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

Press Release
issued by the Registrar of the Court

ECHR 205 (2024)
05.09.2024

Judgments and decisions of 5 September 2024

The European Court of Human Rights has today notified in writing 30 judgments[1] and 56 decisions[2]:

one Chamber judgment is summarised below;

29 Committee judgments, concerning issues which have already been examined by the Court, and the 56 decisions, can be consulted on Hudoc and do not appear in this press release.

The judgment summarised below is only available in English.

Mukhtarli v. Azerbaijan and Georgia (application no. 39503/17)

The applicant, Mr Afgan Sabir oglu Mukhtarli, is an Azerbaijani national who was born in 1974 and lives in Germany.

The case concerns the alleged abduction, ill-treatment and covert transfer of the applicant, a well-known Azerbaijani journalist, from Georgia to Azerbaijan in 2017, and his subsequent arrest and pre-trial detention there. He asserts that these actions were intended to silence him and to punish him for his journalistic activities.

As regards Georgia, the applicant complains about his alleged abduction, ill-treatment and forcible transfer to Azerbaijan, and the relevant authorities' failure to conduct an effective investigation in that regard. As regards Azerbaijan, the applicant alleges that his arrest and detention there was unlawful and unjustified. He relies on Articles 3 (abduction associated with ill-treatment and lack of effective investigation), 5 §§ 1 (c), 3 and 4 (right to liberty and security), 8 (right to respect for private and family life), 10 (freedom of expression), 13 (right to an effective remedy) and 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights and Article 2 of Protocol No. 4 (freedom of movement) and Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) to the European Convention. As far as the actual abduction is concerned, the applicant's relevant complaints, under Articles 3 and 5 of the Convention, concern only Georgia.

As regards Georgia:

Violation of Article 3 and 5 on account of the failure to carry out an effective investigation into the applicant's allegations of abduction, ill-treatment and unlawful transfer to Azerbaijan.
No violation of Article 3 and 5 (ill-treatment, detention)

Just satisfaction:
non-pecuniary damage: EUR 10,000 euros (EUR)
costs and expenses: EUR 2,500

[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.

As regards Azerbaijan:

No violation of Article 5 § 1
Violation of Article 5 § 3
Violation of Article 8

Just satisfaction:
non-pecuniary damage: EUR 6,000
costs and expenses: EUR 2,500

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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.