



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

THIRD SECTION

CASE OF ALISHOV AND OTHERS v. AZERBAIJAN

*(Applications nos. 25527/23 and 2 others –
see appended list)*

JUDGMENT

STRASBOURG

25 August 2026

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

In the case of Alishov and Others v. Azerbaijan,

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

Mateja Đurović, *President*,

Lətif Hüseynov,

Canòlic Mingorance Cairat, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 25527/23, 25578/23 and 36156/23) 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 three Azerbaijani nationals, Ali Alishov (“the first applicant”), Adil Huseynov (“the second applicant”) and Bahman Abbasov (“the third applicant”; together “the applicants”), whose further details are listed in the appended table, represented by Mr J. Javadov, a lawyer based in Azerbaijan, on the various dates indicated in the appended table;

the decision to give notice of the applications to the Azerbaijani Government (“the Government”), represented by their Agent, Mr Ç. Əsgərov;
the parties’ observations;

Having deliberated in private on 7 July 2026,

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

SUBJECT MATTER OF THE CASE

1. The applications concern the length of the criminal proceedings against the applicants and the continued application of the preventive measure of placing them under police supervision, which effectively prevented the applicants from leaving Azerbaijan.

2. On different dates in 2015 the unrelated criminal proceedings against the applicants were instituted under Article 178.3.2 of the Criminal Code of Azerbaijan for fraud causing large-scale damage. On 15 May 2015 and 3 November 2015 the Narimanov District Court remanded the second and first applicants respectively in custody.

3. On 25 May 2015 the third applicant was placed under police supervision as a preventive measure.

4. On 30 May 2016 and 21 October 2016 the second and first applicants respectively were released from detention and a preventive measure of placing them under police supervision was applied.

5. Since then, no investigative actions have been carried out in the proceedings against them.

6. On different dates in 2023 the applicants lodged complaints with the ordinary courts under the procedure for reviewing the lawfulness of procedural actions or decisions by investigating authorities. They complained

about the length of the criminal proceedings and sought the discontinuation of the preventive measure of placing them under police supervision.

7. By final decisions of 5 June 2023 in respect of the first and second applicants and of 14 September 2023 in respect of the third applicant, the Baku Court of Appeal dismissed the applicants' complaints, holding that there had been no unlawful procedural actions or decisions by the investigating authorities.

8. The applicants complained under Article 6 § 1 of the Convention of excessive length of the criminal proceedings and under Article 2 of Protocol No. 4 to the Convention about the preventive measure placing them under police supervision, which had prevented them from leaving Azerbaijan.

THE COURT'S ASSESSMENT

I. JOINDER OF THE APPLICATIONS

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

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

10. The Government argued that the second applicant had failed to exhaust domestic remedies in respect of his complaint under Article 6 § 1 of the Convention concerning the length of the criminal proceedings, asserting that at no stage of the domestic proceedings had he raised the issue of the allegedly excessive length of the proceedings before the domestic courts.

11. The Court notes that doubts arise as to the existence of any domestic remedy capable of providing effective redress for the alleged breach (see, *mutatis mutandis*, *Hajibeyli v. Azerbaijan*, no. 16528/05, §§ 35-46, 10 July 2008). The Court also notes that, in any event, the second applicant did raise his complaint concerning the length of the criminal proceedings before the appellate court (see paragraph 6 above). It therefore dismisses the Government's objection.

12. The Court further notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

13. The Court refers to the general principles established in its case-law and set out in *Hajibeyli* (cited above, §§ 48-57, with further references), which are also pertinent to the present case.

14. The Court observes that the criminal proceedings against the applicants commenced in 2015 and, at the time of the parties' latest correspondence with the Court in 2025, that is, more than ten years later, were still at the pre-trial stage.

15. The reasonableness of the length of proceedings is to be assessed in the light of the particular circumstances of the case, regard being had to the criteria laid down in the Court's case-law concerning, in particular the complexity of the case, the applicants' conduct and that of the competent authorities, and what was at stake for the applicants (see, among many other authorities, *Vegotex International S.A. v. Belgium* [GC], no. 49812/09, §§ 150-52, 3 November 2022, and *Pélissier and Sassi v. France* [GC], no. 25444/94, § 67, ECHR 1999-II).

16. The Court considers that much was at stake for the applicants, as they suffered a feeling of uncertainty about their future, bearing in mind that they risked a criminal conviction and were under police supervision (see *Hajibeyli*, cited above, § 51).

17. Furthermore, the Court considers that, although the Government argued that the proceedings had been complex, as they had concerned large-scale financial fraud involving substantial sums of money, numerous transactions, and multiple individuals and legal entities, the cases do not appear to have been particularly complex. Each of the applicants was charged with only one criminal offence and, since 2016, no procedural steps appear to have been taken (see paragraph 5 above). In any event, the Court takes the view that an overall period of criminal proceedings exceeding ten years cannot be explained solely by the complexity of the case.

18. Having regard to these considerations, the Court finds that in the instant case the lengths of the proceedings were excessive and failed to meet the "reasonable-time" requirement. The Government have not put forward any fact or argument capable of persuading it to reach a different conclusion.

