

July 11, 2024

**Submitted to:**

Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Ms. Irene Khan

Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Ms. Gina Romero

Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor

Special Rapporteur on the Independence of Judges and Lawyers, Ms. Margaret Satterthwaite

**Re: Allegation Letter Concerning Urgent Circumstances of Detained Azerbaijani Political Opposition Activist and Former Journalist Tofiq Yagublu**

Dear Special Rapporteurs Khan, Romero, Lawlor, and Satterthwaite:

Gibson, Dunn & Crutcher LLP and the Clooney Foundation for Justice respectfully submit this allegation letter on behalf of Tofiq Yagublu, a prominent Azerbaijani politician, opposition activist, former journalist, and human rights defender. As described in further detail below, Mr. Yagublu has been arbitrarily held in pre-trial detention since December 2023 on fraud and counterfeiting charges, with substantial grounds for concern that the charges have been brought in retaliation for his outspoken criticism of the Government of Azerbaijan, in flagrant violation of international law. His trial commenced on 14 June 2024, with two preliminary hearings held thus far and the presentation of evidence set to begin on 28 July 2024. As of the date of this letter, Mr. Yagublu remains detained.

We submit this allegation letter because the human rights violations at issue in Mr. Yagublu's case have significance for the priority issues of each of your respective mandates. The allegation letter outlines violations of Mr. Yagublu's fair trial rights (specifically, the right to presumption of innocence and right to counsel), of his right to freedom of expression, and of his right to freedom of association. Further, this case is emblematic of a growing trend—in Azerbaijan and around the world—of authorities misusing financial crimes charges to target political opposition and suppress speech. Mr. Yagublu's case thus presents an important opportunity to highlight this concerning practice.

We are available to answer any questions or provide any further information you may require.

Sincerely,

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Encl.

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## I. EXECUTIVE SUMMARY

1. Gibson, Dunn & Crutcher LLP (“**Gibson Dunn**”) and the Clooney Foundation for Justice (“**CFJ**”) submit this communication on behalf of Tofiq Yagublu to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Special Rapporteur on the Situation of Human Rights Defenders, and Special Rapporteur on the Independence of Judges and Lawyers.
2. Mr. Yagublu—a prominent Azerbaijani politician, opposition activist, former journalist, and human rights defender—has been arbitrarily held in pre-trial detention since December 2023 on charges as to which there are substantial concerns that they have been brought in retaliation for Mr. Yagublu’s outspoken criticism of the Government of Azerbaijan (the “**Government**” or “**Azerbaijan**”). Mr. Yagublu has a history of publicly criticizing the Government and, in apparent retaliation for his activism, has been targeted by the Government with criminal and administrative prosecutions on multiple occasions.
3. As described in further detail below, on 14 December 2023, Mr. Yagublu was arrested on fraud and counterfeiting charges. These charges were based on allegations that he conspired with another person to defraud someone seeking to relocate to Germany by forging documents to support an asylum claim. Shortly thereafter, a court ordered he remain in pre-trial detention for four months, and provided only a vague, non-particularized explanation as to why detention was necessary. Mr. Yagublu’s pre-trial detention was then extended to June 2024, again without a particularized explanation, on the ground that the investigation was not yet complete.<sup>1</sup> Mr. Yagublu’s requests to be released to house arrest were also denied without sufficient explanation, including on the date of the opening of trial.<sup>2</sup>
4. Mr. Yagublu’s detention prior to and during trial is arbitrary and a violation of his right to liberty under international law. Further, the circumstances of his appearances before the court—during which he was confined to a glass cage and unable to privately confer with his lawyer—violated his right to a fair trial: in particular, the right to the presumption of innocence and the right to communicate confidentially with counsel.
5. The Government’s arrest, detention, and prosecution of Mr. Yagublu also violate his rights to freedom of expression and association. Mr. Yagublu is a vocal critic of the Government, and there is a well-documented history of the Government persecuting Mr. Yagublu through spurious legal proceedings. Further, in the months leading up to his arrest, not only did Mr. Yagublu regularly speak out against the Government and the current President of Azerbaijan, Ilham Aliyev, but the Government also launched a crackdown on dissent, including by criminally charging its critics with financial offenses like those alleged against Mr. Yagublu.

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<sup>1</sup> His detention was reportedly extended again until July. *See Court Prolongs Arrest Term for Tofiq Yagublu for Another 20 Days*, TURAN, 1 June 2024, <https://turaz.az/en/politics/court-prolongs-arrest-term-for-tofig-yagublu-for-another-20-days>.

<sup>2</sup> *The Trial in the Case of Tofiq Yagublu Has Begun*, TURAN, 14 June 2024, <https://turaz.az/en/politics/the-trial-in-the-case-of-tofig-yagublu-has-begun>.

Mr. Yagublu’s arrest also transpired in the lead-up to presidential elections in Azerbaijan, which Mr. Yagublu frequently referenced in his public commentary.

6. The indictment against Mr. Yagublu rests on statements from the alleged victim of the fraud and Mr. Yagublu’s alleged co-conspirator, who said that he had been responsible for liaising between the victim and Mr. Yagublu. Mr. Yagublu, by contrast, has asserted that he does not know his alleged co-conspirator. Notably, while the indictment refers to WhatsApp conversations between Mr. Yagublu’s alleged co-conspirator and the alleged victim of the fraud, it does not refer to any proof of correspondence between Mr. Yagublu’s alleged co-conspirator and Mr. Yagublu.<sup>3</sup> Instead, the primary evidence cited to show a connection between the two is video footage taken of a demonstration against the detention of a political activist showing that both were in attendance (but no footage of them interacting).<sup>4</sup>
7. The indictment further refers to money allegedly seized from Mr. Yagublu’s residence (purportedly payment for arranging for asylum in Germany), but which Mr. Yagublu asserts was planted during a search operation. This is in line with concerns expressed in other recent cases where the authorities are alleged to have planted money, as discussed in more detail below.<sup>5</sup>
8. This context, along with Mr. Yagublu’s prolonged and arbitrary detention, suggests that the present prosecution is retaliatory and aimed at silencing Mr. Yagublu.
9. CFJ is an organization founded by George and Amal Clooney to advocate for justice through accountability for human rights abuses. TrialWatch is a CFJ initiative that monitors criminal trials globally and advocates for the rights of the unfairly prosecuted and detained. TrialWatch previously monitored Mr. Yagublu’s trial and conviction for hooliganism charges in 2020, discussed below in **Part II**, and issued a report finding that there were substantial grounds to conclude the case was politically motivated.<sup>6</sup> Gibson Dunn is a leading international law firm that has partnered with CFJ since 2018 on several of its initiatives, including TrialWatch.
10. Mr. Yagublu’s case involves important issues falling within the scope of the mandates of the Special Rapporteurs. Further, he has previously been beaten in custody on multiple occasions and there are thus concerns about this risk in the present case. Finally, the case is emblematic of a growing and concerning practice in Azerbaijan of the Government retaliating against critics by charging and prosecuting them for alleged financial crimes. For the reasons described below, we respectfully ask that the Special Rapporteurs take Mr. Yagublu’s case into special consideration and issue a joint communication to Azerbaijan addressing its violations of Mr. Yagublu’s human rights under international law.

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<sup>3</sup> See *infra* ¶¶ 21-23.

<sup>4</sup> See *infra* ¶¶ 21-23.

<sup>5</sup> See *infra* **Part III**.

<sup>6</sup> Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, [https://cfj.org/wp-content/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report\\_December-2023.pdf](https://cfj.org/wp-content/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf) (hereinafter “**Fairness Report**”).

## II. SUMMARY OF FACTS

11. Mr. Yagublu is the former leader and current member of the opposition Musavat Party and a senior member of the National Council of Democratic Forces (a coalition of opposition parties and activists). Mr. Yagublu was previously a journalist for the well-known Azerbaijani newspaper *Yeni Musavat*. For many years, he has been a prominent critic of the Government and the current President Ilham Aliyev. Among other things, for *Yeni Musavat*, Mr. Yagublu covered peaceful demonstrations against the Government and published articles that were critical of the Government.<sup>7</sup> Mr. Yagublu is well known for participating in these demonstrations himself, as well as for making statements on social media and in interviews criticizing the Government for human rights violations.<sup>8</sup>
12. In response to his activism, the Government has repeatedly targeted and prosecuted Mr. Yagublu through meritless criminal and administrative actions. In **three different cases** brought by Mr. Yagublu and others against the Government, the European Court of Human Rights (“**ECHR**”) has concluded that the Government has violated Mr. Yagublu’s rights under the European Convention on Human Rights (the “**Convention**”).<sup>9</sup>
13. The following includes some of the examples of the Government’s targeting and prosecution of Mr. Yagublu:
  - a. In 1998, Mr. Yagublu was arrested for participating in an unauthorized protest, criminally charged with disobeying the police, and given a two-year suspended sentence following his conviction.<sup>10</sup>
  - b. In April 2011, Mr. Yagublu was arrested when he arrived at a peaceful demonstration demanding democratic reform and free and fair elections and was thereafter convicted of “failing to stop participating in an unauthorized demonstration.”<sup>11</sup> Mr. Yagublu was

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<sup>7</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 31709/13, Judgment, 5 February 2016, ¶¶ 9-10.

<sup>8</sup> *See Azerbaijan: Opposition Candidate Arrested Ahead of Presidential Elections*, AMNESTY INTERNATIONAL, 6 February 2013, <https://www.amnesty.org/en/latest/news/2013/02/azerbaijan-stop-score-settling-arrests/>. *See also* Ismi Aghayev, *Azerbaijani Prosecutor: ‘No Evidence’ That Tofiq Yagublu Beaten*, OC MEDIA, 14 January 2022, <https://oc-media.org/azerbaijani-prosecutor-no-evidence-that-tofig-yagublu-beaten/> (describing Mr. Yagublu’s Facebook post on the police’s ability to behave with impunity since they could “even kill Tofiq Yagublu, because they won’t be punished”).

<sup>9</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 31709/13, Judgment, 5 February 2016 (finding a violation of article 5(1)(c) of the Convention for failure to demonstrate reasonableness of a suspicion for an individual’s arrest); *Yagublu and Ahadov v. Azerbaijan*, European Court of Human Rights, App. Nos. 67374/11 and 612/12, Judgment, 30 January 2020 (finding violations of articles 3 (for ill-treatment while in police custody), 5 (for breaching his right to liberty), 6 (for failure to provide a fair hearing), and 11 (for breaching his right to freedom of assembly) of the Convention); *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021 (finding violations of articles 5(1) (for breaching his right to liberty) and 6 (for failure to provide a fair trial) of the Convention).

