

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

THIRD SECTION

CASE OF JABBAROV v. AZERBAIJAN

(Application no. 31581/16)

JUDGMENT

STRASBOURG

9 October 2025

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



In the case of Jabbarov 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 26 May 2016.

2. The applicant was represented by Mr A. Mustafayev and Mr R. Mustafazade, lawyers 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 of the Convention that he had been unlawfully detained by the police without any documentation between 7 and 9 September 2014.

THE LAW

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

6. Relying on Article 5 § 1 of the Convention, the applicant complained that his right to liberty had been infringed as he had been unlawfully detained without any official record between 7 and 9 September 2014.

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 *Nagiyev v. Azerbaijan,* no. 16499/09, 23 April 2015; *Emin Huseynov v. Azerbaijan,* no. 59135/09, 7 May 2015; and *Mammadov and Abbasov v. Azerbaijan,* no. 1172/12, 8 July 2021, 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 deprivation of liberty from 7 to 9 September 2014, which was not documented, constituted an unrecorded detention and was unlawful.

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

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. 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 application admissible;

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

3. *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.

4. *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	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
31581/16 26/05/2016	**Araz Agabala oglu JABBAROV** 1971	07/09/2014	09/09/2014	Unlawful deprivation of liberty as a result of unrecorded and/or unacknowledged detention (see *Nagiyev v. Azerbaijan*, no. 16499/09, §§ 54-68, 23 April 2015; *Emin Huseynov v. Azerbaijan*, no. 59135/09, §§ 81-88, 7 May 2015; and *Mammadov and Abbasov v. Azerbaijan*, no. 1172/12, §§ 42-54, 8 July 2021)	2,000	500 (to be paid directly to representative Mr Ruslan Mustafazade's bank account)

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