

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

THIRD SECTION

CASE OF MURADVERDIYEV v. AZERBAIJAN

(Application no. 9747/14)

JUDGMENT

STRASBOURG

30 April 2025

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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Muradverdiyev v. Azerbaijan,

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

Oddný Mjöll Arnardóttir*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 27 March 2025,

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

PROCEDURE

1. The case originated in 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 23 December 2013.

2. The applicant was represented by Mr F. Agayev, 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 the unlawful detention and lack of justification for his 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 complained that his right to liberty had been infringed as he had been detained without any documentation from 9.30 a.m. to 7 p.m. on 20 June 2013.

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 cases.

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 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 9.30 a.m. to 7 p.m. on 20 June 2013, which was not documented, constituted an unrecorded detention.

11. This complaint therefore 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 lack of sufficient and relevant reasons for his continued detention, which is covered by the well-established case-law of the Court. These complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor are they inadmissible on any other ground. Accordingly, they 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 application of 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. Relying on various Convention provisions, the applicant also raised a number of additional 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

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 5 §§ 1 and 3 of the Convention admissible, and *finds* that there is no need to examine separately the remaining complaints;

2. *Holds* that there has been a breach 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 30 April 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Oddný Mjöll Arnardóttir President

APPENDIX

Application raising complaints under Article 5 §§ 1 and 3 of the Convention

(unlawful detention and lack of justification for pre-trial detention)

Application no. Date of introduction	Applicant's name Year of birth	Start date of unrecorded detention	End date of unrecorded detention	Specific defects	Other complaints under well-established case-law	Period of pre-trial detention	Length of pre-trial detention	Amount awarded for non-pecuniary damage (in euros)[1]	Amount awarded for costs and expenses (in euros)[2]
9747/14 23/12/2013	**Akif Shamsaddin oglu MURADVERDIYEV** 1949	20/06/2013 9.30 a.m.	20/06/2013 7 p.m.	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).	Art. 5 (3) - lack of relevant and sufficient reasons for 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).	20/06/2013 to 13/12/2013	5 months and 22 days	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.