<sup>10</sup> Fairness Report, pdf p. 14.

<sup>11</sup> Azerbaijan’s treatment of Mr. Yagublu in relation to this arrest was the subject of the second ECHR judgment referenced in footnote 9. *See Yagublu and Ahadov v. Azerbaijan*, European Court of Human Rights, App. Nos. 67374/11 and 612/12, Judgment, 30 January 2020, ¶¶ 6, 8, 12, 79.

reportedly beaten while in police custody and sentenced to administrative detention for eight days.<sup>12</sup>

- c. In May 2012, Mr. Yagublu was arrested twice on two consecutive days in the vicinity of organized demonstrations and sentenced to administrative fines, despite not participating in those demonstrations.<sup>13</sup> He was first arrested while walking to work and later while exiting the metro station with his minor son.<sup>14</sup> During his arrests, he was detained for hours without the ability to contact his family or access legal counsel.<sup>15</sup>
- d. In January 2013, while reporting on riots in Ismayilli for *Yeni Musavat*, Mr. Yagublu was arrested for charges related to organizing the riots.<sup>16</sup> The Government alleged he was a riot organizer because of his position as deputy chairman of the Musavat Party, despite the fact that he was present solely as a correspondent for *Yeni Musavat*.<sup>17</sup> After over a year of pre-trial detention, Mr. Yagublu was convicted and sentenced to five years' imprisonment.<sup>18</sup> He was released in March 2016 due to a presidential pardon.<sup>19</sup>
- e. In October 2019, Mr. Yagublu was arrested while attending "a peaceful protest rally brutally dispersed by police" for "purportedly failing to obey police orders" and sentenced to one month's administrative imprisonment.<sup>20</sup> During his arrest, Mr. Yagublu was reportedly beaten by the police and forced to make a public apology.<sup>21</sup>
- f. In March 2020, Mr. Yagublu was arrested after his parked vehicle was hit by another vehicle, and the driver of the other vehicle alleged that Mr. Yagublu had hit his car and attacked him.<sup>22</sup> TrialWatch monitored the subsequent trial, concluding that the

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<sup>12</sup> *Yagublu and Ahadov v. Azerbaijan*, European Court of Human Rights, App. Nos. 67374/11 and 612/12, Judgment, 30 January 2020, ¶¶ 9, 12.

<sup>13</sup> Azerbaijan's treatment of Mr. Yagublu in relation to these arrests was the subject of the third ECHR judgment referenced in footnote 9. See *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶¶ 7-9, 14, 18-21, 27.

<sup>14</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶ 18.

<sup>15</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶¶ 7-30.

<sup>16</sup> *Statement: Government Must Immediately Release Journalist Tofiq Yagublu*, INSTITUTE FOR REPORTERS' FREEDOM AND SAFETY, 8 February 2013, <https://www.irfs.org/news-feed/statement-government-must-immediately-release-journalist-tofig-yagublu/>.

<sup>17</sup> *Statement: Government Must Immediately Release Journalist Tofiq Yagublu*, INSTITUTE FOR REPORTERS' FREEDOM AND SAFETY, 8 February 2013, <https://www.irfs.org/news-feed/statement-government-must-immediately-release-journalist-tofig-yagublu/>.

<sup>18</sup> Azerbaijan's treatment of Mr. Yagublu in relation to this arrest was the subject of the first ECHR judgment referenced in footnote 9. See *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 31709/13, Judgment, 5 February 2016, ¶¶ 9-11, 42.

<sup>19</sup> *See Opposition Activist Detained, Health at Risk*, AMNESTY INTERNATIONAL, 25 March 2020, <https://www.amnesty.org.uk/urgent-actions/opposition-activist-detained-health-risk>.

<sup>20</sup> *Opposition Activist Detained, Health at Risk*, AMNESTY INTERNATIONAL, <https://www.amnesty.org.uk/urgent-actions/opposition-activist-detained-health-risk> (last accessed 17 May 2024); Fairness Report, pdf p. 15.

<sup>21</sup> *Opposition Activist Detained, Health at Risk*, AMNESTY INTERNATIONAL, <https://www.amnesty.org.uk/urgent-actions/opposition-activist-detained-health-risk> (last accessed 17 May 2024); Fairness Report, pdf p. 15.

<sup>22</sup> Fairness Report, pdf p. 16.

accusations appeared to have been manufactured for the purpose of arresting Mr. Yagublu.<sup>23</sup> Mr. Yagublu was convicted of the offense of hooliganism and sentenced to four years and three months' imprisonment.<sup>24</sup> Following a hunger strike, he was placed on house arrest for his declining health on 18 September 2020 and released on parole in July 2021.<sup>25</sup>

- g. In December 2021, Mr. Yagublu was again detained at a peaceful protest in support of an imprisoned opposition activist Saleh Rustamli, reportedly badly beaten (according to Human Rights Watch, he had injuries to his face and head)<sup>26</sup> and released 70 kilometers from where he had been detained.<sup>27</sup>
  - h. Later that same month, Mr. Yagublu was arrested again while protesting in the streets of central Baku, Azerbaijan demanding the release of Mr. Rustamli, after which he was administratively fined and released.<sup>28</sup>
  - i. In December 2022, Mr. Yagublu was arrested for protesting the imprisonment of another activist, convicted of administrative offenses, and sentenced to 30 days' imprisonment.<sup>29</sup>
14. Despite the Government's repeated harassment of Mr. Yagublu, he has continued to speak out against Government corruption and the human rights situation in Azerbaijan, often directly condemning President Aliyev in connection with these alleged violations. Prior to his most recent arrest and in the leadup to the February 2024 presidential elections, Mr. Yagublu had been issuing public statements criticizing the Government on an almost daily basis. For example, on 9 December 2023, only days before his arrest, he posted on Facebook that "[o]ne of the most senseless, fraudulent, and damaging mottos of the [Azerbaijani] government is the one 'we pursue an independent policy and we have our own way,'" criticizing the Government for its anti-democratic policies.<sup>30</sup> On 10 December 2023, he posted on Facebook that "[i]t is obvious that there is no free election environment and opportunity in the country" and criticized President Aliyev for saying elections were "an opportunity."<sup>31</sup> The **Appendix** to this letter includes a sampling of Facebook posts Mr. Yagublu made in the weeks leading up to his arrest. Reportedly, Mr. Yagublu was expected to be nominated and elected as the opposition Musavat Party's leader in the Party's next

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<sup>23</sup> See generally Fairness Report, pdf pp. 6-7, 47.

<sup>24</sup> Fairness Report, pdf pp. 15-16, 23.

<sup>25</sup> Fairness Report, pdf p. 25.

<sup>26</sup> *Azerbaijan: Opposition Leader Beaten in Custody*, HUMAN RIGHTS WATCH, 3 December 2021, <https://www.hrw.org/news/2021/12/03/azerbaijan-opposition-leader-beaten-custody>.

<sup>27</sup> Fairness Report, pdf p. 26; Ismi Aghayev, *Azerbaijani Prosecutor: 'No Evidence' That Tofiq Yagublu Beaten*, OC MEDIA, 14 January 2022, <https://oc-media.org/azerbaijani-prosecutor-no-evidence-that-tofig-yagublu-beaten/>.

<sup>28</sup> Fairness Report, pdf p. 26; *Azerbaijan: Stop Crackdown on Opposition Politicians*, AMNESTY INTERNATIONAL, 15 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/azerbaijan-stop-crackdown-on-opposition-politicians/>.

<sup>29</sup> Fairness Report, pdf p. 26.

<sup>30</sup> See Appendix, Part G.

<sup>31</sup> See Appendix, Part H.

elections. These elections were held on 4 May 2024, after Mr. Yagublu was arrested and detained (as described below), and a new leader of the Musavat Party was elected.<sup>32</sup>

15. On 14 December 2023, Mr. Yagublu was arrested as he was exiting a train in Baku.<sup>33</sup> Below, we set out our understanding of the facts based on local court documents (to the extent available)<sup>34</sup> and public reporting.
16. Upon his arrest, two plainclothes officers took Mr. Yagublu to an office within the train station, seized his phone, and left him there for approximately an hour or two before taking him to the local police station. At the police station, Mr. Yagublu was informed that he had been arrested for an alleged plot to provide fake documents to an individual to help him seek asylum in another country, in exchange for a large amount of cash.<sup>35</sup> Mr. Yagublu was alleged to have pursued this plot with a co-conspirator.<sup>36</sup> This account is the same one as is developed in more detail in the indictment, as described below.
17. That same day, approximately 20 officers searched Mr. Yagublu's home—where Mr. Yagublu's wife was home alone—and claimed to have found Euros, U.S. Dollars and Azerbaijani Manat in his bed.<sup>37</sup> Mrs. Yagublu was reportedly prevented from observing the officers during their search of her home.
18. The next day, on 15 December 2023, a hearing was held before the Narimonov District Court in Baku on whether pre-trial detention should be imposed on Mr. Yagublu. For this hearing, Mr. Yagublu was unable to confer with his counsel until after he entered the courtroom. However, even in the courtroom, he was forced to sit in a glass cage and thus was prevented from having private conversations with his counsel. Mr. Yagublu's counsel requested that he not be confined to a glass cage, but the request was denied. At the hearing, the court ordered that Mr. Yagublu be subject to four months of pre-trial detention, set to expire on 15 April 2024.<sup>38</sup> The court stated that it was likely that, without pre-trial detention, Mr. Yagublu would abscond, commit another crime, or interfere with the investigation by destroying evidence or threatening witnesses.<sup>39</sup> However, the court did not cite any specific information to support these findings, nor did it provide any reasoning as to how it had reached these

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<sup>32</sup> *Isa Gambar Again Elected the Head of the Musavat Party*, TURAN, 4 May 2024, <https://turaz.az/en/politics/isa-gambar-again-elected-the-head-of-the-musavat-party-780184>.

<sup>33</sup> *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>.

<sup>34</sup> According to Mr. Yagublu's lawyer in Azerbaijan, at the outset of the investigation, counsel was required to sign a non-disclosure agreement that exceeded 50-pages before he was permitted to access court documents. Mr. Yagublu's lawyer was prohibited from sharing or publicizing court documents until the investigative phase of the proceeding concluded in June 2024.

<sup>35</sup> *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>.

<sup>36</sup> *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>. As discussed below, Mr. Yagublu denies knowing his alleged co-conspirator. *See infra* n. 63.

<sup>37</sup> *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>.

