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**Press release issued by the Registrar**

**Chamber judgment<sup>1</sup> [1]**

***Mikayil Mammadov v Azerbaijan*** (application no. 4762/05)

**INEFFECTIVE INVESTIGATION INTO STATE'S RESPONSIBILITY FOR SUICIDE DEATH**

***Violation of Article 2 (right to life) for lack of effective investigation and  
No violation of Article 2 as regards the authorities' obligation to protect that right  
of the European Convention on Human Rights***

(The judgment is available only in English.)

**Principal facts**

The applicant, Mr Mikayil Sattar oglu Mammadov is an Azerbaijani national who was born in 1961 and currently lives in Sumgayit, Azerbaijan.

Mr Mammadov and his family have been internally displaced persons since 1993. They lived in a room in a State-owned hostel in Sumgayit up until 2003 when they discovered that three rooms nearby, which belonged to the local army recruitment office, were vacant. The applicant repaired those rooms and moved into them together with his family at the end of 2003.

On 26 March 2004, a group of local authorities' representatives and police officers turned up at the applicant's dwelling without a court order for eviction. Apparently distressed by the arrival of the authorities, who she feared had come to evict her family, the applicant's wife poured kerosene over herself and set it on fire. As a result of that she suffered multiple serious burns affecting half of her body and died from complications on 30 March 2004. Mr Mammadov alleged that the police officers did not take her threat seriously but instead mockingly encouraged her to keep her word and carry her threat through; this was denied by the authorities who submitted that at least one police officer tried to help Ms Mammadova put out the fire she had set on herself inside the dwelling.

Following the incident, the police loaded the applicant's family possessions onto a truck and took them back to the hostel room where the family had resided previously.

A preliminary inquiry was carried out into the death of Ms Mammadova and a decision was taken by the investigator in May 2004 not to start criminal proceedings for lack of evidence

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<sup>1</sup> Under Article 43 of the Convention, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

that anyone had in any way provoked Ms Mammadova's act. That decision was confirmed by the prosecutors several times between July and September 2004. In 2005, criminal proceedings were eventually brought into Ms Mammadova's death and investigative measures were ordered. A number of witnesses were questioned including the applicant's family members and representatives of the local authorities and the police who were at the scene. The investigation was subsequently suspended several times for failure to identify the person who had incited Ms Mammadova to commit suicide; it was finally terminated in September 2008.

### **Complaints, procedure and composition of the Court**

Relying on Articles 2, 3 (prohibition of inhuman or degrading treatment), 6 (right to a fair trial) and 13 (right to an effective remedy), Mr Mammadov complained that the Azerbaijani authorities had been responsible for his wife's death because, among other things, they had entered his dwelling unlawfully and failed to save his wife when she had set herself on fire.

The application was lodged with the European Court of Human Rights on 27 December 2004.

Judgment was given by a Chamber of seven judges, composed as follows:

Christos Rozakis (Greece), **President**,  
Nina Vajić (Croatia),  
Elisabeth Steiner (Austria),  
Khanlar Hajiyeu (Azerbaijan),  
Dean Spielmann (Luxembourg),  
Giorgio Malinverni (Switzerland),  
George Nicolaou (Cyprus), **judges**,

and Søren Nielsen, **Section Registrar**.

### **Decision of the Court**

It had been undisputed that Ms Mammadova's death had been the result of suicide and not of force caused by another person. It had also been clear that the authorities had asked several times Mr Mammadov's family to vacate the dwelling they had been considered to occupy illegally. By conducting the operation to evict the applicant's family, the authorities could not be considered to have intentionally put the life of the applicant's wife at risk. Given the diverging versions of the events presented by the Government and the applicant it was impossible to establish whether the authorities had become aware of the danger in time to prevent the fire or extinguish it as soon as possible. Consequently, there had been no violation in respect of the authorities' obligation to guarantee and protect the right to life.

The Court considered, however, that the investigation carried out into the death of the applicant's wife had been inadequate as it had not covered all the issues relevant for the assessment of the State's responsibility in the incident. In particular, the investigation had been limited to the question of whether the State agents incited Ms Mammadova to commit suicide, while it should have examined also whether the authorities had done everything necessary to prevent her death or minimise the injuries she received. The investigation had been marked by a number of other shortcomings, such as the failure to take immediate action, the fact that it had lasted over four years, the omission to reconstruct the sequence and duration of the events and to address the discrepancies in the witness statements. Therefore, there had been a violation of Article 2.

The Court rejected the applicant's other complaints.

Under Article 41 (just satisfaction) of the Convention, the Court awarded the applicant 20,000 euros (EUR) in respect of non-pecuniary damage.

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**Press contacts**

**Kristina Pencheva-Malinowski (telephone : 00 33 (0)3 88 41 35 70) or**

Stefano Piedimonte (telephone : 00 33 (0)3 90 21 42 04)

Tracey Turner-Tretz (telephone : 00 33 (0)3 88 41 35 30)

Céline Menu-Lange (telephone : 00 33 (0)3 90 21 58 77)

Frédéric Dolt (telephone : 00 33 (0)3 90 21 53 39)

Nina Salomon (telephone: 00 33 (0)3 90 21 49 79)

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