



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

THIRD SECTION

CASE OF AHMADLI v. AZERBAIJAN

(Application no. 3395/17)

JUDGMENT

STRASBOURG

8 October 2026

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

In the case of Ahmadli v. Azerbaijan,

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

Úna Ní Raifeartaigh, *President*,

Canòlic Mingorance Cairat,

Vasilka Sancin, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 17 September,

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

PROCEDURE

1. The case originated in an application against Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 20 December 2016.

2. The applicant was represented by Mr A. Mustafayev, a lawyer based in Azerbaijan.

3. The Azerbaijani Government (“the Government”) were given notice of the application.

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant complained of the lack of justification for his pre-trial detention under Article 5 § 3 of the Convention. He also raised additional complaints under various Convention provisions.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 5 § 3 OF THE CONVENTION

6. Relying on Article 5 § 3 of the Convention, the applicant complained that the domestic courts had failed to justify the necessity for the application of the preventive measure of pre-trial detention in his case.

7. In the leading cases of *Farhad Aliyev v. Azerbaijan*, no. 37138/06, 9 November 2010, *Isayeva v. Azerbaijan*, no. 36229/11, 25 June 2015 and *Zayidov v. Azerbaijan*, no. 11948/08, 20 February 2014, the Court already found a violation in respect of issues similar to those in the present case.

8. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the

domestic courts failed to justify the need for the applicant's pre-trial detention.

9. This complaint is therefore admissible and discloses a breach of Article 5 § 3 of the Convention.

II. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

10. The applicant raised a complaint under Article 6 § 2 of the Convention that his right to be presumed innocent had been violated on account of public statements made by the authorities on 19 and 23 August 2016. The Government submitted that the applicant had failed to exhaust domestic remedies, in that he had not raised any complaint in respect of a violation of his right to be presumed innocent before the domestic authorities.

11. The Court has established that there is no effective remedy in Azerbaijan in respect of statements made by domestic authorities concerning an applicant's right to the presumption of innocence (see *Pirali Orujov v. Azerbaijan*, no. 8460/07, §§ 50-58, 3 February 2011; compare also *Gahramanli v. Azerbaijan* [Committee], no. 74009/16, § 14, 9 October 2025).

12. This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that the complaint discloses a violation of Article 6 § 2 of the Convention, as the overall manner in which the statements were formulated left no doubt in the reader's mind that the applicant had committed the criminal offence (see *Mirgadirov v. Azerbaijan and Turkey*, no. 62775/14, §§ 102-109, 17 September 2020).

III. REMAINING COMPLAINTS

13. Relying on Article 5 § 1 of the Convention, the applicant also complained that there had been no "reasonable suspicion" that he had committed a criminal offence.

14. The Court considers that, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, this complaint either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

15. It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

16. In view of the above findings (see paragraphs 6-12), the Court also considers that there is no need to examine separately the applicant's remaining complaints under Article 5 § 4 and Article 18 of the Convention

concerning the alleged lack of effective review of the lawfulness of his pre-trial detention and the alleged ulterior purpose behind the restriction of the applicant's rights (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014, and *Hashimov v. Azerbaijan* [Committee], nos. 31564/14 and 26563/16, § 15, 9 October 2025).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

17. Regard being had to the documents in its possession and to its case-law (see, in particular, *Farhad Aliyev*, cited above; *Zayidov*, cited above; and *Novruz Ismayilov v. Azerbaijan*, no. 16794/05, 20 February 2014), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints under Article 5 § 3 and Article 6 § 2 of the Convention admissible and the complaint under Article 5 § 1 of the Convention inadmissible and *finds* that there is no need to examine separately the remaining complaints;
2. *Holds* that there has been a violation of Article 5 § 3 of the Convention;
3. *Holds* that there has been a violation of Article 6 § 2 of the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, 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;
 - (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.
5. *Dismisses* the remainder of the applicant's claims for just satisfaction.

AHMADLI v. AZERBAIJAN JUDGMENT

Done in English, and notified in writing on 8 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Úna Ní Raifeartaigh
President

APPENDIX

Application raising complaints under Article 5 § 3 of the Convention
(lack of justification for pre-trial detention)

Application no. Date of introduction	Applicant's name Year of birth	Period of detention	Length of detention	Specific defects	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
3395/17 20/12/2016	Fuad Zafar oglu AHMADLI 1990	18/08/2016 to 16/06/2017	9 months and 28 days	fragility of the reasons employed by the courts use of assumptions; failure to examine the possibility of applying other measures of restraint; fragility and repetitiveness of the reasoning employed by the courts as the case progressed.	Art. 6 (2) - Presumption of innocence – The Court considers that, by stating in their joint statements that “it had been established” that the applicant had unlawfully and systematically extracted and transmitted confidential personal data of numerous mobile subscribers, thereby causing substantial harm to the rights and legitimate interests of individuals and legal entities, the Prosecutor General’s Office, the State Security Service and the Ministry of Internal Affairs unreservedly attributed criminal acts to the applicant, thereby risking prejudging the assessment of the facts by the courts and encouraging the public to believe that he was guilty before he had been proved guilty in accordance with the law (see <i>Mirgadirov v. Azerbaijan and Turkey</i> , no. 62775/14, §§ 102-109, 17 September 2020).	3,900	500 (to be paid directly to the representative Mr Asabali Mustafayev’s bank account)

¹ Plus any tax that may be chargeable to the applicant.

² Plus any tax that may be chargeable to the applicant.