19. There has accordingly been a violation of Article 6 § 1 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 2 OF PROTOCOL No. 4 TO THE CONVENTION

20. The Court refers to the general principles established in its case-law and set out in *Hajibeyli* (cited above, §§ 58-69), and *De Tommaso v. Italy* ([GC], no. 43395/09, § 104, 23 February 2017), which are also pertinent to the present case.

21. The Court notes that the restriction on the applicants' right to leave Azerbaijan amounted to an interference within the meaning of Article 2 of Protocol No. 4. It must therefore be examined whether the interference was "in accordance with law", pursued one or more of the legitimate aims set out in Article 2 § 3 of Protocol No. 4 and was "necessary in a democratic society" to achieve such aim.

22. The Court observes that the domestic authorities applied a preventive measure of placing the applicants under police supervision, but did not impose any restriction on their right to leave the country. In that connection,

while the Government asserted that Article 9.3.1 of the Migration Code (which provides for the possibility of temporarily restricting the right of a person given a preventive measure from leaving the country) furnished a sufficient legal basis for the interference, the applicants contended that the Article providing for the possibility of restricting the right to travel abroad in certain situations was discretionary, rather than obligatory. However, in the particular circumstances of the present case, the Court does not find it necessary to determine whether the measure was “in accordance with law” as, for the reasons that follow, it considers that it was incompatible with Article 2 of Protocol No. 4 in other respects (see *Vlasov and Benyash v. Russia*, nos. 51279/09 and 32098/13, § 30, 20 September 2016, and compare *Aliyev v. Azerbaijan* [Committee], no. 22365/18, § 17, 11 July 2024).

23. The Court has previously accepted that a measure, which seeks to restrict a person charged with a criminal offence from travelling abroad, pursues the legitimate aims of maintenance of public order and prevention of crime (see *Kerimli v. Azerbaijan*, no. 3967/09, § 49, 16 July 2015). It also found, in a series of cases where the restriction of freedom of movement ordered in the context of criminal proceedings lasted over eight years, that the mere duration of that measure could have been sufficient to conclude that it was disproportionate (compare *Ivanov v. Ukraine*, no. 15007/02, § 96, 7 December 2006; *Nikiforenko v. Ukraine*, no. 14613/03, § 59, 18 February 2010; and *Pokhalchuk v. Ukraine*, no. 7193/02, § 96, 7 October 2010). No special circumstances, such as the applicants’ previous attempts to flee justice, acting uncooperatively or otherwise delaying the proceedings have been brought up to justify this exceptional length (contrast *Spiteri v. Malta*, no. 37055/22, §§ 90-93, 13 May 2025).

24. The Court also notes that, in the present case, the restrictions on the applicants’ freedom of movement were imposed throughout the entire duration of the proceedings. While the Government argued that the applicants were subjected to criminal proceedings involving complex financial fraud, the factual and organisational complexity of the case cannot justify the application of the prohibition on leaving the country throughout the whole period of the proceedings, especially where the prosecuting authorities failed to make any progress in the investigation for more than ten years (see *Miażdżyk v. Poland*, no. 23592/07, § 38, 24 January 2012, and *Hajibeyli*, cited above, § 66).

25. In view of the findings above, the Court considers that it was disproportionate to restrict the applicants’ freedom of movement for a period of around ten years. Therefore, the Court finds that, in respect of the restriction in its entirety, a fair balance between the demands of the general interest and the applicants’ rights was not achieved (see *Hajibeyli*, cited above, § 67).

26. Having regard to the considerations above, the Court concludes that there has been a violation of Article 2 of Protocol No. 4 to the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

27. The applicants claimed 15,000 euros (EUR) each in respect of non-pecuniary damage and EUR 6,500 each in respect of costs and expenses incurred in the proceedings before the domestic courts and the Court.

28. The Government did not comment on those claims.

29. Ruling on an equitable basis, the Court awards each of the applicants EUR 5,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

30. Having regard to the documents in its possession, the Court considers it reasonable to award each of the applicants EUR 500 in respect of costs and expenses incurred in the proceedings before the domestic courts and the Court, plus any tax that may be chargeable to the applicants, to be paid directly to the applicants' representative.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
4. *Holds* that there has been a violation of Article 2 of Protocol No. 4 to the Convention;
5. *Holds*
 - (a) that the respondent State is to pay each of the applicants, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 5,500 (five thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 500 (five hundred euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses, to be paid directly to the applicants' representative's bank account;
 - (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;

6. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 25 August 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Mateja Đurović
President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	25527/23	Alishov v. Azerbaijan	21/06/2023	Ali Farzulla oglu ALISHOV 1956 Baku Azerbaijani	Javad JAVADOV
2.	25578/23	Huseynov v. Azerbaijan	21/06/2023	Adil Fatulla oglu HUSEYNOV 1966 Baku Azerbaijani	
3.	36156/23	Abbasov v. Azerbaijan	22/09/2023	Bahman Tapdig oglu ABBASOV 1950 Baku Azerbaijani	