<sup>38</sup> Narimonov District Court, Decision on Pretrial Detention, 15 December 2023.

<sup>39</sup> Narimonov District Court, Decision on Pretrial Detention, 15 December 2023.

conclusions.<sup>40</sup> On 21 December 2023, Mr. Yagublu’s counsel appealed this decision to the Baku Court of Appeals.<sup>41</sup> The court rejected the appeal.<sup>42</sup>

19. On 9 January 2024, Mr. Yagublu’s counsel petitioned for Mr. Yagublu’s pre-trial detention to be substituted with house arrest. This petition was summarily denied, and the court gave no specific reasons as to why Mr. Yagublu’s continued detention was necessary, concluding again—without any evidence or explanation beyond citing the severity of the alleged offense—that Mr. Yagublu was likely to abscond, commit another crime, or interfere with the investigation.<sup>43</sup> At this hearing, Mr. Yagublu again sat in a glass cage, and his counsel’s request that he not be confined was denied. On 17 January 2024, Mr. Yagublu’s counsel appealed the decision denying house arrest to the Baku Court of Appeals.<sup>44</sup> The court rejected the appeal.<sup>45</sup>
20. On 6 April 2024, the Narimonov District Court extended Mr. Yagublu’s pre-trial detention for another two months because of the need to “wait[] for the result of the examination” (*i.e.*, the criminal investigation).<sup>46</sup> Mr. Yagublu was again confined to a glass cage at this hearing, and his request to not be confined to the cage was again denied. On 15 April 2024, Mr. Yagublu’s counsel appealed the decision extending his detention to the Baku Court of Appeals.<sup>47</sup> The court rejected the appeal.<sup>48</sup>
21. Mr. Yagublu’s trial commenced on 14 June 2024. In the indictment, the authorities charged Mr. Yagublu with fraud and counterfeiting an official document.<sup>49</sup> Specifically, the indictment alleges that Mr. Yagublu conspired with another individual, Mr. Elnur Mammadov, to receive payment from the alleged victim, Mr. Elshan Huseynov, with the promise of providing Mr. Huseynov with a visa to Germany.<sup>50</sup> In support of this effort, Mr. Yagublu allegedly helped forge two documents: one purporting to show that Mr. Huseynov was facing a criminal investigation in Azerbaijan, and one purporting to show that Mr. Huseynov was a member of an opposition organization (and therefore he would be a candidate for political asylum).<sup>51</sup> According to the indictment, Mr. Yagublu’s co-conspirator, Mr. Mammadov, was the liaison between Mr. Huseynov and Mr. Yagublu.<sup>52</sup>

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<sup>40</sup> *See generally* Narimonov District Court, Decision on Pretrial Detention, 15 December 2023.

<sup>41</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>42</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>43</sup> *See generally* Narimonov District Court, Decision on House Arrest Petition, 9 January 2024.

<sup>44</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>45</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>46</sup> *Tofig Yagublu’s Arrest Period Has Been Extended for Another 2 Months*, INSTITUTE FOR REPORTERS’ FREEDOM AND SAFETY, 6 April 2024, <https://www.irfs.org/news-feed/tofig-yagublus-arrest-period-has-been-extended-for-another-2-months/>. *See also* Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>47</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>48</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>49</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>50</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>51</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

<sup>52</sup> Narimonov District Prosecutor’s Office, Indictment, 1 June 2024.

22. The indictment alleges that Mr. Mammadov and Mr. Huseynov first became acquainted on Facebook in 2023.<sup>53</sup> Over the course of their correspondence, Mr. Mammadov allegedly learned that Mr. Huseynov wanted to move abroad and subsequently promised Mr. Huseynov that Mr. Yagublu would arrange for Mr. Huseynov to obtain a visa to travel to Germany and to eventually obtain residence and citizenship in Germany.<sup>54</sup> According to the indictment, Mr. Mammadov told Mr. Huseynov that Mr. Yagublu had the necessary connections abroad to accomplish this task and that it would cost 25,000 Euros and 10,000 Azerbaijani Manat.<sup>55</sup> As alleged in the indictment, Mr. Huseynov agreed to the amount and gave the money to Mr. Mammadov, having obtained the 10,000 Azerbaijani Manat through a loan from a family friend.<sup>56</sup> Subsequently, Mr. Mammadov allegedly obtained the two forged documents from Mr. Yagublu and sent them to Mr. Huseynov over WhatsApp.<sup>57</sup> The indictment alleges that Mr. Huseynov was alarmed by the documents, having believed that the arrangement was for him to obtain citizenship legitimately, not through fraud.<sup>58</sup> He then contacted the police, after which Mr. Mammadov and Mr. Yagublu were arrested and their residences searched.<sup>59</sup>
23. In support of this account, the indictment relies on the following evidence:
- a. WhatsApp chats between Mr. Mammadov and Mr. Huseynov;<sup>60</sup>
  - b. Money in Euros, Manat, and U.S. Dollars allegedly found in the residences of Mr. Yagublu and Mr. Mammadov;<sup>61</sup>
  - c. The two forged documents allegedly found in the residence of Mr. Mammadov;<sup>62</sup>
  - d. Fingerprints of Mr. Yagublu and Mr. Mammadov allegedly found on the money and documents (notably, the authorities already had Mr. Yagublu's fingerprints because of the numerous previous cases against him);<sup>63</sup> and
  - e. Witness statements from Mr. Huseynov, his wife (who had not been present for any of the events described above but who relayed what Mr. Huseynov had allegedly told her about his plans), and the family friend who allegedly loaned Mr. Huseynov 10,000 Azerbaijani Manat.<sup>64</sup>

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<sup>53</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>54</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>55</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>56</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>57</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>58</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>59</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>60</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>61</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>62</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>63</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>64</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

24. Mr. Yagublu denied the allegations, stating that they were made in retaliation for his political activism and that he was not acquainted with Mr. Mammadov or Mr. Huseynov.<sup>65</sup> The indictment provides no evidence of any correspondence between Mr. Yagublu and Mr. Mammadov apart from screenshots of video footage taken at three demonstrations in which they were both in attendance (however, the video footage does not show any interactions between them).<sup>66</sup>
25. During the first hearing on 14 June 2024, the defense submitted several motions to the court, including that video recording of the proceedings be allowed, that Mr. Yagublu be allowed to sit with his lawyers and not confined to a glass cage, and that the proceedings be moved to a larger courtroom. The presentation of evidence is set to begin on 28 July 2024.
26. As of the date of this letter, Mr. Yagublu remains in pre-trial detention based on allegations giving rise to substantial concern that his continued detention is politicized, given: (i) the timing of his arrest (immediately following a series of critical Facebook posts and right before the presidential elections),<sup>67</sup> (ii) the Government's prior pattern of harassment against Mr. Yagublu in response to his criticism of the Government,<sup>68</sup> (iii) the lack of reasoning to support the imposition of pre-trial detention,<sup>69</sup> (iv) the absence of evidence in the indictment to show contact between Mr. Yagublu and his alleged co-conspirator, other than their common presence at various demonstrations,<sup>70</sup> (v) the speed with which the charges were drawn up against Mr. Yagublu (less than a week after the alleged transfer of the forged documents) as contrasted with the duration of the investigation thereafter (six months), (vi) repeated unjustified extensions of his pre-trial detention,<sup>71</sup> and (vii) the resemblance of the allegations against him to cases recently brought by the Government against other Government critics.<sup>72</sup> Specifically, the case against Mr. Yagublu mirrors recent reports of other cases where activists or journalists have alleged that Azerbaijani law enforcement has planted money at their residences or offices, detailed at more length below.<sup>73</sup>

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<sup>65</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>66</sup> Narimonov District Prosecutor's Office, Indictment, 1 June 2024.

<sup>67</sup> *See supra* ¶ 14.

<sup>68</sup> *See supra* ¶¶ 12-13.

<sup>69</sup> *See supra* ¶¶ 18-20.

<sup>70</sup> According to the defense, the alleged co-conspirator is not someone Mr. Yagublu is acquainted with, but rather someone who has attempted to talk to Mr. Yagublu at past demonstrations and who, on one such occasion, attempted to hand Mr. Yagublu a blank sheet of paper that Mr. Yagublu immediately returned to him.

<sup>71</sup> *See supra* ¶ 20.

<sup>72</sup> *See infra* ¶¶ 31-32.

<sup>73</sup> *See, e.g., Toplum TV – Latest Victim of Azerbaijan's Persecution of Journalists*, REPORTERS WITHOUT BORDERS, 29 March 2024, <https://rsf.org/en/toplum-tv-latest-victim-azerbaijan-s-persecution-journalists> (describing planted cash in the homes of journalists to support their arrests); *Azerbaijan: Opposition Leader Arrested*, HUMAN RIGHTS WATCH, 25 July 2023, <https://www.hrw.org/news/2023/07/25/azerbaijan-opposition-leader-arrested> (noting that police allegedly found USD 40,000 in cash in the home of a prominent opposition leader in July 2023).

### III. SUMMARY OF COUNTRY CONTEXT

27. President Aliyev and his political party, the New Azerbaijan Party, have been in power since 2003.<sup>74</sup> President Aliyev has gradually consolidated his power, including through what have been described as “rigged elections,” extending presidential terms *ultra vires*, and weaponizing the justice system against opposition activists and other critics of the Government, including journalists and human rights defenders.<sup>75</sup>
28. Multiple international bodies and other organizations have found that Azerbaijan has used retaliatory criminal and administrative prosecutions to silence opposition activists and Government critics. For example, in 2017, the United Nations (“UN”) Special Rapporteur on the Situation of Human Rights Defenders concluded, following an official visit to Azerbaijan, that “[m]any human rights defenders and dozens of NGOs, their leaders and employees and their families have been subjected to administrative and criminal prosecution, including arbitrary detention.”<sup>76</sup> The UN Working Group on Arbitrary Detention (“WGAD”) has similarly found “that human rights defenders, journalists, political and religious leaders continue to be regularly detained under criminal or administrative charges.”<sup>77</sup> The ECHR has reached the same conclusions in multiple cases against Azerbaijan.<sup>78</sup> Notably, the ECHR has observed that “these judgments reflect a troubling pattern of arbitrary arrest and detention of government critics, civil society activists and human-rights defenders through retaliatory prosecutions and misuse of criminal law in defiance of the rule of law” and that the “actions of [Azerbaijan] stemming from this pattern may give rise to further repetitive applications [to the ECHR].”<sup>79</sup> As referenced above, in 2021, when the ECHR found that Azerbaijan breached Mr. Yagublu’s rights under the European Convention, it observed that “opposition activists had been routinely deterred or

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<sup>74</sup> Joshua Kucera, *In Presidential Election, Azerbaijan’s Government Makes It Clear There Is No Alternative*, RADIO FREE EUROPE/RADIO LIBERTY, 2 February 2024, <https://www.rferl.org/a/azerbaijan-ilham-aliyev-opposition-election-nagorno-karabakh/32802712.html>; Fairness Report, pdf p. 8.

