



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

THIRD SECTION

CASE OF RAHMANZADA AND OTHERS v. AZERBAIJAN

*(Applications nos. 40359/17 and 4 others –
see appended list)*

JUDGMENT

STRASBOURG

13 October 2026

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

In the case of Rahmanzada 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 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 the applicants listed in the appended table (“the applicants”), on the various dates indicated therein;

the decision to give notice of the complaints under Articles 6 and 8 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 applications inadmissible; the parties’ observations;

Having deliberated in private on 22 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The applications mainly concern the applicants’ complaints about the allegedly unlawful expropriation of their properties by the State authorities.

2. The background information and the relevant legal acts ordering the demolition of the applicants’ properties were set out in the Court’s judgment in *Bagirova and Others v. Azerbaijan* (nos. 37706/17 and 5 others, §§ 5-10, 31 August 2023).

3. On various dates the applicants’ properties were demolished by the Yasamal District Executive Authority (“the YDEA”; see the appended table).

4. On various dates after their properties had been demolished, the applicants in applications nos. 40359/17 and 70301/17 entered into sale and purchase contracts with the YDEA and received certain sums by way of compensation (see the appended table).

5. On various dates the YDEA brought proceedings against the applicants and the applicants lodged claims against the YDEA in Baku Administrative-Economic Court No. 1. Relying on a decision of the Cabinet of Ministers of 11 November 2015, the YDEA submitted that the applicants’ properties fell within the framework of that decision and asked the first-instance courts to order their expropriation in return for compensation based on valuation reports prepared by a private company, A.E., and to order the applicants’ eviction from those properties. The applicants, for their part, complained that it had been unlawful for the YDEA to seek to have them evicted from their properties and subsequently to have the properties

demolished. They also complained that the amount of compensation offered or already paid by the YDEA had been too low and claimed various sums in respect of compensation for pecuniary damage and non-pecuniary damage. The applicants also claimed: (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”), and (ii) a further 10% compensation “for hardship” under Article 66 of the Law on the Expropriation of Land for State Needs (“compensation for hardship”) (see *Aliyeva and Others v. Azerbaijan*, nos. 66249/16 and 6 others, §§ 69-70, 21 September 2021).

6. On various dates, the above-mentioned first-instance courts allowed the YDEA’s claims and dismissed or declared inadmissible those of the applicants. Following subsequent appeals, the judgments of the first-instance courts were upheld by the Baku Court of Appeal and the Supreme Court (see the appended table). The courts found that the YDEA’s actions had been lawful and that the compensation had been adequate. As regards the applicants’ claims for the additional 20% compensation and compensation for hardship, the courts dismissed them. In the proceedings on the claims of the applicants in applications nos. 40359/17, 40384/17, 53054/17 and 53409/17 the courts held that amounts corresponding to the additional 20% compensation had already been included in the overall amount of compensation. As regards the claims concerning compensation for hardship of the applicants in applications nos. 53054/17 and 53409/17, the courts dismissed that part of their claims, finding that they had failed to provide any evidence that the applicants had resided in the flat in question for more than ten years. As regards the claims of the applicants in applications nos. 40359/17 and 70301/17, the courts held that those applicants had voluntarily concluded the sale and purchase contracts and had given their consent to the sale of their properties at the price offered.

7. The applicants complained under Article 1 of Protocol No. 1 to the Convention that the expropriation of their properties amounted to an unlawful and unjustified interference with their property rights. The applicants in applications nos. 53054/17 and 53409/17 also complained that they were not paid compensation for the land attached to their property. The applicant in application no. 70301/17 further complained under Article 6 of the Convention of a breach of his right to a reasoned judgment. The applicant in application no. 40384/17 also complained, under Article 8, of a violation of her right to respect for her home.

THE COURT'S ASSESSMENT

I. JOINDER OF THE APPLICATIONS

8. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment (Rule 42 § 1 of the Rules of Court).

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

A. Admissibility

9. It is undisputed that the applicants owned flats, or parts of houses or flats, as evidenced by the ownership documents issued to them (see the appended table).

