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

THIRD SECTION

DECISION

Application no. 43408/16
Fikrat JAFAROV
against Azerbaijan

The European Court of Human Rights (Third Section), sitting on 16 June 2026 as a Committee composed of:

Mateja Đurović*, President*,
Lətif Hüseynov,
Canòlic Mingorance Cairat*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 43408/16) 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 1 July 2016 by an Azerbaijani national, Mr Fikrat Novruz oglu Jafarov (*Fikrət Novruz oğlu Cəfərov* – "the applicant"), who was born in 1968, lives in Baku and was represented by Mr K. Bagirov, a lawyer based in Azerbaijan;

the decision to give notice of the complaints under Article 6 § 1 (right to a reasoned judgment) and Article 13 of the Convention and Article 1 of Protocol No. 1 to the Convention to the Azerbaijani Government ("the Government"), represented by their Agent, Mr Ç. Əsgərov, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The facts of the case, as submitted by the parties, may be summarised as follows.

2. On 14 April 2007 the Binagadi District Municipality adopted a decision to sell a plot of land measuring 140 sq. m to the applicant. The plot underlay the individual house used by the applicant, which had a total area of

135.88 sq. m. However, the applicant did not register his ownership rights in respect of either the land or the house.

3. In 2012 the applicant was informed by Baku Metro that the house in question was located within the area designated for the construction of a new electric depot and would therefore be demolished. Representatives of Baku Metro informed the applicant that the plot of land had been allocated to Baku Metro during the Soviet period by a decision of the Baku City Council of Workers' Deputies dated 1 November 1986. The applicant was offered compensation for the house on the basis of an expert report ordered by Baku Metro (a copy of which was not submitted to the Court) and was asked to vacate the property.

4. On 1 August 2012 the applicant lodged a claim with the Yasamal District Court against Baku Metro and the company which had valued the house, seeking a declaration that Baku Metro's actions in acquiring his property were unlawful and that the expert report was void. The applicant submitted an expert valuation report that he had ordered, which estimated the market price of the house at between 200,000 and 220,000 Azerbaijani manats (AZN). The Yasamal District Court ordered another expert valuation. According to a letter addressed by that expert to the court, the value of the house together with the land was AZN 150,100.

5. On 6 March 2013 the Yasamal District Court rejected the applicant's claims, holding that he had failed to prove them. The applicant appealed.

6. On 19 June 2013 the Baku Court of Appeal quashed the judgment of the Yasamal District Court and sent the case to Baku Administrative-Economic Court No. 1, holding that the matter should be examined by the administrative courts.

7. In August 2013 the applicant's property was demolished while the proceedings were pending. The applicant then lodged a further claim before Baku Administrative-Economic Court No. 1, seeking compensation in respect of pecuniary and non-pecuniary damage (AZN 150,000 and AZN 50,000 respectively).

8. On 18 September 2014 Baku Administrative-Economic Court No. 1 ordered a new valuation of the house and the land. According to the one-page report prepared by the expert, the total value of the house and the land was AZN 116,000.

9. On 18 March 2015 the applicant signed an agreement with Baku Metro, whereby he received compensation of AZN 50,000 for the house in question and stated that he had no claim to the property and would not make any claims regarding the matter in the future.

10. On 4 June 2015 Baku Administrative-Economic Court No. 1 rejected the applicant's claims. It found that the land in question had been allocated to Baku Metro in 1986. It also held that the applicant had failed to present any ownership documents issued in respect of the land or the house, and that the latter had been an unauthorised construction. The applicant appealed.

11. On 6 October 2015 the Baku Court of Appeal granted the applicant's claims in part and ordered Baku Metro to pay him AZN 66,000 in respect of pecuniary damage, in addition to the compensation it had already paid (see paragraph 9 above). The Court of Appeal relied on the expert valuation of the property ordered by the first-instance court (see paragraph 8 above), holding that although there were several differing assessments of the property's value, those valuations had been prepared at the request of the interested parties and therefore could not be regarded as reliable evidence. Both parties lodged cassation appeals.

12. On 10 May 2016 the Supreme Court amended the judgment of the Baku Court of Appeal and reduced the amount of compensation ordered by the appellate court to AZN 28,000. The Supreme Court held that the house in question had already been demolished when the expert opinion relied on by the lower court had been drawn up and that there had been no substantiation as regards how the amount indicated therein had been calculated. Additionally, it found that the applicant had not registered his rights to either the house or the land in accordance with the requirements under domestic law. It therefore held that the valuation of the house at AZN 50,000 had been "reasonable". It further held that, since the defendant had not disputed that the value of the land in question was AZN 28,000 (as the expert report commissioned by it had assessed – see paragraph 3 above), that amount also had to be paid to the applicant.

