

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

THIRD SECTION

CASE OF ISLAMZADE v. AZERBAIJAN

(Application no. 9504/14)

JUDGMENT

STRASBOURG

23 September 2025

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



In the case of Islamzade v. Azerbaijan,

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

Canòlic Mingorance Cairat*, President*,

Lətif Hüseynov,

Vasilka Sancin*, judges*,

and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 9504/14) against the Republic of Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 11 January 2014 by an Azerbaijani national, Mr Elnur Ilgar oglu Islamzade (*Elnur İlqar oğlu İslamzadə* – "the applicant"), who was born in 1987, lives in Baku and was represented by Mr E. Huseynzade, a lawyer based in Azerbaijan;

the decision to give notice of the application to the Azerbaijani Government ("the Government"), represented by their Agent, Mr Ç. Əsgərov;

the parties' observations;

Having deliberated in private on 2 September 2025,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaint that the demolition of his property had been unlawful and that he had received inadequate compensation in that regard.

2. The applicant owned a non-residential property with a total surface area of 102 sq. m ("the property"), which he used as a shop, at 61 Mikayil Useynov Avenue in Baku.

3. The property was demolished on the basis of Order no. 85, issued by the head of the Baku City Executive Authority ("the BCEA") on 9 March 2010, according to which the buildings located at the above-mentioned address were to be demolished and the residents relocated for the purpose of constructing a shopping centre. The demolition of the buildings and the relocation of the residents were to be carried out at the expense of a private company, Cooperative K., a subsidiary of Company A. In exchange for his property, Company A. and Cooperative K. offered the applicant either (i) compensation in the amount of 1,500 to 2,000 Azerbaijani manats (AZN) per square metre of his property or (ii) a new flat in one of the buildings constructed by Company A. The applicant refused the offer. The demolition of the property was completed on 4 June 2011.

4. On an unspecified date after the demolition of his property, the applicant lodged a complaint with the Sabail District Court against Company A., Cooperative K., the BCEA, the State Committee on Property

Issues and the Baku office of the State Register of Real Estate, complaining of unlawful actions on the part of Company A. and Cooperative K. and seeking compensation in the amount of AZN 668,000 for his demolished property, AZN 92,250 for lost profit, AZN 50,000 in respect of non-pecuniary damage and AZN 10,000 for costs and expenses. In support of his claims, the applicant submitted a "specialist opinion" issued by a non-governmental organisation E., according to which the market value of his property was AZN 6,248 per square metre and the average market rent for such a property was AZN 41.3 per square metre per month. The applicant further submitted that he had purchased the property on 3 June 2008 for AZN 300,000 and had subsequently spent AZN 60,000 on repairs and improvements. The applicant did not, however, seek the invalidation of the BCEA's order of 9 March 2010.

5. On 3 December 2012 the Sabail District Court upheld the applicant's claims in part, finding that the failure of Company A. (or, as the case may be, Cooperative K.) to reach an agreement with the applicant and to pay compensation prior to the demolition of the property had been unlawful and had violated his property rights. The court ordered Company A. (or Cooperative K.) to pay the applicant compensation in the amount of AZN 224,000 (AZN 2,200 per square metre) for the demolished property (approximately 219,645 euros (EUR) at the relevant time) and AZN 1,000 (approximately EUR 981) in respect of non-pecuniary damage. The amount of compensation awarded by the court was based on (i) a report issued by a private company M., that had determined the market value of the properties in the demolished building to be AZN 1,800-2,000 per square metre, and (ii) the compensation paid by Company A. and/or Cooperative K. to other persons whose properties had been in the demolished building. In its judgment, the court also referred to an expert valuation report issued by the non-governmental organisation E. (which the applicant asserted had been commissioned by the court), according to which the market value of the property was AZN 6,107 per square metre (a copy of that report was not submitted to the Court). The court dismissed the claim in respect of lost profit as unsubstantiated.

6. The applicant appealed. In addition to his initial claims, he argued that the first-instance court had failed to consider the possibility of granting him a non-residential property of the same size in the building to be constructed by Company A on the site of the demolished property.

7. On 12 March 2013 the Baku Court of Appeal upheld the first-instance court's judgment, endorsing its reasoning and holding that the compensation awarded had been reasonable and fair.

8. On 11 July 2012 the Supreme Court upheld the appellate court's judgment.

9. It appears from the documents in the case file that the applicant was paid the amount awarded by the domestic courts.

10. The applicant complained under Article 1 of Protocol No. 1 to the Convention that the domestic courts had failed to afford him adequate redress for the unlawful demolition of his property by Company A. and Cooperative K. He also complained under Article 6 of the Convention, alleging a breach of his right to a reasoned judgment.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

11. It is undisputed that the property in question had been in the applicant's private ownership.

12. The Government argued that the applicant could not claim to be a victim of a violation of Article 1 of Protocol No. 1 to the Convention because the domestic courts had established a violation of his property rights by Company A. and had awarded him adequate compensation. The applicant did not comment on that issue.

13. The Court considers that, in the particular circumstances of the case, the Government's objection is so closely connected to the merits of the applicant's complaint under Article 1 of Protocol No. 1 to the Convention that it should be joined to the merits (see, for a similar approach, *Khizanishvili and Kandelaki v. Georgia*, no. 25601/12, § 44, 17 December 2019).

14. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

15. The applicable principles under Article 1 of Protocol No. 1 to the Convention have been summarised in, among other authorities, *Vistiņš and Perepjolkins v.Latvia* ([GC], no. 71243/01, §§ 95-99 and 108-14, 25 October 2012).

16. In the present case, the applicant did not raise the issue of lawfulness of the BCEA's order before the domestic courts (see paragraph 4 above; contrast *Khalikova v. Azerbaijan*, no. 42883/11, § 42, 22 October 2015, and *Aliyeva and Others v. Azerbaijan* [Committee], no. 67879/12, § 4, 20 May 2025). He complained only about the actions by Company A. and Cooperative K., and the domestic courts allowed his claim, finding that those actions had been unlawful (see paragraph 5 above). They therefore acknowledged a violation of the applicant's property rights and awarded him compensation, the amount of which was contested. The Court will accordingly consider the question whether the compensation awarded was adequate. While the domestic courts are normally in a better position to determine the existence and quantum of pecuniary damage (see *Scordino v. Italy (no. 1)* [GC], no. 36813/97, § 203, ECHR 2006-V), the Court has

jurisdiction to assess whether compensation was appropriate and sufficient within the meaning of Article 1 of Protocol No. 1 to the Convention.

17. It appears from the case file that when calculating the amount of compensation in respect of the demolished building, the domestic courts disregarded the "specialist opinion" submitted by the applicant (see paragraph 4 above) and the expert valuation report allegedly commissioned by the Sabail District Court (see paragraph 5 above) without any explanation. Instead, they referred solely to the report issued by the private company M., which established a general price for the properties in the demolished building regardless of their condition. Furthermore, the report by M. consisted of a one-page statement which merely provided estimated values and lacked any explanation of the methodology used or any references to previous expert opinions or to any other data relied on. Moreover, there was no reasoning in the courts' judgments as regards the significant difference between the value of the property established in the "specialist opinion" submitted by the applicant, the court-commissioned expert report delivered by E., the report provided by M. and the amount of compensation established by the courts.

18. Furthermore, the domestic court failed to take into account the fact that the applicant had purchased the property three years before the demolition for AZN 300,000 and had allegedly spent AZN 60,000 on repairs and improvements (see paragraph 4 above), while awarding the applicant only AZN 224,00 in respect of pecuniary damage (see paragraph 5 above). It follows that the domestic courts failed to provide a satisfactory explanation for the approach followed or for the level of compensation achieved (compare *Khizanishvili and Kandelaki*, cited above, § 58).

19. In the light of the foregoing considerations, the Court concludes that the applicant was not awarded full compensation in respect of the unlawful demolition of his property. The Court therefore dismisses the Government's objection concerning his victim status. There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention.

II. OTHER COMPLAINTS

20. Turning to the applicant's complaint under Article 6 of the Convention (see paragraph 10 above), 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 by the case and that there is no need to examine the admissibility and merits of the remaining complaint (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

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21. In respect of pecuniary damage, the applicant claimed 668,000 Azerbaijani manats (AZN) for the demolished property and AZN 92,250 for lost profit. He also claimed AZN 50,000 in respect of non-pecuniary damage.

22. The Government asked the Court to reject the claims in respect of pecuniary and non-pecuniary damage, maintaining that the domestic courts had awarded adequate compensation to the applicant. The Government further asked the Court to dismiss the claim in respect of lost profit, noting that the applicant had failed to substantiate it or to provide any relevant documentary evidence.

23. As to the applicant's claim concerning lost profit, the Court notes that the applicant failed to provide – either in the domestic courts or before the Court – any supporting documents. It therefore rejects this part of the claim.

24. As to the compensation for the demolished property, the Court notes that, for the reasons set out in paragraph 17 above, the report issued by a private company, M., in the form of a one-page statement cannot constitute an expert report for the purposes of the valuation of the damage sustained (compare *Maharramov v. Azerbaijan* (just satisfaction), no. 5046/07, §§ 17 and 19, 9 May 2019). The applicant failed to submit a copy of the expert report by the non-governmental organisation E., allegedly commissioned by the domestic courts (see paragraph 5 above), and submitted only the "specialist opinion" which he had submitted to the domestic courts (see paragraph 4 above). In view of these considerations and taking into account all the material in its possession, as well as the compensation already received by the applicant, the Court considers it reasonable to award him 45,300 euros (EUR) in respect of pecuniary damage.

25. The Court further accepts that the applicant suffered some distress as a result of the violation it has found, and awards him EUR 2,000 in respect of non-pecuniary damage, plus any tax that may be chargeable on that amount.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 1 of Protocol No. 1 to the Convention admissible;

2. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention;

3. *Holds* that there is no need to examine the admissibility and merits of the complaint under Article 6 of the Convention;

4. *Holds*

(a) that the respondent State is to pay the applicant, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:

(i) EUR 45,300 (forty five thousand three hundred euros), plus any tax that may be chargeable, in respect of pecuniary damage;

(ii) EUR 2,000 (two thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

(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 claim for just satisfaction.

Done in English, and notified in writing on 23 September 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Canòlic Mingorance Cairat President