<sup>75</sup> HUMAN RIGHTS FOUNDATION, *Azerbaijan’s Aliyev Secures a Fourth Term in Rigged Elections*, 12 April 2018, <https://hrf.org/azerbajians-aliyev-secures-a-fourth-term-in-rigged-elections/>; Fairness Report, pdf pp. 8-9.

<sup>76</sup> UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights Defenders on His Mission to Azerbaijan*, 20 February 2017, UN Doc. No. A/HRC/34/52/Add.3, ¶ 113.

<sup>77</sup> UN Human Rights Council, *Report of the Working Group on Arbitrary Detention on its Mission to Azerbaijan*, 2 August 2017, UN Doc. No. A/HRC/36/37/Add.1, ¶ 87.

<sup>78</sup> See *Ayyubzade v. Azerbaijan*, European Court of Human Rights, App. No. 6180/15, Judgment, 2 June 2023, ¶ 48 (finding that “the actual purpose” of a series of arrests and detentions “was to silence and punish the applicants for their criticism against the [Azerbaijani] government and for their active social, political or human rights engagement and to prevent them from continuing those activities”); *Aliyev v. Azerbaijan*, European Court of Human Rights, App. Nos. 68762/14 and 71200/14, Judgment, 4 February 2019, ¶ 223 (finding that Azerbaijan’s arrest and detention of prominent Azerbaijani human rights lawyer Intigam Aliyev was “aimed at silencing and punishing him for his activities in the area of human rights as well as at preventing him from continuing his work as a human-rights defender”). See also *Hasanov v. Azerbaijan*, European Court of Human Rights, App. Nos. 48653/13 and 3 others, Judgment, 7 September 2018; *Mammadli v. Azerbaijan*, European Court of Human Rights, App. No. 47145/14, Judgment, 19 July 2018; *Jafarov v. Azerbaijan*, European Court of Human Rights, App. No. 69981/14, Judgment, 4 July 2016; *Mammadov v. Azerbaijan*, European Court of Human Rights, App. No. 15172/13, Judgment, 13 October 2014.

<sup>79</sup> *Aliyev v. Azerbaijan*, European Court of Human Rights, App. Nos. 68762/14 and 71200/14, Judgment, 4 February 2019, ¶ 223.

prevented from participating in demonstrations; punished for having done so; and punished for advocating or showing support for those demonstrations.”<sup>80</sup>

29. More recently, in its 2023 Country Report on Human Rights Practices, the U.S. Department of State observed that “[t]he [G]overnment limited freedom of expression and media independence” and that “[j]ournalists, editors, and independent bloggers faced intimidation and at times were beaten and imprisoned.”<sup>81</sup> In July 2023, Human Rights Watch reported on Azerbaijan’s “longstanding pattern of pursuing dubious charges against government critics” and on the physical assault and arrest of another prominent opposition leader, Gubad Ibadoghlu, for allegedly producing, acquiring, or selling counterfeit money.<sup>82</sup> On 14 September 2023, the European Parliament adopted a resolution in response to Dr. Ibadoghlu being “brutally attacked and arbitrarily detained,” calling for sanctions under the European Union (“EU”) Global Human Rights Sanctions regime and for the broader EU community’s condemnation of Azerbaijan on the basis of “serious human rights violations and breaches of democracy.”<sup>83</sup>
30. Additional examples of what appear to be politically motivated investigations and prosecutions in the last few years include the Government’s prosecution of the prominent activist and government critic Bakhtiyar Hajiyev,<sup>84</sup> opposition activist Zamin Salayev, and activist Agil Humbatov, as part of what Voice of America has described as a pattern of “Azerbaijani authorities often us[ing] ‘hooliganism’ charges to detain opposition activists.”<sup>85</sup>
31. From November 2023 onwards, the Government reportedly escalated its campaign of prosecuting Government critics in anticipation of the presidential election, which was held on 7 February 2024.<sup>86</sup> Between November 2023 and February 2024, more than a dozen individuals—including journalists, political opponents, and human rights defenders—were detained on charges that have widely been deemed spurious and that have often involved

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<sup>80</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶ 57.

<sup>81</sup> U.S. Dep’t of State, 2023 Country Reports on Human Rights Practices: Azerbaijan, 22 April 2024, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/azerbaijan/>, p. 24.

<sup>82</sup> *Azerbaijan: Opposition Leader Arrested*, HUMAN RIGHTS WATCH, 25 July 2023, <https://www.hrw.org/news/2023/07/25/azerbaijan-opposition-leader-arrested>. As discussed above, the indictment references video footage of Mr. Yagublu and Mr. Mammadov attending protests. These were protests against Dr. Ibadoghlu’s criminal proceedings in November and December 2023. Dr. Ibadoghlu was recently released to house arrest.

<sup>83</sup> European Parliament, *Resolution of 14 September 2023 on the Case of Dr Gubad Ibadoghlu, Imprisoned in Azerbaijan*, RC-B9-0369/2023, 14 September 2023, [https://www.europarl.europa.eu/doceo/document/TA-9-2023-0323\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0323_EN.html).

<sup>84</sup> Ismi Aghayev, *Azerbaijani Activist Given Pre-Trial Detention on Charges of Hooliganism*, OC MEDIA, 12 December 2022, <https://oc-media.org/azerbaijani-activist-given-pre-trial-detention-on-charges-of-hooliganism/>. See also *Prominent Activist Detained Following U.S. Sanctions on Azerbaijani Official*, EURASIANET, 23 December 2022, <https://eurasianet.org/prominent-activist-detained-following-us-sanctions-on-azerbaijani-official> (where Mr. Hajiyev’s lawyer reported “that the lawsuit was ‘manufactured’ because of [Mr. Hajiyev’s] political activism”).

<sup>85</sup> Aziza Goyushzade & Ulviyya Quliyeva, *Jailed Azerbaijani Opposition Activist Health in Danger*, VOA, 12 April 2023, <https://www.voanews.com/a/jailed-azerbaijani-opposition-activist-health-in-danger-/7047204.html>.

<sup>86</sup> *Azerbaijan: Repression Escalating Ahead of Presidential Elections*, AMNESTY INTERNATIONAL, 6 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/azerbaijan-repression-escalating-ahead-of-presidential-elections/>.

financial crimes.<sup>87</sup> In November, four people linked to *Abzas Media*, known for its investigative journalism, were arrested on allegations that they had smuggled illegal currency.<sup>88</sup> The founder of the online television channel *Kanal 13* and a host of a show on the channel, both known to be critical of the Government, were also arrested in, respectively, November 2023 for illegal construction charges and December 2023 for hooliganism.<sup>89</sup> In December 2023, Teymur Karimov, the head of another independent online news channel, disappeared and was later confirmed to have been arrested and under investigation for extortion.<sup>90</sup>

32. Even after the February 2024 election (which President Aliyev won with 92.12% of the vote),<sup>91</sup> the Government reportedly has continued to target critics. On 6 March 2024, at least six journalists connected with online news platform *Toplum TV* were arrested on charges that they smuggled illegal currency.<sup>92</sup>

#### **IV. AZERBAIJAN HAS VIOLATED INTERNATIONAL HUMAN RIGHTS LAW BY ARBITRARILY DETAINING AND CRIMINALLY CHARGING AND PROSECUTING MR. YAGUBLU FOR HIS POLITICAL ACTIVISM**

33. Consistent with the Government’s prior actions against Mr. Yagublu, in the present case Azerbaijan has again committed serious violations of Mr. Yagublu’s rights under international law—namely, Articles 9, 14, 19, and 22 of the International Covenant on Civil and Political Rights (“**ICCPR**”), to which Azerbaijan acceded in 1992. As further addressed below, Azerbaijan has, in particular, violated Mr. Yagublu’s: (i) right to liberty by arbitrarily imposing pre-trial detention; (ii) right to a fair trial (specifically, his right to the presumption of innocence and right to counsel) by placing him in a glass cage during his appearances before the court and preventing him from conferring with counsel; (iii) right to freedom of

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<sup>87</sup> *Azerbaijan: Repression Escalating Ahead of Presidential Elections*, AMNESTY INTERNATIONAL, 6 February 2024, <https://www.amnesty.org/en/latest/news/2024/02/azerbaijan-repression-escalating-ahead-of-presidential-elections/>. See also U.S. Dep’t of State, 2023 Country Reports on Human Rights Practices: Azerbaijan, 22 April 2024, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/azerbaijan/>, p. 25 (“Between November 20 and year’s end, authorities arrested 11 journalists, and several government critics, including a human rights activist and a senior political opposition figure. . . . The arrests and charges were widely attributed to their exercise of freedom of expression.”).

<sup>88</sup> Arzu Geybullayeva, *Even More Journalists Arrested in Azerbaijan*, HUMAN RIGHTS WATCH, 5 December 2023, <https://www.hrw.org/news/2023/12/05/even-more-journalists-arrested-azerbaijan>. Two more individuals linked with *Abzas Media* were later arrested as well.

<sup>89</sup> Arzu Geybullayeva, *Even More Journalists Arrested in Azerbaijan*, HUMAN RIGHTS WATCH, 5 December 2023, <https://www.hrw.org/news/2023/12/05/even-more-journalists-arrested-azerbaijan>.

<sup>90</sup> *Azerbaijan: Authorities Intensifying Crackdown on Independent Media*, AMNESTY INTERNATIONAL, 12 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/azerbaijan-authorities-intensifying-crackdown-on-independent-media/>.

<sup>91</sup> Aida Sultanova, *Azerbaijan’s Aliyev Officially Wins by a Landslide in an Election That Monitors Say was Restrictive*, AP NEWS, 9 February 2024, <https://apnews.com/article/azerbaijan-election-ilham-aliyev-087121df383cef2282ba961729933f0c> (noting that election monitors reported that “because of limitations on independent media, civil society and other political parties, the contest was ‘devoid of genuine pluralism’”).

