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

THIRD SECTION

DECISION

Applications nos. 17894/13 and 65356/13
Akbar GASIMOV against Azerbaijan
and Shahin SULEYMANOV against Azerbaijan

The European Court of Human Rights (Third Section), sitting on 21 January 2025 as a Committee composed of:

Darian Pavli, *President*,
Lətif Hüseynov,
Úna Ní Raifeartaigh, *judges*,
and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the applications 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") by the Azerbaijani nationals listed in the appended table ("the applicants"), on the dates indicated therein;
the decision to give notice of the complaints under Article 1 of Protocol No. 1 to the Convention to the Azerbaijani Government ("the Government"), represented by their Agent, Mr Ç. Əsgərov;
the parties' observations;
Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applications concern the applicants' complaint that the compensation for their expropriated plots of land was inadequate.

2. In 1998 the Salyan District Agrarian Reform Commission issued a decision allocating plots of land of various sizes situated in the Salyan district to the applicants, together with their family members, for agricultural use (see the appended table). They were issued title deeds in respect of those plots of land.

3. It appears from the case file that a special commission was established by order of the head of the Salyan District Executive Authority in October 2007, for the identification and assessment of land to be expropriated

as part of plans for the construction of the Alat-Astara highway. In June 2009 the commission established that the amount of compensation to be paid for the land to be expropriated was 1,800 Azerbaijani manats (AZN) per hectare. It also held that an additional 20% compensation had to be paid in accordance with Presidential Decree no. 689 of 26 December 2007. Since the plot of land belonging to the applicant in application no. 17894/13 and part of the plot of land belonging to the applicant in application no. 65356/13 were also affected by the construction of the highway, the applicants were offered compensation in line with the above-mentioned calculation. However, they refused to accept the amounts proposed (see the appended table).

4. In December 2010 the State-owned enterprise for the construction of roads, bridges and underground passages, Azeryolservis Open Joint-Stock Company (hereinafter "Azeryolservis OJSC"), brought separate claims in the Salyan District Court against the applicants, asking the court to terminate their ownership rights over the plots of land in question in exchange for payment of compensation based on the market value of those plots of land.

5. On various dates in March 2011, each applicant lodged a counterclaim seeking compensation for their land in the amount of AZN 18,000 per hectare. They further complained that when determining the amount of compensation, the commission had failed to take into account the profit that they had allegedly been making by working the land in question. They did not, however, provide any supporting documents with respect to their claims. The applicants also argued that under the provisions of domestic law, the market value of the expropriated plots of land had to be determined on the basis of the average of the three highest prices indicated in notarised sale and purchase agreements entered into with respect to similar plots of land in the preceding three months.

6. By separate judgments delivered on 6 April 2011, the Salyan District Court granted Azeryolservis OJSC's claim and dismissed the applicants' counterclaims. It held that compensation for the plots of land expropriated for the construction of the highway had to be calculated on the basis of AZN 1,800 per hectare, and that the applicants had failed to substantiate their claims.

7. The applicants appealed. In addition to their previous arguments, they mainly complained that, instead of submitting copies of three sale and purchase agreements, the Salyan District State Notary (hereinafter "the notary") had sent a letter to the first-instance court concerning the value of similar land and that the commission had not been authorised under domestic law to determine the compensation in question.

8. Following remittals, on various dates in 2012 the Shirvan Court of Appeal dismissed the applicants' appeals (see the appended table), holding that the amount of compensation offered had been adequate. In the proceedings concerning the claim in application no. 65356/13, the court ordered an expert evaluation of the plot of land in question. The Forensic

Department of the Ministry of Justice returned the court order without executing it, arguing that it did not fall within its powers. The appellate court subsequently sent requests to a real-estate firm and the notary, asking for information concerning the average price of plots of land and copies of recent sale and purchase agreements in the Salyan district. On the basis of the information and copies of agreements received, the appellate court found that the value of similar plots of land varied between AZN 500 and AZN 2,200 per hectare, depending on their quality and location.

9. On various dates in 2012 and 2013, the Supreme Court dismissed cassation appeals by the applicants (see the appended table). In the proceedings concerning the claim in application no. 17894/13, the court held that, based on the copies of the land sale and purchase agreements dated between 2009 and 2011 produced to the lower courts by the notary, the amount of compensation awarded to the applicant had been adequate.

10. It appears from the case file that the applicants have received the compensation awarded to them.

11. The applicants complained under Article 1 of Protocol No. 1 to the Convention that the compensation awarded to them had been inadequate because it had been determined by a commission which was not authorised to do so and their loss of profit had not been taken into account when calculating the amount of compensation.

THE COURT'S ASSESSMENT

12. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

13. The Government submitted that the domestic courts had addressed the applicants' claims and had substantiated their judgments in awarding the applicants amounts on the basis of the criteria provided for by the relevant legislation. The applicants disagreed.

14. The Court notes at the outset that, in the present case, the applicants' complaint concerns solely the alleged inadequacy of the compensation awarded.

15. In this connection, the Court firstly observes that the domestic courts did not automatically endorse the sums offered by the commission and assessed their adequacy on the basis of the information and copies of sale and purchase agreements obtained from a real-estate firm and the notary (see paragraphs 8 and 9 above). The Court further notes that while the applicants argued that the average market price of the land in question was much higher (see paragraph 5 above), they failed to submit any proof in that respect either in the domestic courts or before the Court.

16. As to the applicants' complaint that the domestic authorities failed to take into account the lost profit claimed by them when awarding compensation (see paragraph 5 above), the Court notes that the applicants

equally failed to provide – either in the domestic courts or before the Court – any documents concerning the alleged loss of profit. In sum, there is nothing to indicate that the compensation awarded to the applicants has not been reasonably related to the actual value of the land or that their property rights have been otherwise infringed (see, for general principles, *Kostov and Others v. Bulgaria* , nos. 66581/12 and 25054/15, §§ 62-64, 14 May 2020, with further references).

17. It follows that the applications are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 13 February 2025.

Olga Chernishova Deputy Registrar	Darian Pavli President

Appendix

List of cases:

No.	Application no.	Lodged on	Applicant's name year of birth place of residence	Representative's name and location	Type and size of property (according to the ownership documents)	Domestic court judgments/decisions	Compensation proposed by the Salyan District Executive Authority and later awarded by the domestic courts
1	17894/13	07/02/2013	**Akbar GASIMOV** 1965 Salyan	**Fariz NAMAZLI** Sumgayit	1.09 ha plot of land	Salyan District Court, 06/04/2011 Shirvan Court of Appeal, 18/08/2011 Supreme Court, 21/12/2011 Shirvan Court of Appeal, 12/04/2012 Supreme Court, 07/08/2012	2,354.40 Azerbaijani manats (AZN) (approximately 2,125 euros (EUR) at the relevant time)
2	65356/13	04/10/2013	**Shahin SULEYMANOV** 1961 Salyan		0.19 ha out of a plot of land of 1.43 ha	Salyan District Court, 06/04/2011 Shirvan Court of Appeal, 25/11/2011 Supreme Court, 24/04/2012 Shirvan Court of Appeal, 18/10/2012 Supreme Court, 04/04/2013	AZN 410.40 (approximately EUR 370 at the relevant time)