

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

THIRD SECTION

CASE OF ALIYEV v. AZERBAIJAN

(Application no. 13537/24)

JUDGMENT

STRASBOURG

25 September 2025

This judgment is final but it may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Aliyev v. Azerbaijan,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Úna Ní Raifeartaigh, *President,*
Mateja Đurović,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 4 September 2025,

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

PROCEDURE

1. The case originated in an application against Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 27 April 2024.

2. The Azerbaijani Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

4. The applicant complained under Article 6 of the Convention of the unfair trial in administrative offence proceedings. He also raised a complaint under Article 5 § 1 of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

5. Relying on Article 6 of the Convention, the applicant complained that he had not had a fair hearing, since the domestic courts' decisions had lacked adequate reasoning and he had not had access to a lawyer of his own choice.

6. In the leading cases of *Gafgaz Mammadov v. Azerbaijan* (no. 60259/11, 15 October 2015); *Huseynli and Others v. Azerbaijan* (nos. 67360/11 and 2 others, 11 February 2016); *Hasanov and Majidli v. Azerbaijan* (nos. 9626/14 and 9717/14, 7 October 2021); *Savalanli v. Azerbaijan,* [Committee] (no. 30608/14, 14 January 2021); and *Ibrahimov v. Azerbaijan,* [Committee] (no. 39466/16, 14 January 2021) the Court already found a violation in respect of issues similar to those in the present case.

7. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the

administrative-offence proceedings against the applicant, considered as a whole, were not in conformity with the guarantees of a fair hearing under Article 6 § 1 of the Convention.

8. These complaints are therefore admissible and disclose a breach of Article 6 of the Convention.

II. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

9. The applicant also raised a complaint under Article 5 § 1 of the Convention, concerning his detention without any record from 6:13 p.m. on 23 December 2023 to 2:40 p.m. on 24 December 2023, which is covered by the well-established case-law of the Court. This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that the complaint discloses a violation of Article 5 § 1 of the Convention owing to the absence of a record of his detention during the timeframe indicated above (see *Nasirov and Others v. Azerbaijan,* no. 58717/10, §§ 46-52, 20 February 2020*,* and *Hasanov v. Azerbaijan* [Committee], no. 59202/12, §§ 10-15, 28 April 2022).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

10. Regard being had to the documents in its possession and making its assessment on an equitable basis, the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Articles 5 and 6 of the Convention admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the unfair trial in administrative offence proceedings;

3. *Holds* that there has been a violation of Article 5 § 1 of the Convention as regards the unrecorded detention of the applicant raised under the well-established case-law of the Court;

4. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the

currency of the respondent State at the rate applicable at the date of settlement;

(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.

Done in English, and notified in writing on 25 September 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

Application raising complaints under Article 5 § 1 and Article 6 § 1 of the Convention (unrecorded detention and unfair trial in administrative offence proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Administrative charges	Penalty	Name of court Date of final domestic decision	Specific defects in respect of the main complaints	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage (in euros) [1]	Amount awarded for costs and expenses (in euros)[2]
13537/24 27/04/2024	**Araz Yunus oglu ALIYEV** 1994	Nemat KARIMLI Baku	Articles 510 and 535 of the CAO	Twenty-five days' administrative detention	Baku Court of Appeal 29/12/2023	insufficient or manifestly unreasonable justification of court decisions and lack of own choice of legal assistance (see *Gafgaz Mammadov v. Azerbaijan*, no. 60259/11, §§ 83-94, 15 October 2015, and *Huseynli and Others v. Azerbaijan*, nos. 67360/11 and 2 others, §§ 119-34, 11 February 2016)	Art. 5 (1) - unlawful deprivation of liberty, including unrecorded detention and detention without a judicial order and any other legal basis (*Nasirov and Others v. Azerbaijan,* no. 58717/10, §§ 46-52, 20 February 2020, and *Hasanov v. Azerbaijan* [Committee], no. 59202/12, §§ 10-15, 28 April 2022).	2,000	250

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.