<sup>92</sup> Arzu Geybullayeva, *New Wave of Arrests Targets Journalists and Activists in Azerbaijan*, HUMAN RIGHTS WATCH, 7 March 2024, <https://www.hrw.org/news/2024/03/07/new-wave-arrests-targets-journalists-and-activists-azerbaijan>.

expression by arresting and detaining him for criticizing the Government; and (iv) right to freedom of association by arresting and detaining him for his political opposition to the Government.

#### **IV.A. Mr. Yagublu’s Pre-Trial Detention Is Arbitrary And Violates His Right To Liberty**

34. Article 9 of the ICCPR states that “[e]veryone has the right to liberty and security of person,” and “[i]t shall not be the general rule that persons awaiting trial shall be detained in custody.”<sup>93</sup> In violation of his right to liberty and freedom from arbitrary detention, Mr. Yagublu was placed in pre-trial detention and ordered to remain in pre-trial detention, without sufficient justification.
35. As detailed by the UN Human Rights Committee, “[d]etention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime.”<sup>94</sup> Moreover, wherever possible States should “ensure that measures less restrictive than detention are available.”<sup>95</sup> The ECHR has likewise held that where courts cite “the risk of absconding or obstructing the proceedings . . . in their decisions in an abstract and stereotyped way, without indicating any reasons why they considered well founded the allegations that the applicant might abscond or obstruct the proceedings,” this is insufficient to justify pre-trial detention.<sup>96</sup>
36. Here, the Government failed to identify any concrete reason that would make Mr. Yagublu’s pre-trial detention reasonable and necessary. With respect to the initial decision imposing pre-trial detention and the second decision denying Mr. Yagublu’s request for house arrest, the Government prosecutor simply asserted, and the court twice accepted, that Mr. Yagublu might commit another crime, abscond and/or interfere with the investigation, despite there being no evidence to support these allegations.<sup>97</sup> In reality, Mr. Yagublu has been repeatedly prosecuted by the Government<sup>98</sup> and has no reported history of ever having absconded or interfering with an investigation.
37. The April extension of Mr. Yagublu’s detention on the basis that the investigation had not yet been completed was likewise without legal basis: that the investigation was ongoing was not a legitimate objective for detaining Mr. Yagublu. Further, the court’s denial of Mr. Yagublu’s request to be released on house arrest on 14 June 2024, during the first hearing day of his trial, was likewise not reasoned.

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<sup>93</sup> ICCPR, art. 9.

<sup>94</sup> UN Human Rights Committee, *General Comment No. 35: Article 9 (Liberty and Security of Person)*, UN Doc. No. CCPR/C/GC/35, 16 December 2014, ¶ 38.

<sup>95</sup> UN Human Rights Committee, *Report of the Working Group on Arbitrary Detention*, UN Doc. No. A/HRC/19/57, 26 December 2011, ¶ 76.

<sup>96</sup> *Piruzyan v. Armenia*, European Court of Human Rights, App. No. 33376/07, Judgment, 26 September 2012, ¶ 99.

<sup>97</sup> *See supra* ¶¶ 18-19.

<sup>98</sup> *See supra* ¶¶ 12-13.

38. Accordingly, the Government’s detention of Mr. Yagublu prior to and during trial and its refusal to permit house arrest as an alternative to pre-trial detention is arbitrary and contrary to its obligations under international law. In addition, for the reasons outlined below, Mr. Yagublu’s detention is arbitrary because there are substantial grounds to conclude that it constitutes retaliation against him for his exercise of his rights to freedom of expression and association.

#### **IV.B. The Proceedings Against Mr. Yagublu Have Violated His Right To A Fair Trial**

39. Article 14 of the ICCPR, which provides for the right to a fair trial, guarantees that every person charged with a criminal offense shall be “presumed innocent until proved guilty according to law” and shall “have adequate time and facilities for the preparation of his defence and to communicate with counsel.”<sup>99</sup> Mr. Yagublu’s right to a fair trial was violated in these two key ways:
- a. Mr. Yagublu’s treatment during his hearings thus far has violated the presumption of innocence: A State violates the presumption of innocence where proceedings are conducted in a manner that suggests that the defendant is guilty. For example, the UN Human Rights Committee has held that “[d]efendants should . . . not be shackled or kept in cages during trials or otherwise presented to the court in a manner indicating that they may be dangerous criminals.”<sup>100</sup> The ECHR has found the “harsh image” of placing an individual “in a metal cage during court hearings,” including pre-trial hearings, “could lead an [] observer to believe that [the individual was] an extremely dangerous criminal.”<sup>101</sup> Here, Azerbaijan violated the presumption of innocence by placing Mr. Yagublu in a glass cage for the duration of each of his detention hearings without providing any basis for this measure. Indeed, Mr. Yagublu continued to be confined to a glass cage during the first hearing day of his trial on 14 June 2024, and the subsequent hearing on 21 June 2024.
  - b. Mr. Yagublu was unable to confidentially consult with counsel during his hearings: The right to communicate with counsel includes the right to confidentially consult with counsel, as expressly confirmed by the UN Human Rights Committee.<sup>102</sup> The ECHR has thus found violations of the right to counsel where the defendant has been placed in a

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<sup>99</sup> ICCPR, art. 14.

<sup>100</sup> UN Human Rights Committee, *General Comment No. 32, Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial*, UN Doc. No. CCPR/C/GC/32, 23 August 2007, ¶ 30. *See also Pustovoit v. Ukraine*, HRC Communication No. 1405/2005, 12 May 2014, ¶ 9.3; *Selyun v. Belarus*, HRC Communication No. 2289/2013, 9 December 2015, ¶ 7.5 (agreeing with the author’s allegation that his presumption of innocence had been violated as the author was “shackled and kept in a metal cage during the court hearings”); *Sannikov v. Belarus*, HRC Communication No. 2212/2012, 6 April 2018, ¶ 6.8; UN Special Procedures, Press Release, *Belarus: A Year After Conviction of Viasna Chair and Members Concern About the Fairness of Trial Remain*, 8 March 2024, <https://www.ohchr.org/en/press-releases/2024/03/belarus-year-after-conviction-viasna-chair-and-members-concerns-about>.

<sup>101</sup> *Piruzyan v. Armenia*, European Court of Human Rights, App. No. 33376/07, Judgment, 26 September 2012, ¶¶ 70-74.

<sup>102</sup> *Gridin v. Russian Federation*, HRC Communication No. 770/1997, 18 July 2000, ¶ 8.5 (“[T]he Committee considers that the fact that the author was unable to consult with his lawyer in private . . . also constitutes a violation of article 14, paragraph 3 (b) of the [ICCPR].”).

cage during hearings, observing that this impedes the defendant’s ability to communicate confidentially with their lawyer.<sup>103</sup> During the hearings in his case thus far, Mr. Yagublu and his lawyer could not have private conversations due to his confinement to a glass cage. Accordingly, Azerbaijan’s restrictions on Mr. Yagublu’s ability to consult with his lawyer during the hearings have violated Mr. Yagublu’s right to counsel.

40. In light of the above, the conduct of the court proceedings thus far has violated Mr. Yagublu’s right to a fair trial.

#### **IV.C. Mr. Yagublu’s Arrest, Detention, And Prosecution Violate His Right To Freedom Of Expression**

41. Mr. Yagublu is a prominent government critic who has been repeatedly targeted by the Government for his statements and activism, in violation of his right to freedom of expression. His latest charges and ensuing pre-trial detention are a continuation of longstanding efforts by Azerbaijan to silence and punish him for vocalizing his opposition to the Government.<sup>104</sup> Further, Azerbaijan’s conduct in this case is part of a broader, well-documented practice of targeting individuals who publish views critical of the Government.<sup>105</sup>
42. International law guarantees the right to freedom of opinion and expression. Article 19 of the ICCPR provides that “[e]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>106</sup> The right can only be restricted in limited circumstances which are provided by law and necessary to protect legitimate public welfare objectives.<sup>107</sup> And where freedom of expression is restricted under those circumstances, any restriction must be as narrow as possible.<sup>108</sup> The UN Human Rights Committee has specifically held that “detention as punishment for the legitimate exercise of the rights as guaranteed by the [ICCPR] is arbitrary, including freedom of opinion and expression.”<sup>109</sup>
43. The right to free expression is just as “relevant and applicable to the Internet,” and international standards “explicitly provid[e] that everyone has the right to freedom of

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<sup>103</sup> *Khodorkovskiy v. Russia*, European Court of Human Rights, App. No. 5829/04, Judgment, 28 November 2011, ¶¶ 230-32 (finding that when the applicant was confined to a cage during his hearing, he “had every reason to believe that his conversation with the lawyers might be overheard[,] . . . represent[ing] a serious obstacle for effective legal assistance during the detention proceedings”); ICCPR, art. 14(3)(b).

<sup>104</sup> *See supra* ¶¶ 12-13.

<sup>105</sup> *See supra* ¶¶ 27-32.

<sup>106</sup> ICCPR, art. 19(2).

<sup>107</sup> UN Human Rights Council, *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age: Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan*, UN Doc. No. A/HRC/50/29, 20 April 2022, ¶ 19.

<sup>108</sup> UN Human Rights Council, *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age: Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan*, UN Doc. No. A/HRC/50/29, 20 April 2022, ¶ 19.

<sup>109</sup> UN Human Rights Committee, *General Comment No. 35: Article 9 (Liberty and Security of Person)*, UN Doc. No. CCPR/C/GC/35, 16 December 2014, ¶ 17.

expression through any media of choice, regardless of frontiers.”<sup>110</sup> The UN Human Rights Council has affirmed “that the same rights that people have offline must also be protected online, in particular the right to freedom of opinion and expression.”<sup>111</sup> Whether online or in print, “the following types of expression should never be subject to restrictions: discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief.”<sup>112</sup>

44. Here, just prior to his arrest, Mr. Yagublu, in his personal capacity and on behalf of the Musavat Party, issued statements criticizing President Aliyev and his Government on social media.<sup>113</sup> For example, on 10 December 2023, Mr. Yagublu wrote on Facebook that “there is no free election environment and opportunity in the country,” calling for a boycott of the upcoming election and to “[l]et Aliyev play and dance by himself.”<sup>114</sup> On 12 December 2023, he wrote again that President Aliyev “did not create an opportunity for us, he took it away from us!”<sup>115</sup> The timing of his arrest (immediately following this series of critical Facebook posts and in the lead up to a national election), along with all of the factors described above (the two plus decades of the Government’s harassment of Mr. Yagublu; the concurrent crackdown on dissent, including through financial crime allegations; the unjustified imposition of pre-trial detention; and the lacunae in the indictment, including evidence showing contact between Mr. Yagublu and his alleged co-conspirator)<sup>116</sup> provide credible grounds for concluding that the Government has targeted Mr. Yagublu in retaliation for his vocal opposition to the Government and to prevent him from continuing to speak out. This constitutes a violation of Mr. Yagublu’s right to freedom of expression. Indeed, the ECHR has previously found that administrative proceedings Azerbaijan had pursued against Mr. Yagublu “equally sought to deter” him from exercising his rights and to “punish [him] for doing so.”<sup>117</sup>
45. Accordingly, Azerbaijan has violated Mr. Yagublu’s right to freedom of expression.

