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

THIRD SECTION

DECISION

Application no. 57978/14
Ramiz MAMMADOV and Others
against Azerbaijan

The European Court of Human Rights (Third Section), sitting on 16 September 2025 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. 57978/14) 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 15 August 2014 by twenty-two Azerbaijani nationals ("the applicants"), whose relevant details are listed in the appended table and who were represented by Mr H. Hasanov, 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 information about the deaths of the fourth, fifth and twelfth applicants and the wish of their heirs to continue the proceedings before the Court in their stead;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The present case concerns the allegedly unlawful demolition of the applicants' properties without any payment of compensation to them.

2. All the applicants are internally displaced persons (IDPs) from various regions of Azerbaijan. They resettled in the Binagadi district of Baku following the occupation of their home towns by Armenian forces in the 1990s.

3. According to the applicants, they obtained plots of land from the Binagadi District Executive Authority ("the BDEA"), the local municipality and private individuals, and constructed private houses on the land using their own funds between 1996 and 2000. They lived in those houses until 2011.

4. On unspecified dates in 2011 the applicants were approached by representatives of the BDEA, the Baku Metro and the State Committee for Affairs of Refugees and Internally Displaced Persons ("the Committee") and were verbally informed that the plots of land where their houses were located had been previously allocated to the Baku Metro and that the houses in the area would be demolished in order to construct an electricity depot for a new underground station in accordance with the "State Programme for the Development of Baku Metro 2011-2015", which had been approved by Presidential Decree no. 1408 of 18 March 2011.

5. Starting in November 2011, the residents of the area were relocated. According to the applicants, individuals who were not IDPs but who owned houses in the same area received monetary compensation in respect of their properties which were to be demolished, whereas all IDPs, including the applicants, were provided with apartments in multi-storey buildings but did not receive any compensation.

6. All the applicants were resettled in new apartments within the same district by the Committee, and the houses in the area were demolished on an unspecified date.

7. On 17 August 2012 the applicants lodged a claim with the Binagadi District Court against the Baku Metro, the Committee and the Ministry of Finance, seeking compensation in the total amount of 1,889,000 Azerbaijani manats (AZN) in respect of their demolished houses. The applicants' case was forwarded to Baku Administrative-Economic Court no. 1 for examination in so far as it fell within the scope of that court's jurisdiction.

8. The applicants amended their initial claim by increasing the amount of compensation claimed to AZN 1,949,000 as compensation also for the plants and other structures located on the plots.

9. By a judgment of 19 August 2013, Baku Administrative-Economic Court no. 1 dismissed the applicants' claim. That judgment was upheld by the Baku Court of Appeal and the Supreme Court on 17 December 2013 and 3 April 2014 respectively. The domestic courts found that the plots of land where the applicants' houses were located had been allocated to the Baku Metro in 1986. The individuals who had built houses on those plots of land had thus occupied the land unlawfully, and the applicants' houses were considered to be unauthorised constructions. The courts further held that the Committee had purchased residential buildings in order to facilitate the temporary resettlement of the IDPs and that all the applicants had agreed to their relocation and had willingly moved into the apartments in question. Consequently, the respondents no longer had any obligations towards the

applicants, and it could not be proved that the applicants had incurred any pecuniary damage.

10. The applicants complained under Article 1 of Protocol No. 1 to the Convention, and Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1, that the demolition of their properties without any compensation had amounted to a violation of their property rights. They further complained that they had been subjected to discrimination based on their social status as IDPs; property owners in the same area who were not IDPs had received monetary compensation, whereas they had not.

THE COURT'S ASSESSMENT

A. Preliminary issue

11. The Court notes at the outset that the fourth applicant, Mr Ibrahim Aliyev, the fifth applicant, Ms Fatma Aliyeva, and the twelfth applicant, Ms Rahila Hadiyeva, died after lodging the application and that their respective heirs, Ms Najima Aliyeva, Mr Tayyub Aliyev and Mr Namig Miriyev, have expressed their wish to continue the proceedings before the Court. It has not been disputed that the applicants' heirs are entitled to pursue the application on behalf of the deceased applicants and the Court sees no reason to hold otherwise. Having regard to its case-law on the matter (see, for example, *Mammadov and Others v. Azerbaijan*, no. 35432/07, § 80, 21 February 2019, with further references), the Court accepts that the applicants' respective heirs have a legitimate interest in pursuing the application in the late applicants' stead.