13. The applicant complained under Article 1 of Protocol No. 1 to the Convention that his private property had been unlawfully expropriated and that the amount of compensation paid to him had been inadequate. He further complained under Article 6 of the Convention that his right to a reasoned judgment had been violated, and under Article 13 that he had not been afforded a remedy providing effective protection against the violation of his rights.

THE COURT'S ASSESSMENT

A. Complaints under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention

14. The Court, being master of the characterisation to be given in law to the facts of the case, finds it appropriate to examine these complaints solely under Article 1 of Protocol No. 1 to the Convention (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018; and compare *Orujova v. Azerbaijan* [Committee] (dec.), no. 1776/09, § 49, 17 June 2021).

15. The Government submitted that, despite the fact that the applicant had never registered his ownership rights over the house and the plot of land, he had received compensation and that, therefore, his rights had not been

violated. The applicant disagreed, arguing, in particular, that he had been in possession of the house, had had a "legitimate expectation" of ownership of the plot of land, and had not received adequate redress for the violation of his rights.

16. The Court's case-law on the concept of "possessions" within the meaning of Article 1 of Protocol No. 1 to the Convention has been summarised in *Akhverdiyev v. Azerbaijan* (no. 76254/11, § 73, 29 January 2015); *Aliyeva and Others v. Azerbaijan* (nos. 66249/16 and 6 others, §§ 102-04, 21 September 2021); and *Alif Ahmadov and Others v. Azerbaijan* (no. 22619/14, § 35, 4 May 2023), with further references.

17. The Court notes that under domestic law, a residential building, construction, facility, or other immovable property erected on a plot of land not allocated for construction purposes or without obtaining the necessary permits or as a result of a serious breach of town-planning and building regulations is considered an unauthorised construction. The party that erected an unauthorised construction cannot acquire ownership rights to the construction in question and is not entitled to dispose of it by sale, deed of gift, lease or by any other means (see *Ahmadova v. Azerbaijan*, no. 9437/12, §§ 12-14, 18 November 2021).

18. In the present case, the applicant never formally registered his ownership rights over the house and the plot of land in question and he was unable to produce any documentary evidence in that regard.

19. As to the applicant's argument concerning the plot of land in question (see paragraph 15 above), under domestic law, a person who has not registered his or her ownership rights over a house has no legally exercisable right to have any part of the land underlying the house transferred into his or her ownership (see *Akhverdiyev*, cited above, §§ 56-58 and 74-77, and compare *Rahimov v. Azerbaijan* [Committee] (dec.), no. 40026/09, § 15, 7 July 2022).

20. However, despite the above-mentioned circumstances, and while noting that the applicant had no registered right of ownership over the property in question, the domestic courts held that the amount paid to him by Baku Metro for the house had been reasonable and awarded him compensation for the land (compare *Ayvazova v. Azerbaijan* [Committee], no. 11431/15, § 20, 30 September 2025, and *Bayramzade v. Azerbaijan* [Committee], no. 12836/13, § 29, 14 October 2025).

21. In doing so, they dismissed the above-mentioned valuation reports, providing reasons as to why they chose to do so (see paragraphs 11 and 12 above; compare *Giuffrè and Others v. Italy* [Committee], no. 50827/11, § 40, 5 September 2024). The applicant has failed to substantiate that the compensation received was not reasonably related to the actual value of the property or that his 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, and compare *Rahimova and*

Kaspi-Merkuri Firm v. Azerbaijan [Committee], nos. 32780/12 and 15435/14, § 20, 29 April 2025, with further references).

22. Accordingly, even assuming that Article 1 of Protocol No. 1 is applicable in the present case, this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Complaint under Article 13 of the Convention

23. The applicant complained that he had not had effective domestic remedies in respect of his complaints.

24. The Court, having declared inadmissible the substantive complaint under Article 1 of Protocol No. 1, concludes that the applicant has no arguable claim for the purposes of Article 13 of the Convention (compare *Kozaliev and Starchev v. Bulgaria* (dec.), no. 59845/14, § 44, 15 September 2020, and *Orujova*, cited above, § 67). It follows that the complaint under Article 13 of the Convention must be rejected as being incompatible *ratione materiae* with the provisions of the Convention, pursuant to Article 35 §§ 3 (a) and 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 9 July 2026.

Olga Chernishova Deputy Registrar	Mateja Đurović President