#### **IV.D. Mr. Yagublu’s Arrest, Detention, And Prosecution Violate His Right To Freedom Of Association**

46. As described above, Azerbaijan has repeatedly targeted Mr. Yagublu because of his activism and leadership positions within and on behalf of the opposition Musavat Party and the

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<sup>110</sup> UN General Assembly, *Promotion and Protection of the Right to Freedom of Opinion and Expression*, UN Doc. No. A/66/290, 10 August 2011, ¶ 14.

<sup>111</sup> See UN Human Rights Council, *Freedom of Opinion and Expression*, UN Doc. A/HRC/44/L.18/Rev.1, 14 July 2020, ¶ 2.

<sup>112</sup> UN General Assembly, *Promotion and Protection of the Right to Freedom of Opinion and Expression*, UN Doc. No. A/66/290, 10 August 2011, ¶ 42.

<sup>113</sup> See *supra* ¶ 14. See also Appendix.

<sup>114</sup> See Appendix, Part H.

<sup>115</sup> See Appendix, Part I.

<sup>116</sup> See *supra* ¶ 24.

<sup>117</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶ 57.

National Council of Democratic Forces, as well as his work as a journalist.<sup>118</sup> The ECHR has previously found that Mr. Yagublu’s “affiliation with the opposition was . . . generally known”<sup>119</sup> and Azerbaijani authorities “punished [opposition activists] for advocating or showing support for . . . demonstrations.”<sup>120</sup> Mr. Yagublu’s most recent arrest is no different and is situated within a larger pattern of the Government using what have been deemed sham prosecutions to chill opposition activism. On this basis, in addition to violating his right to freedom of expression, the Government has violated his right to freedom of association.

47. Article 22 of the ICCPR guarantees that “everyone shall have the right to freedom of association with others.”<sup>121</sup> Freedom of association plays an important role in promoting free civic discourse and “is a cornerstone of any democratic society.”<sup>122</sup> The right may only be restricted where necessary in connection with a legitimate public purpose.<sup>123</sup> The UN WGAD has repeatedly held that detention based solely on an individual’s political affiliation or association with a news or human rights organization violates the right to freedom of association.<sup>124</sup> The UN WGAD has also held that “to act as head of a political opposition movement . . . is simply a lawful exercise of the rights to freedom of expression and opinion and to political association” and is thus not a basis for arrest or detention.<sup>125</sup>
48. In October 2023, several UN Special Rapporteurs expressed concern “at what seems to be a pattern of harassment [in Azerbaijan] against human rights defenders, including frequent detentions.”<sup>126</sup> The Special Rapporteurs emphasized that “[f]reedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies.”<sup>127</sup>

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<sup>118</sup> See *supra* ¶¶ 12-13.

<sup>119</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶ 53.

<sup>120</sup> *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶ 57.

<sup>121</sup> ICCPR, art. 22.

<sup>122</sup> See *Pinchuk v. Belarus*, HRC Communication No. 2165/2012, 17 November 2014, ¶ 8.4.

<sup>123</sup> Special Rapporteur on the Situation of Human Rights Defenders, UN WGAD, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, and Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, *Communication AL AZE 3/2023*, 13 October 2023, p. 5.

<sup>124</sup> See, e.g., *Riad Al Turk, et al. v. Syria*, WGAD Opinion No. 6/1992, 14 October 1991; *Mazim Shamsin and Firas Yunis v. Syria*, WGAD Opinion No. 30/1996, 22 February 1996; *Mustafa al-Hussain, et al. v. Syria*, WGAD Opinion No. 31/1996, 22 February 1996; *Mahmoud Hussein Goma Ali v. Egypt*, WGAD Opinion No. 83/2017, 22 November 2017.

<sup>125</sup> *Yndamiro Restano Diaz v. Cuba*, WGAD Opinion No. 12/1993, 1 July 1992.

<sup>126</sup> Special Rapporteur on the Situation of Human Rights Defenders, UN WGAD, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, and Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, *Communication AL AZE 3/2023*, 13 October 2023, p. 3.

<sup>127</sup> Special Rapporteur on the Situation of Human Rights Defenders, UN WGAD, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, and Special Rapporteur on the Right of Everyone to the

49. Mr. Yagublu is a visible member of an opposition party in Azerbaijan and a known critic of the Government. He was also previously a journalist for an opposition newspaper and has been involved in various groups that oppose the Government.<sup>128</sup> Moreover, Mr. Yagublu reportedly was expected to be elected as the Musavat Party's leader in the party's May 2024 election.<sup>129</sup> For all of these reasons, Mr. Yagublu fits the profile of those who have been targeted by the Government based on their association or affiliation with bodies critical of the authorities. And as set out above, the circumstances of his arrest and detention also provide a credible basis to conclude that the Government has pursued Mr. Yagublu in retaliation for his role as an opposition leader.<sup>130</sup>

## V. THE SPECIAL RAPPORTEURS SHOULD PRIORITIZE MR. YAGUBLU'S CASE

50. Mr. Yagublu's case is emblematic of what appears to be an escalating Government crackdown on its critics, including in particular through the use of financial crimes charges. This case thus has significance for the priority issues of each of the UN Special Rapporteurs:
- a. Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression: Mr. Yagublu's case is an example of Azerbaijan targeting an individual exercising his right to freedom of expression through arbitrary detention and criminal prosecution with the purpose of "intimidat[ing] and punish[ing] [him]" and "also to create a climate of fear."<sup>131</sup> Addressing State conduct of this kind is a core component of the Special Rapporteur's mandate.
  - b. Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association: Mr. Yagublu appears to have been targeted by Azerbaijan for his participation in civil society and his activism as an opposition leader. This falls within the Special Rapporteur's mandate to promote "[t]he safe and full enjoyment of" the rights to freedom of peaceful assembly and of association.<sup>132</sup>
  - c. Special Rapporteur on the Situation of Human Rights Defenders: Mr. Yagublu is a former journalist and active politician who has peacefully campaigned for human rights and the end of corruption in Azerbaijan for decades. As the Special Rapporteur reported following a 2017 mission to Azerbaijan, "[h]uman rights defenders are . . . political activists who advocate, among other things, for the rights to free speech, free assembly and free and fair

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Enjoyment of the Highest Attainable Standard of Physical and Mental Health, *Communication AL AZE 3/2023*, 13 October 2023, p. 5.

<sup>128</sup> See *supra* ¶ 11.

<sup>129</sup> See *supra* ¶ 14.

<sup>130</sup> See *supra* ¶ 26.

<sup>131</sup> UN Human Rights Council, *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age: Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan*, UN Doc. No. A/HRC/50/29, 20 April 2022, ¶ 53.

<sup>132</sup> UN General Assembly, *Importance of the Rights to Freedom of Peaceful Assembly and of Association in Advancing Sustainable Peace and Democratic Transitions: Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Clément Nyaletsossi Voule*, UN Doc. No. A/78/246, 27 July 2023, ¶ 2.

elections.”<sup>133</sup> Mr. Yagublu has dedicated his career to promoting and fighting for these rights. Accordingly, he is a human rights defender, and his work falls within the Special Rapporteur’s mandate.<sup>134</sup>

- d. Special Rapporteur on the Independence of Judges and Lawyers: Mr. Yagublu’s case is emblematic of the Government’s ongoing and well-documented practice of wielding the judiciary as a retaliatory tool to silence dissent. The Special Rapporteur has noted that “[r]ecent years have been characterized by . . . a global wave of . . . leaders dismantl[ing] or reduc[ing] the capacity of other branches of government to check their powers,” and this “go[es] hand in hand with crackdowns on civil society, shrinking civic space and increased persecution of human rights defenders.”<sup>135</sup> The Special Rapporteur, along with other Special Rapporteurs, has also previously expressed concern at Azerbaijan’s “trend of arrest and sentencing of individuals exercising their rights to freedom of expression and association” to “extended pre-trial detention”<sup>136</sup> and has reminded Azerbaijan of its responsibility to honor international standards to “provide[] for free communication with a lawyer in full confidentiality.”<sup>137</sup> As discussed above, there are serious concerns that in this case the judiciary has been weaponized against Mr. Yagublu for improper purposes and that there have been violations of Mr. Yagublu’s right to a fair trial, including his right to confidentially communicate with counsel during his hearings. Accordingly, Mr.

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<sup>133</sup> UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights Defenders on His Mission to Azerbaijan*, UN Doc. No. A/HRC/34/52/Add.3, 20 February 2017, ¶ 20. See also UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights Defenders on His Mission to Azerbaijan*, UN Doc. No. A/HRC/34/52/Add.3, 20 February 2017, ¶ 100 (“One can be a political dissident and a human rights defender at the same time, or a former politician and a current advocate for the rule of law[.]”).

<sup>134</sup> See UN Human Rights Council, *At the Heart of the Struggle: Human Rights Defenders Working Against Corruption: Report of the Special Rapporteur on the Situation of Human Rights Defenders, Mary Lawlor*, UN Doc. No. A/HRC/49/49, 28 December 2021, ¶¶ 10, 16 (“[A]nti-corruption work is central to human rights, and those who undertake it should be acknowledged [as human rights defenders] and protected.”), 116. In prioritizing Mr. Yagublu’s case, the Special Rapporteur can also follow up on Azerbaijan’s failure to implement the Special Rapporteur’s recommendations made following that 2017 mission to Azerbaijan. See UN Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights Defenders on His Mission to Azerbaijan*, UN Doc. No. A/HRC/34/52/Add.3, 20 February 2017.

<sup>135</sup> UN Human Rights Council, *Reimagining Justice: Confronting Contemporary Challenges to the Independence of Judges and Lawyers*, UN Doc. A/HRC/53/31, 13 April 2023, ¶ 15.

<sup>136</sup> Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Special Rapporteur on the Situation of Human Rights Defenders, Special Rapporteur on the Independence of Judges and Lawyers, and Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Communication AZE 2/2015*, 29 May 2015, p. 5.