B. Complaint under Article 1 of Protocol No. 1 to the Convention

12. The Government submitted that the applicants had failed to exhaust domestic remedies because they had not relied on Article 1 of Protocol No. 1 to the Convention in the proceedings in the national courts. The applicants did not submit any comments in that regard.

13. The Government further submitted that the plots of land where the applicants had built houses belonged to the State and that the applicants' houses had been unauthorised constructions. They did not therefore have any ownership rights over the land or the houses. The applicants disagreed, arguing in particular that the State authorities had always been aware of the construction of the houses in question and that they had never objected to it.

14. The Court does not find it necessary to examine the Government's objection as to non-exhaustion, because the complaint is in any event inadmissible for the following reasons.

15. The general principles on the concept of "possessions" within the meaning of Article 1 of Protocol No. 1 to the Convention have been

summarised in, *inter alia*, *Akhverdiyev v. Azerbaijan* (no. 76254/11, § 73, 29 January 2015), and *Aliyeva and Others v. Azerbaijan* (nos. 66249/16 and 6 others, §§ 102-04, 21 September 2021, with further references) and the relevant domestic law concerning unauthorised constructions has been summarised in, *inter alia*, *Alif Ahmadov and Others v. Azerbaijan* (no. 22619/14, § 23, 4 May 2023).

16. In the present case, the Court observes that the applicants had never registered their ownership of the houses. The Court further observes that even though the applicants alleged that they had obtained the plots of land from the BDEA, the local municipality and private individuals, they have not provided any documentary evidence in this connection demonstrating that they were lawful users of those plots of land where they had constructed houses (for example, the relevant orders of the BDEA or the municipality, purchase contracts, and so on). The Court also takes note of the applicants' failure to prove that they had obtained the necessary construction permits from the State authorities.

17. The Court further notes that under Azerbaijani law, unauthorised constructions cannot form the subject of property rights (see *Alif Ahmadov and Others*, cited above, § 36, and contrast *Ivanova and Cherkezov v. Bulgaria*, no. 46577/15, § 68, 21 April 2016).

18. Moreover, the absence of any reaction from the State authorities during a certain period of time should not have given the applicants the impression that proceedings for the demolition of the houses in question could not be brought against them (see *Ahmadova v. Azerbaijan*, no. 9437/12, § 33, 18 November 2021). Lastly, the duration of the applicants' possession of the houses is not enough in itself to lead to the conclusion that their proprietary interest in the house was sufficiently established and weighty to amount to a "possession" within the meaning of the rule expressed in the first sentence of Article 1 of Protocol No. 1 (see *Bagdonavicius and Others v. Russia*, no. 19841/06, §§ 117-18, 11 October 2016, and *Alif Ahmadov and Others*, cited above, § 44).

19. Having had regard to all of the above-mentioned considerations, the Court concludes that it cannot be established that the houses in question constituted the applicants' "possessions" within the meaning of Article 1 of Protocol No. 1 to the Convention.

20. It follows that this complaint is incompatible *ratione materiae* with the provisions of the Convention and the Protocols thereto within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

C. Complaint under Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1

21. The Government submitted that the applicants had agreed to be allocated apartments and that their complaint that they had been treated less

favourably in comparison with those who had obtained monetary compensation was therefore manifestly ill-founded. The applicants disagreed and maintained their arguments.

