

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

THIRD SECTION

CASE OF GAHRAMANLI v. AZERBAIJAN

(Application no. 74009/16)

JUDGMENT

STRASBOURG

9 October 2025

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Gahramanli 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 30 November 2016.

2. The applicant was represented by Mr N. Karimli, a lawyer based in Azerbaijan.

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 under Article 5 §§ 1 and 3 of the Convention of unlawfulness of his detention and lack of justification for his continued pre-trial detention. He also raised additional complaints under various Convention provisions.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 5 § 1 OF THE CONVENTION

6. Relying on Article 5 § 1 of the Convention, the applicant principally complained of his unlawful detention, which allegedly occurred in the absence of reasonable suspicion that he had committed a criminal offence.

7. The Court reiterates that Article 5 of the Convention is, together with Articles 2, 3 and 4, in the first rank of the fundamental rights that protect the physical security of the individual, and as such its importance is paramount. Its key purpose is to prevent arbitrary or unjustified deprivations of liberty (see *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, § 84, ECHR 2016 (extracts), with further references).

8. Where the "lawfulness" of detention is in issue, including the question whether "a procedure prescribed by law" has been followed, the Convention refers essentially to national law and lays down the obligation to conform to the substantive and procedural rules thereof. Compliance with national law is not, however, sufficient: Article 5 § 1 requires in addition that any deprivation of liberty should be in keeping with the purpose of protecting the individual from arbitrariness (see *S., V. and A. v. Denmark* [GC], nos. 35553/12, 36678/12 and 36711/12, § 74, 22 October 2018, with further references).

9. In the leading cases of *Ilgar Mammadov v. Azerbaijan*, no. 15172/13, §§ 87-101, 22 May 2014; *Rasul Jafarov v. Azerbaijan*, no. 69981/14, §§ 114-34, 17 March 2016; *Rashad Hasanov and Others v. Azerbaijan*, nos. 48653/13 and 3 others, §§ 91-108, 7 June 2018; *Rustamzade v. Azerbaijan*, no. 38239/16, §§ 44-54, 7 March 2019; *Ibrahimov and Mammadov v. Azerbaijan*, nos. 63571/16 and 5 others, §§ 113-33, 13 February 2020; and *Savalanli and Others v. Azerbaijan*, nos. 54151/11 and 3 others, §§ 83-95, 15 December 2022, the Court already found a violation in respect of issues similar to those in the present case.

10. 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 this complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the applicant's pre-trial detention in the absence of a reasonable suspicion that he committed a criminal offence constituted unlawful detention.

11. This complaint is therefore admissible and discloses a breach of Article 5 § 1 of the Convention.

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

12. The applicant also raised a complaint under Article 5 § 3 concerning the lack of sufficient and relevant reasons for his continued pre-trial detention, 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 § 3 of the Convention owing to the failure of the domestic courts to give relevant and sufficient reasons for the extended application of the preventive measure of pre-trial detention (see, among many others, *Allahverdiyev v. Azerbaijan*, no. 49192/08, §§ 51-63, 6 March 2014, and *Mammadov and Others v. Azerbaijan*, no. 35432/07, §§ 95-100, 21 February 2019).

III. REMAINING COMPLAINTS

13. The applicant raised a complaint under Article 6 § 2 of the Convention that his right to be presumed innocent had been violated on account of a public statement made by the authorities on 9 December 2015. The Government considered that the complaint was inadmissible as it had been lodged out of six-months' time-limit because the applicant had only raised the alleged breach of the presumption of innocence in the context of pre-trial detention proceedings which could not be considered an effective remedy in respect of this complaint.

14. The Court notes the absence of information about the domestic legal instruments or examples of well-established case-law which could lead it to believe that the domestic courts called upon to decide on the applicant's pre-trial detention were also entitled to assess the public statement in question (compare, among other authorities, *Narbutas v. Lithuania*, no. 14139/21, §§ 211 and 213, 19 December 2023). In such circumstances, the Court is not persuaded that raising the present complaint before the domestic courts that examined the issue of the applicant's pre-trial detention constituted an effective remedy against the impugned statement. Furthermore, in the absence of any evidence to the contrary submitted by either of the parties, the Court concludes that in the domestic legal system there was no effective remedy whatsoever in respect of a complaint under Article 6 § 2 of the Convention (contrast, among other authorities, *Narbutas*, cited above, §§ 214-15). Consequently, this complaint should have been lodged no later than six months after the statement in question was disseminated on 9 December 2015 (compare *Pirali Orujov v. Azerbaijan*, no. 8460/07, § 57, 3 February 2011).

15. It follows that this part of the application must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

16. Relying on Articles 5 § 4 and 10 of the Convention, the applicant also raised several other complaints. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal question raised in the present application and that there is no need to give a separate ruling on the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

17. Regard being had to the documents in its possession and to its case-law (see, in particular, the above-cited *Ilgar Mammadov*, *Rasul Jafarov*, *Rashad Hasanov and Others*, *Rustamzade*, *Ibrahimov and Mammadov*, *Savalanli and Others*), 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 5 §§ 1 and 3 of the Convention admissible and the complaint under Article 6 § 2 of the Convention inadmissible and *finds* that there is no need to examine separately the remaining complaints;

2. *Holds* that there has been a violation of Article 5 § 1 of the Convention;

3. *Holds* that there has been a violation of Article 5 § 3 of the Convention;

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 5 § 1 of the Convention (unlawful detention)

Application no. Date of introduction	Applicant's name Year of birth	Start date of unlawful detention	End date of unlawful detention	Specific defects	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
74009/16 30/11/2016	**Fuad Ali oglu GAHRAMANLI** 1975	08/12/2015	25/1/2017	Pre-trial detention in the absence of a reasonable suspicion that the applicant committed a criminal offence (see *Ilgar Mammadov v. Azerbaijan*, no. 15172/13, §§ 87-101, 22 May 2014; *Rasul Jafarov v. Azerbaijan*, no. 69981/14, §§ 114-34, 17 March 2016; *Rashad Hasanov and Others v. Azerbaijan*, nos. 48653/13 and 3 others, §§ 91-108, 7 June 2018; *Rustamzade v. Azerbaijan*, no. 38239/16, §§ 44-54, 7 March 2019; *Ibrahimov and Mammadov v. Azerbaijan*, nos. 63571/16 and 5 others, §§ 113-33, 13 February 2020; and *Savalanli and Others v. Azerbaijan*, nos. 54151/11 and 3 others, §§ 83-95, 15 December 2022).	Art. 5 (3) - lack of relevant and sufficient reasons for continued pre-trial detention (see *Allahverdiyev v. Azerbaijan*, no. 49192/08, §§ 51-63, 6 March 2014, and *Mammadov and Others v. Azerbaijan*, no. 35432/07, §§ 95-100, 21 February 2019).	5,200	500

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