<sup>137</sup> Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Special Rapporteur on the Situation of Human Rights Defenders, Special Rapporteur on the Independence of Judges and Lawyers, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, and Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Communication AZE 5/2015*, 22 October 2015, p. 4.

Yagublu's case and his ongoing detention and prosecution falls within the Special Rapporteur's mandate.<sup>138</sup>

51. For the above reasons, Mr. Yagublu's case squarely falls within the mandates of, and should be prioritized by, the Special Rapporteurs. It is also a case the Special Rapporteurs should pay particular attention to as a representative example of an ongoing, troubling pattern of the Azerbaijani government invoking financial crimes charges against critics and opposition figures.

## **VI. CONCLUSION AND REQUEST FOR ACTION**

52. For the foregoing reasons, we respectfully request that the Special Rapporteurs issue a joint communication to Azerbaijan expressing concern at Mr. Yagublu's detention and ongoing prosecution and seeking answers to the following specific questions:
  - a. Whether Mr. Yagublu's Facebook posts and videos criticizing the government in the days leading up to his arrest were a factor in the decision to arrest and charge him;
  - b. What the particularized basis for Mr. Yagublu's ongoing detention is and how this is compliant with international human rights norms and standards;
  - c. What steps have been taken to ensure Mr. Yagublu is not subjected to physical abuse and other mistreatment, as he has reportedly been subject to on other occasions when he has been arrested and detained;
  - d. What steps have been taken to ensure Mr. Yagublu is able to confidentially communicate with counsel during his court appearances;
  - e. What evidence exists to support the allegation that Mr. Yagublu was working with his alleged co-conspirator, given that the indictment does not include evidence that they were in contact with one another;
  - f. How this case differs from other instances in which it has been documented by bodies like the ECHR that Mr. Yagublu has been targeted for his activism; and
  - g. How many individuals have been arrested in Azerbaijan since November 2023 on charges related to financial crimes and the profiles of such accused persons.
53. We further urge some or all of your mandates to seek a country visit to Azerbaijan to address the reported pattern of using financial crimes charges against critics, including Mr. Yagublu's case.

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<sup>138</sup> UN Human Rights Council, *Independence of Judges and Lawyers: Report of the Special Rapporteur on the Independence of Judges and Lawyers*, UN Doc. No. A/HRC/44/47, 23 March 2020, ¶ 3.

Respectfully,

**Gibson, Dunn & Crutcher LLP**

Charline Yim  
Marryum Kahloon  
Brian Yeh  
Carolyn Ye  
Nicole Waddick

**TrialWatch**

**Stephen Townley**  
**Kyle Delbyck**

**APPENDIX**


**Selection of Tofiq Yagublu’s Facebook Posts From November To December 2023  
With English Translations**

A.	28 November 2023.....	1
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## A. 28 November 2023

**Background:** In late November 2023, Azerbaijani journalist Aziz Orujov was arrested on charges of illegal construction that many viewed as retaliation for his role as the director of the independent channel *Kanal 13*.<sup>1</sup> A video of his 3-year-old daughter refusing to let go of her father when police officers went to Mr. Orujov's home to arrest him, as well as stills of that video, were widely circulated on social media.<sup>2</sup> Many activists, including Mr. Yagublu (see below post), compared the arrests of Mr. Orujov and others involved with independent news outlets to the Soviet Union purges in 1937,<sup>3</sup> which included the arrests of intellectuals like Huseyn Javid, Bakir Chobanzada, and Salman Mumtaz. Mr. Orujov is currently in pretrial detention, which was extended in March 2024.<sup>4</sup>

URL: <https://bit.ly/4bv62AH>

Original Post in Azerbaijani:	English Translation:
<p><b>Toffiq Yaqublu</b> November 28, 2023 · 🌐</p> <p>Tam əminəm ki, bu rejimin mənfur repressiya "zəhmətkeşləri" (göstəriş verənlər, tutanlar və məhkum edənlər) 37-ci ilin repressiyalarından söz düşəndə, Stalini və icraçıları yeddiqat soyuqlara, lanətlərə qarq edirlər. Və bu zaman o dövrün repressiya icraçılarının əsasən ruslar, ermənilər və digər millətlərin nümayəndələri olduqlarını da mütləq qeyd edirlər. Bas indi? Əziz Orucovu və onun kimi yüzlarla suçsuz insanı repressiya edəndə, o soyuq və lanətlərin yeddi qatını özünü haqq etmişinizmi? Əgər NKVD Hüseyn Cavid, Bakir Çobanzadəni, Salman Mümtazı və ya başqa bir repressiya qurbanını evdən aparanda belə bir şəkil çəkilməmiş olsaydı, nələr deməzdiniz?</p> 	<p><b>English Translation:</b></p> <p>I am absolutely sure that the hateful “<i>hard workers</i>” of the repression of this regime (those who command, arrest, and detain) when it comes to the repressions of 1937, they throw Stalin and the executors seven times curses and swears. And, they definitely mention that the perpetrators of repression at that time were mainly Russians, Armenians, and representatives of other nationalities. What about now? When you repress Aziz Orujov and hundreds of innocent people like him, do not you deserve those swears and curses seven times? If NKVD had taken photos of Huseyn Javid, Bakir Chobanzada, Salman Mumtaz, or another repression victim that time while taking them from home, who knows what you would have said about it?</p>

<sup>1</sup> Liam Scott, *Journalists in Azerbaijan Targeted in Wave of Arrests*, VOA, 6 December 2023, <https://www.voanews.com/a/journalists-in-azerbaijan-targeted-in-wave-of-arrests/7387284.html>.

<sup>2</sup> Liam Scott, *Journalists in Azerbaijan Targeted in Wave of Arrests*, VOA, 6 December 2023, <https://www.voanews.com/a/journalists-in-azerbaijan-targeted-in-wave-of-arrests/7387284.html>.

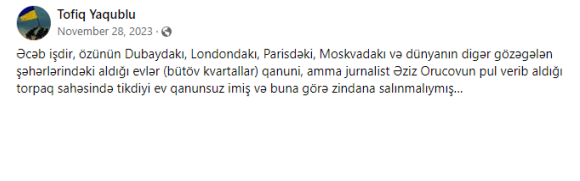
<sup>3</sup> *Azerbaijan Escalates “U.S. Spy” Rhetoric, Arrests Another Journalist*, EURASIANET, 28 November 2023, <https://eurasianet.org/azerbaijan-escalates-us-spy-rhetoric-arrests-another-journalist>.

<sup>4</sup> *Azerbaijan Extends Pretrial Detention of 2 Journalists on Currency Smuggling Charges*, COMMITTEE TO PROTECT JOURNALISTS, 19 March 2024, <https://cpj.org/2024/03/azerbaijan-extends-pretrial-detention-of-2-journalists-on-currency-smuggling-charges/>.

## B. 28 November 2023

**Background:** The charges against Mr. Orujov included allegations that he illegally constructed a house on a plot of land without authorization.<sup>5</sup> It has been reported that President Ilham Aliyev and his family members own, through a series of trusts and companies, nearly USD 700 million in London properties,<sup>6</sup> a resort and several villas in and near Dubai,<sup>7</sup> a mansion in Paris,<sup>8</sup> and two mansions in one of the most expensive residential real estate developments in the world, located in Moscow.<sup>9</sup>

URL: <https://bit.ly/3Qwn8X5>

Original Post in Azerbaijani:	English Translation:
 <p>Tofiq Yaqublu November 28, 2023 · 🌐</p> <p>Əcəb işdir, özünün Dubaydakı, Londondakı, Parisdəki, Moskvadakı və dünyanın digər gözəgələn şəhərlərindəki aldığı evlər (bütöv kvartallar) qanuni, amma jurnalist Əziz Orucovun pul verib aldığı torpaq sahəsində tikdiyi ev qanunsuz imiş və buna görə zindana salınmalıymış...</p>	<p>As if [his] houses (whole blocks) bought in Dubai, London, Paris, Moscow, and other charming cities around the world were legal but Aziz Orujov's house constructed on a plot of land he paid for was illegal and he should have been imprisoned for that...</p>

<sup>5</sup> *Azerbaijani Journalist Aziz Orujov Detained for 3 Months, Office and Home Searched*, COMMITTEE TO PROTECT JOURNALISTS, 29 November 2023, <https://cpj.org/2023/11/azerbaijani-journalist-aziz-orujov-detained-for-3-months-office-and-home-searched/>.

<sup>6</sup> Miranda Patrucic, Ilya Lozovsky, Kelly Bloss, and Tom Stocks, *Azerbaijan's Ruling Aliyev Family and Their Associates Acquired Dozens of Prime London Properties Worth Nearly \$700 Million*, ORGANIZED CRIME AND CORRUPTION REPORTING PROJECT, 3 October 2021, <https://www.occrp.org/en/the-pandora-papers/azerbaijans-ruling-aliyev-family-and-their-associates-acquired-dozens-of-prime-london-properties-worth-nearly-700-million>.

<sup>7</sup> Juliette Garside, *The Azerbaijani President's Children and the Dubai Property Empire*, THE GUARDIAN, 23 April 2018, <https://www.theguardian.com/world/2018/apr/23/azerbaijan-children-of-president-linked-to-dubai-property-empire>.

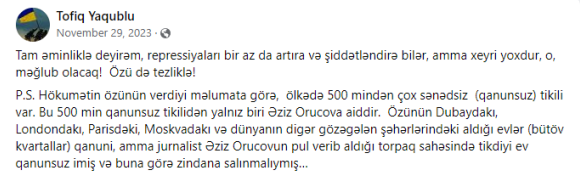
<sup>8</sup> *Elite Real Estate of Azerbaijani President's Sister Sevil Aliyeva Discovered in France*, JAM NEWS, 11 July 2022, <https://jam-news.net/elite-real-estate-of-azerbaijani-presidents-sister-sevil-aliyeva-discovered-in-france/>.

<sup>9</sup> Maria Zholobova, *The Aliyevs' Nest: The Family of Azerbaijan's President Has Found a Home Near Moscow*, ORGANIZED CRIME AND CORRUPTION REPORTING PROJECT, 15 March 2019, <https://www.occrp.org/en/investigations/the-aliyevs-nest-the-family-of-azerbaijans-president-has-found-a-home-near-moscow>.