22. The Court reiterates that Article 14 of the Convention complements the other substantive provisions of the Convention and the Protocols thereto. It has no independent existence since it has effect solely in relation to "the enjoyment of the rights and freedoms" safeguarded thereby. However, the prohibition of discrimination enshrined in Article 14 extends beyond the enjoyment of the rights and freedoms which the Convention and the Protocols thereto require each State to guarantee. It applies also to those additional rights, falling within the general scope of any Convention Article, for which the State has voluntarily decided to provide (see *Taganova and Others v. Georgia and Russia*, nos. 18102/04 and 4 others, § 389, 17 December 2024).

23. In the present case, the Court has concluded that the applicants had no right of possession within the meaning of Article 1 of Protocol No. 1 to the Convention (see paragraph 19 above). Consequently, Article 14 does not apply in the instant case (see *Taganova and Others*, cited above, § 390, with a further reference).

24. It follows that the complaint under Article 14 taken in conjunction with Article 1 of Protocol No. 1 to the Convention is incompatible *ratione materiae* with the provisions of the Convention and the Protocols thereto within the meaning of Article 35 § 3 and must be rejected in accordance with Article 35 § 4.

For these reasons, the Court, unanimously,

Holds that the fourth, fifth and twelfth applicants' respective heirs, Ms Najima Aliyeva, Mr Tayyub Aliyev and Mr Namig Miriyev, have standing to continue the present proceedings in the deceased applicants' stead;

Declares the application inadmissible.

Done in English and notified in writing on 9 October 2025.

Olga Chernishova
Deputy Registrar

Canòlic Mingorance Cairat
President

APPENDIX

List of applicants:

No.	Applicant's name	Year of birth	Nationality	Place of residence
1.	Ramiz Barat oglu MAMMADOV	1953	Azerbaijani	Absheron
2.	Fuad Fazil oglu ABDULOV	1962	Azerbaijani	Baku
3.	Samad Fazil oglu ABDULOV	1971	Azerbaijani	Baku
4.	Ibrahim Kalbali oglu ALIYEV	1949 Died in 2015	Azerbaijani	Baku
5.	Fatma Gulu gizi ALIYEVA	1956 Died in 2017	Azerbaijani	Baku
6.	Bayram Ali oglu AZIZOV	1967	Azerbaijani	Baku
7.	Kifayat Alish gizi AZIZOVA	1966	Azerbaijani	Baku
8.	Khalig Tahir oglu BAKHISHOV	1972	Azerbaijani	Baku
9.	Allahverdi Hagverdi oglu DOLUKHANOV	1952	Azerbaijani	Baku
10.	Giyas Ibish oglu GULIYEV	1952	Azerbaijani	Baku
11.	Zaur Giyas oglu GULIYEV	1980	Azerbaijani	Baku
12.	Rahila Miri gizi HADIYEVA	1947 Died in 2018	Azerbaijani	Baku
13.	Anvar Hasan oglu HASANOV	1958	Azerbaijani	Baku
14.	Elshad Tali oglu HUMBATOV	1963	Azerbaijani	Baku
15.	Kamil Agakishi oglu HUSEYNOV	1961	Azerbaijani	Baku
16.	Talish Abdulla oglu HUSEYNOV	1940	Azerbaijani	Baku
17.	Knyaz Alish oglu MAHMUDOV	1964	Azerbaijani	Baku
18.	Ahliyyat Gulmali oglu MAMMADOV	1955	Azerbaijani	Baku
19.	Elnur Sabir oglu MAMMADOV	1971	Azerbaijani	Baku
20.	Shakir Zili oglu MURADOV	1964	Azerbaijani	Baku
21.	Amir Agamali oglu NAMAZALIYEV	1942	Azerbaijani	Baku
22.	Vugar Amir oglu NAMAZALIYEV	1969	Azerbaijani	Baku

Decedent	Heir
Ibrahim Kalbali oglu ALIYEV Died in 2015	Najima Ajdar gizi ALIYEVA Born in 1955
Fatma Gulu gizi ALIYEVA Died in 2017	Tayyub Garash oglu ALIYEV Born in 1952

Decedent	Heir
Rahila Miri gizi HADIYEVA Died in 2018	Namig Sabir oglu MIRIYEV Born in 1964