



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

THIRD SECTION

CASE OF KHUDAYAROV AND OTHERS v. AZERBAIJAN

*(Applications nos. 68452/14 and 5 others –
see appended list)*

JUDGMENT
(Just satisfaction)

STRASBOURG

25 August 2026

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

In the case of Khudayarov 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 deliberated in private on 7 July 2026,

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

PROCEDURE

1. The applications mainly concerned the applicants' complaint under Article 1 of Protocol No. 1 to the Convention about an allegedly unlawful expropriation of their properties by the State authorities.

2. In a judgment delivered on 17 October 2024 ("the principal judgment"), the Court held that the expropriation of the applicants' properties had not been carried out in compliance with "conditions provided for by law" and that there had accordingly been a violation of Article 1 of Protocol No. 1 to the Convention (see *Rzayev and Others v. Azerbaijan* [Committee], nos. 25690/14 and 5 others, §§ 14-15, and point 4 of the operative provisions, 17 October 2024). It also held that it was not necessary to examine the admissibility and merits of the remaining complaints (*ibid.*, § 17, and point 5 of the operative provisions).

3. Under Article 41 of the Convention, the applicants sought just satisfaction.

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicants to submit, within three months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*ibid.*, § 19, and point 6 of the operative provisions). The Court also requested the parties to provide a duly substantiated valuation of the applicants' properties in accordance with the principles enumerated in *Akhverdiyev v. Azerbaijan* ((just satisfaction), no. 76254/11, §§ 33-37, 21 March 2019) should they fail to settle the matter.

5. The parties did not reach an agreement on just satisfaction within the time allocated for that purpose. The applicants in applications nos. 68452/14, 10266/15 and 37345/15, and the Government filed observations, which were transmitted to the other party for comment.

6. The applicants' representative made the following submissions:

(a) She had not been able to contact the applicants in applications nos. 25690/14, 38009/15 and 35068/16.

(b) Ms Solmaz Gaffarova (the first applicant in application no. 10266/15) had died on 8 May 2020. Her daughter, Ms Kubra Gaffarova (the second

applicant in the same application) had expressed her wish to pursue the application in the deceased applicant's stead.

7. The Government did not submit any comments in respect of the above-mentioned submissions.

THE LAW

I. PRELIMINARY ISSUES

8. Having regard to its case-law on the matter (see *Bittó and Others v. Slovakia* (just satisfaction), no. 30255/09, § 7, 7 July 2015, and *Alasgarov and Others v. Azerbaijan* (just satisfaction), no. 32088/11, §§ 7-8, 18 February 2025) and the documents in its possession, the Court accepts that Ms Kubra Gaffarova has a legitimate interest to pursue the application in Ms Solmaz Gaffarova's stead.

II. ARTICLE 41 OF THE CONVENTION

9. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Applications nos. 25690/14, 38009/15 and 35068/16

10. The Court notes that, as it appears from the representative's submissions, contact with the applicants in applications nos. 25690/14, 38009/15 and 35068/16 has been lost (see paragraph 6 above).

11. The Court considers that, in these circumstances, the applicants may be regarded as no longer wishing to pursue their applications, within the meaning of Article 37 § 1 (a) of the Convention (see, *mutatis mutandis*, *Kirillova v. Russia* (just satisfaction), no. 50775/13, § 7, 17 April 2018, and *Vod Baur Impex S.R.L. v. Romania* (just satisfaction – striking out), no. 17060/15, § 9, 6 June 2023).

12. The Court also considers that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

13. It follows that the remainder of applications nos. 25690/14, 38009/15 and 35068/16 should be struck out of the Court's list of cases.

B. Applications nos. 68452/14, 10266/15 and 37345/15

1. The parties' submissions

14. The applicants claimed various amounts in respect of pecuniary damage and non-pecuniary damage (see the appended table). Their claims in respect of pecuniary damage also included (i) additional compensation amounting to 20% of the market value of their properties under Article 2.3 of Presidential Decree no. 689 of 26 December 2007 ("the additional 20% compensation"); (ii) additional 10% in compensation under Article 66 of the Law on the Expropriation of Land for State Needs ("compensation for hardship"); and (iii) compensation for relocation expenses.