10. The applicant in application no. 40359/17 claimed that the surface area of her share of a house was 51.8 sq. m, while the Government argued that it was 33.6 sq. m. It appears from the certificate of title (*qeydiyyat vəsiqəsi*) issued to the applicant that she was the private owner of 2 rooms in the house. The certificate of title specifies neither the total surface area of the house nor the surface area of the applicant's share in the house. However, it appears from a deed of gift signed in 1998 that the surface area of the applicant's share of the house gifted to the applicant comprised 33.6 sq. m of a residential area and 18.2 sq. m of a supplementary area. Moreover, it appears from the case file that the first-instance court established 51.8 sq. m of the house to be owned by the applicant. It follows that 51.8 sq. m of the house amounted to the applicant's "possession" within the meaning of Article 1 of Protocol No. 1.

11. The applicant in application no. 40384/17 claimed that the surface area of her share of a house was 24.1 sq. m, while the Government argued that it was 19 sq. m. The Court observes that her certificate of ownership gave the total surface area of her flat as 19 sq. m. There is nothing in the case file that would allow the Court to conclude that the applicant had property rights to an additional surface area that was not recorded in the certificate of ownership (compare *Rahimov v. Azerbaijan* [Committee] (dec.), no. 40026/09, § 14, 7 July 2022, and *Bagvanov and Others v. Azerbaijan* [Committee], nos. 77919/11 and 13 others, § 11, 10 November 2022).

12. The applicants in applications nos. 53054/17 and 53409/17 claimed that the surface area of their flat was 150 sq. m., while the Government argued that it was 77 sq. m. The Court observes that their certificate of ownership gave the total surface area of their flat as 77 sq. m. There is nothing in the case file that would allow the Court to conclude that the applicants had property rights to an additional surface area that was not recorded in the

certificate of ownership. The applicants also claimed shared ownership of a plot of land attached to the flat. The Government did not make any submissions on that issue. The Court notes that the applicants have not provided it with a copy of a certificate of ownership for the plot of land and that there is no information about the plot of land attached to the flat in question in the case file. It follows that the applicants' claim in respect of the plot of land attached to the flat has not been made out. It cannot therefore be established that the plot of land attached to their property amounted to their "possession" within the meaning of Article 1 of Protocol No. 1.

13. The applicant in application no. 70301/17 claimed that the surface area of his share of the flat was 40.8 sq. m. The Government did not make any submissions on that issue. The Court observes that the applicant's certificate of ownership gave the surface area of his share of the flat as 16.1 sq. m. There is nothing in the case file that would allow the Court to conclude that the applicant had property rights to an additional surface area that was not recorded in the certificate of ownership (compare *Rahimov* and *Bagvanov and Others*, both cited above).

14. The Court notes that with the exception of those parts examined in paragraphs 11-13 above, which are incompatible *ratione materiae* with the provisions of the Convention and the Protocols thereto, the 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.

B. Merits

15. The relevant case-law principles are summarised, in particular, in the cases of *Akhverdiyev v. Azerbaijan* (no. 76254/11, §§ 79-82, 29 January 2015), *Khalikova v. Azerbaijan* (no. 42883/11, §§ 134-36, 22 October 2015) and *Bagirova and Others*, §§ 45-47 (cited above).

16. In *Bagirova and Others* the Court found that the expropriation of the applicants' properties had not been carried out in compliance with "conditions provided for by law". It concluded, in particular, that the BCEA's order of 12 December 2013 was not a lawful basis for the expropriation of the applicants' properties as the BCEA had no power to expropriate private property. The Court further concluded that the Cabinet of Ministers' decision of 11 November 2015 concerned only the preparatory phase of the expropriation procedure and that the Cabinet of Ministers had never issued a decision authorising expropriation. It also found that the evaluator A.E. had been involved in the process at the request of YDEA and without any decision of the Cabinet of Ministers to that effect. 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 in the present case. It therefore

finds that the expropriation of the applicants' properties was not carried out in compliance with "conditions provided for by law" (ibid., § 53).

17. There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention.

III. OTHER COMPLAINTS

18. The applicant in application no. 40384/17 complained under Article 8 of the Convention about a violation of her right to respect for her home. The applicant in application no. 70301/17 complained under Article 6 of the Convention, alleging a breach of his right to a reasoned judgment.

19. Having regard to the facts of the case, the submissions of the parties, and its findings above (see paragraphs 16 and 17 above), the Court considers that it has dealt with the main legal question raised by the case and that there is no need to examine the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

20. The applicants claimed various amounts in respect of pecuniary and non-pecuniary damage, and for costs and expenses (see the appended table).

