newspapers ran stories accusing her of anti-government bias and immoral behaviour. She later discovered hidden cameras all over her flat.

#### [Fatullayev v. Azerbaijan](#)

22.04.2010

Journalist criminally convicted in unfair trials for several of his published statements.

#### [Mahmudov and Aqazade v. Azerbaijan](#)

18.12.2008

Conviction of journalists for publishing a defamatory article and imposition of a disproportionate penalty (prison sentence).

### Cases concerning freedom of assembly and association (Article 11)

#### Violations of Article 11

#### [Jafarov and Others v. Azerbaijan](#)

25.07.2019

The case concerned the authorities' repeated refusal to register a non-governmental organization set up to defend human rights in Azerbaijan. The authorities' ultimate reason for the refusal was the NGO founders' failure to specify the powers of a "legal representative" in their founding document. The NGO founders, applicants in this case, contested the refusals before the domestic courts, without success.

**Tebieti Mühafizə Cəmiyyəti and Israfilov v. Azerbaijan**

08.10.2009

Dissolution of a public association for its alleged failure to comply with domestic law requirements on internal management of associations.

**Ramzanova and Others v. Azerbaijan**

01.02.2007

Unlawful delays in State registration of an association.

**Limitation on use of restrictions on rights  
(Article 18)**

**Aliyev v. Azerbaijan**

20.09.2018

The case concerned the detention of a lawyer and human rights activist on charges including illegal entrepreneurship, embezzlement and tax evasion.

Violation of Article 3 (prohibition of torture) related to the conditions of the applicant's pre-trial detention, and no violation of Article 3 related to his medical care in detention and to the conditions of a later period of detention

Violation of Article 5 § 1 (right to liberty and security) owing to the lack of a reasonable suspicion that he had committed a criminal offence as grounds for his detention

Violation of Article 5 § 4 (review of detention) on account of the lack of a proper judicial review of the lawfulness of his detention

Violation of Article 8 (right to respect for private life and communications) because of a search of his office and home

Violation of Article 18 as the Court found that the measures taken against the applicant had been aimed at silencing and punishing him for his human rights activities rather than for one of the legitimate purposes under the Convention

**Property rights  
(Article 1 of Protocol No. 1)**

**Akimova v. Azerbaijan**

27.09.2007

Unlawful suspension of the execution of a final judgment evicting a family of internally displaced persons who had illegally settled in the applicant's apartment

**Violation of Article 1 of Protocol No. 1**

**Cases concerning  
the right to free elections**

**Violation of Article 3 of Protocol No 1**

**Abdalov and others v. Azerbaijan**

11.07.2019

The case concerned the applicants' complaint about facing such long delays in registering as candidates for November 2010 parliamentary elections that they had had no time to campaign and compete effectively.

**Shukurov v. Azerbaijan**

27.10.2016

The case concerned electoral irregularities in the parliamentary elections of November 2010.

[Azerbaijan had failed to comply with its obligations under Article 34 \(right to individual petition\)](#)

**Gahramanli and Others v. Azerbaijan**

08.10.2015

Complaints brought by the applicants, candidates for various opposition political parties, about electoral fraud and irregularities during the 2010 parliamentary elections. Their allegations included interference with the election process by electoral commission members, undue influence on voter choice, obstruction of observers and ballot-box stuffing.

**Karimov v. Azerbaijan**

25.09.2014

Allegations by an opposition candidate about irregularities in the 2005 parliamentary elections.

**Kerimova v. Azerbaijan**

30.09.2010

Complaint about the arbitrary invalidation of election results in the applicant's electoral constituency depriving her of her victory in the elections.

**Namat Aliyev v. Azerbaijan**

08.04.2010

Complaint about an arbitrary and ineffective examination of the applicant's complaints about election irregularities. Seven other similar applications were struck out by the Court after this judgment following the Government's unilateral declaration acknowledging the violations.

**Seyidzade v. Azerbaijan**

03.12.2009

Arbitrary refusal to register the applicant, a former clergy member, as a candidate for parliamentary elections despite his having resigned from all positions that could be

seen as involving "professional religious activity".

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