15. In their observations following the delivery of the principal judgment, the applicants maintained their initial claims. The applicants did not present any new supporting documents. They relied, instead, on expert opinions indicating the market value of their properties, which had been presented before the domestic courts and/or submitted together with their applications or initial just satisfaction claims before the Court.

16. The Government provided an expert valuation in respect of all the properties concerned, which estimated their market value together with adjustments. The Government submitted that since the applicants in applications nos. 10266/15 and 37345/15 had received adequate compensation at the material time, their claims should be dismissed.

17. In response to the Government's submissions, the applicants maintained their initial claims (see the appended table).

2. The Court's assessment

18. The Court firstly refers to its findings in the principal judgment concerning the applicants' possessions. In particular, it held that the flats as indicated in the ownership documents (see the appended table), constituted the applicants' "possessions" (see § 10 of the principal judgment).

19. As regards the parts of the applicants' claims concerning the additional compensation, the Court notes that the applicant in application no. 37345/15 did not raise the applicability of relevant provisions in her initial application to the Court. The applicant in application no. 68452/14 never claimed compensation for hardship before the domestic courts (compare *Akhverdiyev v. Azerbaijan* (just satisfaction), no. 76254/11, § 31, 21 March 2019). The applicant in application no. 10266/15, whose claim for compensation for hardship was dismissed by the domestic courts, failed to substantiate her claim before the Court (see *Aliyeva and Others v. Azerbaijan*, nos. 66249/16 and 6 others, § 114, 21 September 2021). The Court therefore rejects these parts of the claims. As to the parts of the claims for relocation expenses, they are either not substantiated by any supporting documents or

are based on insufficient relevant material. The Court also rejects these parts of the claims.

20. As to compensation for the applicants' properties, the Court considers that the assessment of pecuniary damage in these cases should be based on the principles adopted in *Guiso-Gallisay v. Italy* ((just satisfaction) [GC], no. 58858/00, § 105, 22 December 2009) and reiterated in *Akhverdiyev v. Azerbaijan* ((just satisfaction), no. 76254/11, §§ 33-37, 21 March 2019).

21. As mentioned above, the applicants failed to provide any valuation reports in support of their claims when submitting their observations following the delivery of the principal judgment (see paragraph 15 above).

22. In this connection, the Court reiterates that it is for applicants to show that pecuniary damage has resulted from the violation or violations alleged. Applicants should submit relevant documents to prove, as far as possible, not only the existence but also the amount or value of the damage (see, for example, *Vasilevski v. the former Yugoslav Republic of Macedonia*, no. 22653/08, § 66, 28 April 2016).

23. Moreover, the Court has previously stressed that when it adjourns the question of just satisfaction as it did in this case, it does so in order to provide the parties with an opportunity to reach a friendly settlement or present written observations; the latter to ensure that the application of Article 41 is ready for decision (see *Maharramov v. Azerbaijan* (just satisfaction), no. 5046/07, § 19, 9 May 2019).

24. The Court further observes that while the expert reports submitted by the applicants together with their applications or initial just satisfaction claims before the Court provided information about the market value of the properties at around the time the applicants were deprived of them, no information or supporting documents were submitted by the applicants concerning necessary adjustments required by the principles enumerated in *Akhverdiyev* (cited above, § 33), despite the Court's explicit request in that regard (see paragraph 4 above; see *Bagvanov and Others v. Azerbaijan* (just satisfaction) [Committee], nos. 77919/11 and 13 others, § 17, 14 January 2025).

25. In view of the above-mentioned principles (see paragraphs 23 and 24 above) and the circumstances of the case, the Court finds it more appropriate to proceed on the basis of the valuation submitted by the Government. It awards the applicants the amounts indicated in the appended table plus any tax that may be chargeable on those amounts.

26. The Court further accepts that the applicants suffered some distress as a result of the violation found and awards each applicant 3,000 euros (EUR) in respect of non-pecuniary damage, plus any tax that may be chargeable on that amount.