21. The Government submitted that the sums claimed were excessive and that the applicants had failed to substantiate their claims.

22. As regards the part of the applicants' claims concerning the additional compensation for hardship, the Court notes that the applicants failed to substantiate their claims (compare *Aliyeva and Others v. Azerbaijan*, nos. 66249/16 and 6 others, §§ 114-19, 21 September 2021). The Court therefore rejects this part of the claims. As to the parts of the claims for devaluation, "forced displacement" and loss of belongings, they are not substantiated by any supporting documents. The Court also rejects these parts of the claims.

23. Taking into account all the material in its possession, the amounts already received by the applicants, the applicable interest rates of the Central Bank of Azerbaijan and the applicable general principles (see *Akhverdiyev v. Azerbaijan* (just satisfaction), no. 76254/11, § 33, 21 March 2019), the Court considers it reasonable to award the applicants, except the applicant in application no. 70301/17, the amounts indicated in the appended table in respect of pecuniary damage. As to the applicant in application no. 70301/17, having regard to the amount of compensation already received by him, the Court dismisses his claim in respect of pecuniary damage.

24. 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.

25. In the present case, regard being had to the documents in its possession and the amount of work carried out by the applicants' representative, the Court considers it reasonable to award the applicants the sums indicated in the appended table in respect of legal expenses, plus any tax that may be chargeable to the applicants. As to the claim in respect of translation expenses, having regard to the documents in its possession, the Court awards the sums indicated in the appended table, plus any tax that may be chargeable on those amounts.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaint under Article 1 of Protocol No. 1 admissible, except the parts in respect of property not supported by relevant certificates in applications nos. 40384/17, 53054/17, 53409/17 and 70301/17 that are declared inadmissible;
3. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention;
4. *Holds* that there is no need to examine the admissibility and merits of the complaints under Articles 6 and 8 of the Convention;
5. *Holds*
 - (a) that the respondent State is to pay the applicants, 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 awards in respect of pecuniary and/or non-pecuniary damage, plus any tax that may be chargeable to the applicants on awards for costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on those 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.

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Done in English, and notified in writing on 13 October 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	Expropriated property	Date of demolition (according to the applicants)	Compensation awarded/paid at the domestic level	Domestic courts' judgments/decisions	Just satisfaction claims	Amounts awarded by the Court
1.	40359/17 26/05/2017 Esmira Oktay gizi RAHMANZADA 1969 Baku	Khalid BAGIROV Baku	2 rooms of a house – 51.8 sq. m	17/07/2016	AZN 44,360 for pecuniary damage paid under the contract	Baku Administrative- Economic Court No. 1, 08/11/2016 Baku Court of Appeal, 12/01/2017 Supreme Court, 29/03/2017	EUR 345,812 for pecuniary damage (including AZN 163,325 for demolished property, EUR 188,119 for inflation and devaluation, EUR 5,000 for belongings, AZN 32,665 for the additional 20% compensation, AZN 16,332 for compensation for hardship), EUR 30,000 for non-pecuniary damage, EUR 3,320 for legal services and EUR 205 for translation expenses	EUR 77,030 in respect of pecuniary damage; EUR 3,000 in respect of non- pecuniary damage; EUR 205 for translation expenses and EUR 1,500 <i>for the award for legal services jointly with the applicants in applications nos. 40384/17, 53054/17, 53409/17 and 70301/17.</i>
2.	40384/17 26/05/2017 Zarina Levonovna NUTSALOVA 1988 Baku		Flat of 19 sq. m	17/07/2016	AZN 33,750 for pecuniary damage awarded by the courts	1 st set of proceedings: Baku Administrative- Economic Court No. 1, 06/09/2016 Baku Court of Appeal, 07/11/2016 Supreme Court 22/02/2017 2 nd set of proceedings:	EUR 61,957 for pecuniary damage (including AZN 75,987 for demolished property, EUR 12,377 for inflation and devaluation, AZN 25,000 for “forced displacement” and belongings, AZN 15,197.4 for the additional 20% compensation, AZN 7,598.7 for compensation for	EUR 11,420 in respect of pecuniary damage; EUR 3,000 in respect of non- pecuniary damage; EUR 225 for translation expenses; <i>see application no. 40359/17 for the award for legal services.</i>

