

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

THIRD SECTION

CASE OF ALIYEV v. AZERBAIJAN

(Application no. 48832/15)

JUDGMENT

STRASBOURG

9 October 2025

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



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 18 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 18 September 2015.

2. The applicant was represented by Mr F. Mammadov, a lawyer based in Baku.

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

THE FACTS

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

5. The applicant complained of the lack of justification for his pre-trial detention under Article 5 § 3 of the Convention. He also raised other complaints under Article 3 of the Convention.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

6. Relying on Article 5 § 3 of the Convention, the applicant complained that the domestic courts had failed to justify the necessity for the application of preventive measure of pre-trial detention in his case.

7. In the leading cases of *Farhad Aliyev v. Azerbaijan,* no. 37138/06, 9 November 2010; *Isayeva v. Azerbaijan,* no. 36229/11, 25 June 2015; and *Zayidov v. Azerbaijan,* no. 11948/08, 20 February 2014, the Court already found a violation in respect of issues similar to those in the present case.

8. 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

domestic courts failed to justify the need for the applicant's pre-trial detention.

9. This complaint is therefore admissible and discloses a breach of Article 5 § 3 of the Convention.

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

10. The applicant also raised a complaint under Article 3 of the Convention concerning his confinement in a metal cage during the pre-trial hearings at the Narimanov District Court and the Baku Court of Appeal between March and August 2015. This complaint is covered by the well-established case-law of the Court. It 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 and having regard to the objectively degrading nature of holding a person in a metal cage, as confirmed by the photo evidence presented by the applicant, the Court concludes that the complaint discloses a violation of Article 3 of the Convention (see, among many others, *Svinarenko and Slyadnev v. Russia* [GC], nos. 32541/08 and 43441/08, ECHR 2014 (extracts); *Natig Jafarov v. Azerbaijan*, no. 64581/16, §§ 37-40, 7 November 2019; and *Bagirov and Others v. Azerbaijan* [Committee] nos. 34582/16 and 2 others, §§ 16-19, 11 February 2025).

III. REMAINING COMPLAINT

11. Relying on Article 3 of the Convention, the applicant also complained of the conditions of his detention in a cell in the building of the first-instance court and the conditions of transport from and to the pre-trial detention facility.

12. The Court considers that, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

13. It follows that these complaints must be rejected in accordance with Article 35 § 4 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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 and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 3, concerning the confinement in a metal cage during the court hearings, and under Article 5 § 3 of the Convention, concerning lack of justification for pre-trial detention, admissible and the remainder of the application inadmissible;

2. *Holds* that this application discloses a breach of Article 5 § 3 of the Convention as regards the lack of justification for pre-trial detention;

3. *Holds* that this application discloses a breach of Article 3 of the Convention as regards the applicant's confinement in a metal cage during the court hearings;

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;

5. *Dismisses* the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 9 October 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 3 and Article 5 § 3 of the Convention (use of metal cages in courtrooms and lack of justification for pre-trial detention)

Application no. Date of introduction	Applicant's name Year of birth	Period of detention	Length of detention	Specific defects	Other complaints raised under the well-established case-law of the Court	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
48832/15 18/09/2015	**Vugar Sabir oglu ALIYEV** 1972	10/03/2015 to 10/12/2015	9 months and 1 day	fragility of the reasons employed by the courts; failure to examine the possibility of applying other measures of restraint; fragility and repetitiveness of the reasoning employed by the courts as the case progressed; failure to examine the possibility, as the case progressed, of applying other measures to secure attendance at the trial	Art. 3 – use of metal cages and other security arrangements in courtrooms – placement of the applicant in a metal cage during the court hearings before the Narimanov District Court and the Baku Court of Appeal between March and August 2015	3,900	500

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