27. The applicants did not submit a claim in respect of costs and expenses. Accordingly, the Court considers that there is no call to award them any sum on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that Ms Kubra Gaffarova has standing to pursue application no. 10266/15 in Ms Solmaz Gaffarova's stead;
2. *Decides* to strike the remainder of applications nos. 25690/14, 38009/15 and 35068/16 out of its list of cases in accordance with Article 37 § 1 (a) of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicants in applications nos. 68452/14, 10266/15 and 37345/15, 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, plus any tax that may be chargeable on those amounts in respect of pecuniary and non-pecuniary damage;
 - (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;
4. *Dismisses* the remainder of the claims of the applicants in applications nos. 68452/14, 10266/15 and 37345/15 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. 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)	Compensation awarded/paid at the domestic level	Just satisfaction claims	Amounts awarded by the Court
1.	25690/14 19/03/2014 Rauf Mammadali oglu Rzayev 1959 Baku	Sevinj ALIYEVA Baku	A flat of 144.7 sq. m	AZN 232,200 paid under the contract.	AZN 553,000 in respect of pecuniary damage (including AZN 120,000 as an additional 20% compensation, AZN 60,000 for compensation for hardship and AZN 5,000 for relocation expenses) and AZN 50,000 in respect of non-pecuniary damage.	N/A
2.	68452/14 11/10/2014 Farruh Ali oglu Khudayarov 1947 Baku		A flat of 41.9 sq. m	AZN 62,850 paid under the contract and AZN 12,570 awarded by the courts.	AZN 78,650 in respect of pecuniary damage (including AZN 21,000 as an additional 20% compensation, AZN 10,500 for compensation for hardship and AZN 5,000 for relocation expenses) and AZN 50,000 in respect of non-pecuniary damage.	EUR 25,000 in respect of pecuniary damage; EUR 3,000 in respect of non-pecuniary damage.
3.	10266/15 18/02/2015 Solmaz Anatoliy gizi Gaffarova 1957 Baku Deceased: 2020 Kubra Tahir gizi Gaffarova 1990 Baku		A flat of 49.6 sq. m	AZN 40,800 paid to each applicant under the contract and AZN 16,320 awarded by the courts.	AZN 147,580 in respect of pecuniary damage (including AZN 37,000 as an additional 20% compensation, AZN 18,500 for compensation for hardship and AZN 5,000 for relocation expenses) and AZN 50,000 in respect of non-pecuniary damage.	EUR 23,000 in respect of pecuniary damage; EUR 3,000 in respect of non-pecuniary damage.
4.	37345/15 15/07/2015 Bashkhanim Shamil gizi Abbasova 1948 Baku		A flat of 97.9 sq. m	AZN 200,000 paid under the contract and AZN 40,000 awarded by the courts.	AZN 208,118 in respect of pecuniary damage (including AZN 68,172 as an additional 20% compensation, AZN 34,086 for compensation for hardship and AZN 5,000 for relocation expenses), and AZN 50,000 in respect of non-pecuniary damage.	EUR 5,500 in respect of pecuniary damage; EUR 3,000 in respect of non-pecuniary damage.

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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)	Compensation awarded/paid at the domestic level	Just satisfaction claims	Amounts awarded by the Court
5.	38009/15 24/07/2015 Irina Alekseyevna Svyatoslavskaya 1939 Baku		A flat of 71 sq. m	AZN 106,500 paid under the contract and AZN 21,300 (an additional 20%) awarded by the courts.	AZN 130,700 in respect of pecuniary damage (including AZN 39,000 as an additional 20% compensation, AZN 19,500 for compensation for hardship and AZN 5,000 for relocation expenses) and AZN 50,000 in respect of non-pecuniary damage.	N/A
6.	35068/16 11/06/2016 Niyazi Ahmad oglu Mohammadi 1948 Baku		A flat of 32.3 sq. m (allocated by order of the local executive authority in 1992) and a non- residential property of 23.7 sq. m	AZN 35,550 paid under the contract for the non- residential property; AZN 48,450 paid for the flat; and AZN 16,800 (an additional 20%) awarded by the courts for the two properties.	AZN 39,690 in respect of pecuniary damage (including AZN 17,800 as an additional 20% compensation, AZN 8,900 for compensation for hardship and AZN 5,000 for relocation expenses) and AZN 50,000 in respect of non-pecuniary damage.	N/A