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No.	Application no. Lodged on Applicant's name Year of birth Place of residence	Representative's name and location	Expropriated property	Date of demolition (according to the applicants)	Compensation awarded/paid at the domestic level	Domestic courts' judgments/decisions	Just satisfaction claims	Amounts awarded by the Court
						Baku Administrative-Economic Court No. 1, 11/10/2016 Baku Court of Appeal, 08/12/2016 Supreme Court, 12/04/2017	hardship), EUR 60,000 for non-pecuniary damage, EUR 3,950 for legal services and EUR 225 for translation expenses	
3.	53054/17 18/07/2017 Elina Vitalyevna HUSEYNOVA 1985 Baku		2 rooms of 32.1 sq. m and common area of 28.9 sq. m in the shared ownership with the applicant in application no. 53409/17 in a flat of 77 sq. m	28/07/2016	AZN 90,190 for pecuniary damage awarded by the courts	1 st set of proceedings: Baku Administrative-Economic Court No. 1, 14/04/2016 Baku Court of Appeal, 28/07/2016 Supreme Court 17/01/2017 2 nd set of proceedings: Baku Administrative-Economic Court No. 1, 5/04/2017 Baku Court of Appeal, 18/05/2017 Supreme Court, 20/09/2017	EUR 196,136.2 for pecuniary damage (including AZN 296,382 for demolished property, EUR 25,582.9 for inflation, AZN 25,000 for "forced displacement" and belongings, AZN 5,926.4 for the additional 20% compensation, AZN 29,638.2 for compensation for hardship), EUR 30,000 for non-pecuniary damage, EUR 2,870 for legal services and EUR 65 for translation expenses	EUR 20,750 in respect of pecuniary damage; EUR 3,000 in respect of non-pecuniary damage; EUR 65 for translation expenses; <i>see application no. 40359/17 for the award for legal services.</i>
4.	53409/17 18/07/2017 Sevinj Nadir gizi YUSIFOVA 1974 Baku		1 room of 16 sq. m and common area of 28.9 sq. m in the shared ownership with the applicant in application no. 53054/17	28/07/2016	AZN 61,193 for pecuniary damage awarded by the courts	1 st set of proceedings: Baku Administrative-Economic Court No. 1, 14/04/2016 Baku Court of Appeal, 28/07/2016 Supreme Court 17/01/2017 2 nd set of proceedings:	EUR 123,248.3 for pecuniary damage (including AZN 176,568 for demolished property, EUR 16,075.8 for inflation, AZN 25,000 for "forced displacement" and belongings, AZN 35,313.6 for the additional 20% compensation, AZN 17,656.8 for compensation for	EUR 11,460 in respect of pecuniary damage; EUR 3,000 in respect of non-pecuniary damage; EUR 65 for translation expenses; <i>see application no. 40359/17 for the award for legal services.</i>

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No.	Application no. Lodged on Applicant's name Year of birth Place of residence	Representative's name and location	Expropriated property	Date of demolition (according to the applicants)	Compensation awarded/paid at the domestic level	Domestic courts' judgments/decisions	Just satisfaction claims	Amounts awarded by the Court
			in a flat of 77 sq. m			Baku Administrative- Economic Court No. 1, 5/04/2017 Baku Court of Appeal, 18/05/2017 Supreme Court, 20/09/2017	hardship), EUR 30,000 for non-pecuniary damage, EUR 2,870 for legal services and EUR 65 for translation expenses	
5.	70301/17 16/09/2017 Nemat Hajiaga oglu ZEYNALOV 1965 Neftchala		1 room of a flat – 16.1 sq. m	9/07/2016	AZN 40,000 for pecuniary damage paid under the contract	Baku Administrative- Economic Court No. 1, 21/09/2016 Baku Court of Appeal, 30/05/2017 Supreme Court, 16/03/2017	EUR 102,982 for pecuniary damage (including AZN 128,642.4 for demolished property, EUR 13,432 for inflation, AZN 25,000 for “forced displacement” and belongings, AZN 25,728.48 for the additional 20% compensation, AZN 12,864.24 for compensation for hardship), EUR 30,000 for non-pecuniary damage, EUR 3,950 for legal services and EUR 180 for translation expenses	EUR 3,000 in respect of non- pecuniary damage; EUR 180 for translation expenses; <i>see application no. 40359/17 for the award for legal services.</i>