## C. 29 November 2023

**Background:** It has been reported that there are around 500,000 houses illegally constructed in and around Baku, Azerbaijan, and activists have thus highlighted that it seems like Mr. Orujov was selectively targeted.<sup>10</sup>

**URL:** <https://bit.ly/3wpd8Ie>

<b>Original Post in Azerbaijani:</b>	<b>English Translation:</b>
 <p><b>Tofiq Yaqublu</b> November 29, 2023 · 🌐</p> <p>Tam əminliklə deyirəm, repressiyaları bir az da artır və şiddətləndirə bilər, amma xeyri yoxdur, o, məğlub olacaq! Özü də tezliklə!</p> <p>P.S. Hökumətin özünün verdiyi məlumata görə, ölkədə 500 mindən çox sənadsiz (qanunsuz) tikili var. Bu 500 min qanunsuz tikilidən yalnız biri Əziz Orucova aiddir. Özünün Dubaydakı, Londondakı, Parisdəki, Moskvadakı və dünyanın digər gözəgələn şəhərlərindəki aldığı evlər (bütöv kvartallar) qanuni, amma jurnalist Əziz Orucovun pul verib aldığı torpaq sahəsində tikdiyi ev qanunsuz imiş və buna görə zindana salınmalıymış...</p>	<p>I say with full confidence, that repressions can be increased and intensified a little more, but there is no other way, [he] will be defeated! Soon!</p> <p>P.S. According to the information given by the government there are more than 500,000 undocumented (illegal) constructions in the country. Only one of these 500,000 illegal buildings belongs to Aziz Orujov. As if [his] houses (whole blocks) bought in Dubai, London, Paris, Moscow, and other charming cities around the world were legal but Aziz Orujov's house constructed on a plot of land he paid for was illegal and he should have been imprisoned for that...</p>

<sup>10</sup> *Azerbaijani Journalist Aziz Orujov Detained for 3 Months, Office and Home Searched*, COMMITTEE TO PROTECT JOURNALISTS, 29 November 2023, <https://cpj.org/2023/11/azerbaijani-journalist-aziz-orujov-detained-for-3-months-office-and-home-searched/>.

## D. 2 December 2023

**Background:** Sevinj Vagifgizi is the editor-in-chief of *Abzas Media*, an independent online publication. She was detained on 21 November 2023 upon returning to Azerbaijan by plane, reportedly before she even passed through passport control.<sup>11</sup> The day before, on 20 November 2023, Ms. Vagifgizi had reported on the disappearance of Ulvi Hasanli, the director of *Abzas Media*, who on the way to the Baku airport was reportedly detained, beaten, and questioned about *Abzas Media*'s investigations into corruption.<sup>12</sup> On 30 November 2023, Nargiz Absalamova, a journalist for *Abzas Media*, was reportedly arrested shortly after she presented herself to the police for questioning.<sup>13</sup> The authorities accused the *Abzas* journalists of illegally smuggling currency. Ms. Vagifgizi, Mr. Hasanli, and Ms. Absalamova are currently in pretrial detention. In March 2024, their pretrial detention was extended, along with the pretrial detention of three other journalists or management members of *Abzas Media*.<sup>14</sup>

URL: <https://bit.ly/4bp9SLO>

Original Post in Azerbaijani:	English Translation:
 <p>Tofiq Yaqublu December 2, 2023</p> <p>Saakaşvili və Navalni ölkələrinə qayıdanda tutulacaqlarını ehtimal etsələr də, daha çox tutulmayacaqlarına inanırdılar. Çünki düşünürdülər ki, beynəlxalq aləmdəki nüfuzları və ölkədə xalqdan dəstəkləri çox böyükdür və rejim rəhbərləri onları tutmağa risk etməyəcəklər. Sevinj Vagifqızı isə tutulacağını 100 faiz bilsə də, təyyarəyə oturub ölkəyə gəldi. Siz onun tutulmasındakı absurdlardan birinə xüsusi diqqət yetirin, onu ona görə tutublar ki, guya öz ayağı ilə zindana gəlmiş bu zərif qız istintaqdan yayınacaq. Hələ bir Nargizin üzünə baxın, bu zərif qız da qazamata gülə-gülə gedir. Ey bu zərif qızların qollarına qandal vuranlar, siz onlarla müqayisədə çox cılız, qorxaq və ləyaqətsizsiniz!</p>	<p>Even though Saakashvili and Navalny assumed that they might be arrested when they returned to their country, they believed more that they would not be arrested. Because they thought that their influence in the international world and the support of the people in the country was very immense and the regime leaders would not risk arresting them. Sevinj Vagifgizi on the other hand, knew that she would 100 percent be arrested, but she boarded a plane and returned to the country. Have a look at one of the absurdities in her arrest, they arrested her as if this elegant girl who came to the prison by herself, would have avoided the investigation. Look at Nargiz's face, this elegant girl goes to the prison smiling. Those who handcuffed these girls, you are very weak, cowardly, and unworthy compared to them.</p>

<sup>11</sup> *Director and Editor-in-Chief of a Popular Online Publication Arrested in Azerbaijan*, JAM NEWS, 21 November 2023, <https://jam-news.net/arrests-at-abzas-media/>.

<sup>12</sup> *Journalists Jailed Instead of Corrupt Elites in Azerbaijan*, REPORTERS WITHOUT BORDERS, 24 November 2023, <https://rsf.org/en/journalists-jailed-instead-corrupt-elites-azerbaijan>.

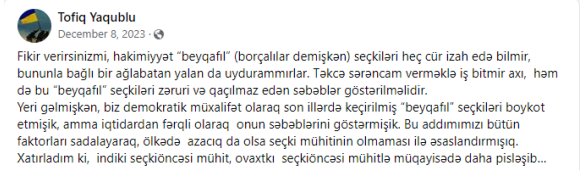
<sup>13</sup> *Azerbaijan: Arbitrary Detention of Elnara Gasimova, Journalist Affiliated with Abzas Media*, INTERNATIONAL FEDERATION FOR HUMAN RIGHTS, 5 February 2024, <https://www.fidh.org/en/issues/human-rights-defenders/azerbaijan-arbitrary-detention-journalist-affiliated-with-abzas-media>.

<sup>14</sup> *Azerbaijan Courts Extend Pre-trial Detention of 6 Abzas Media Journalists*, COMMITTEE TO PROTECT JOURNALISTS, 15 March 2024, <https://cpj.org/2024/03/azerbaijan-courts-extend-pre-trial-detention-of-6-abzas-media-journalists/>.

## E. 8 December 2023

**Background:** On 7 December 2023, President Aliyev called for an early presidential election, to be held on 7 February 2024, despite the vote having originally been scheduled for 2025.<sup>15</sup>

**URL:** <https://bit.ly/4a6amoZ>

<b>Original Post in Azerbaijani:</b>	<b>English Translation:</b>
 <p><b>Tofiq Yaqublu</b> December 8, 2023</p> <p>Fikir verirsinizmi, hakimiyyət "beyqafil" (borçalılar demişəən) seçkiləri heç cür izah edə bilmir, bununla bağlı bir ağılabatan yalan da uydurammırlar. Takca sərəncam verməklə iş bitmir axı, həm də bu "beyqafil" seçkiləri zaruri və qaçılmaz edən səbəblər göstərilməlidir. Yeri gəlmişkən, biz demokratik müxalifət olaraq son illərdə keçirilmiş "beyqafil" seçkiləri boykot etmişik, amma iqtidardan fərqli olaraq onun səbəblərini göstərmişik. Bu addımımızı bütün faktorları sadalayaraq, ölkədə azacıq da olsa seçki mühitinin olmaması ilə əsaslandırırıq. Xatırladım ki, indiki seçki öncəsi mühit, o vaxtkı seçki öncəsi mühitlə müqayisədə daha pisləşib...</p>	<p>If you notice, the government cannot explain “beyqafil” [means sudden/unexpected in a different dialect] (as Borçalins say) elections at all, and cannot even invent a single reasonable lie about it.</p> <p>To issue a presidential order alone is not enough, reasons to make these “beyqafil” elections necessary and inevitable must be shown.</p> <p>By the way, we, as a democratic opposition, have boycotted the “beyqafil” elections held in recent years, but unlike the government, we have demonstrated the reasons for it. We have justified this step by listing all the factors and the lack of an election environment in the country. I would remind you that the current pre-election environment has worsened compared to the previous pre-election environment...</p>

<sup>15</sup> *Azerbaijan's Aliyev Calls Snap Presidential Elections for February*, AL JAZEERA, 7 December 2023, <https://www.aljazeera.com/news/2023/12/7/azerbaijans-aliyev-calls-snap-presidential-elections-for-february>.

## F. 8 December 2023

URL: <https://bit.ly/3JRIKdH>

### Original Post in Azerbaijani:



Tofiq Yaqublu  
December 8, 2023 · 🌐

Bakı Avrasiya Universitetində (BAAU) ABŞ-da təhsil təqaüdləri haqqında maarifləndirici sessiya keçirilib. Dünən isə deyirdilər ki, ABŞ universitetlərinin məzunları agentdirlər. Bu nə "U" dönüşüydü belə?

P.S. İndi ən vacib məsələlərdən biri də bu qəfil seçkinin əsl səbəbini müəyyən etməkdir. Sanki xəstəyə düzgün diaqnoz qoymaq kimi.

P.P.S. Əgər hakimiyyət azacıq da olsa seçkiyə oxşar bir şey keçirmək istəyirsə, təcili olaraq siyasi məhbuslar azad olunmalı, sərbəst toplaşmaq azadlığı təmin edilməlidir. Seçkidə iştirak üçün bu iki şərt vəzəqçilməz olmalıdır.



### English Translation:

Baku Eurasia University (BEU) held an informative session about the scholarships to study in the USA. However, yesterday they were saying graduates of the US universities are agents. What kind of U-turn was that?

P.S. Now one of the most important issues is to determine the real reason for this sudden election. It's like diagnosing a patient correctly.

P.P.S. If the government wants to hold something similar to an election, political prisoners should be released immediately and freedom of assembly should be ensured. These two conditions must be necessary for participation in the election.

## G. 9 December 2023

URL: <https://bit.ly/3USUGkU>

### Original Post in Azerbaijani:




Tofiq Yaqublu  
December 9, 2023 · 🌐

İqtidarın ən mənasız, fərqləndirici və ziyanlı devizlərindən biri də "biz müstəqil siyasət yürüdürük və bizim öz yolumuz var" devizidir. Elə deyirlər ki, sanki cəmiyyətlərin qarşısında yüzrlə müxtəlif yollar var, hərə özünə sarf edən seçir və bunlar da bu yüzrlə yolun içindən hələ başqalarının görüb seçə bilmədiyi ən uğurlusunu seçiblər. Məsələ burasındadır ki, cəmiyyətlərin seçə biləcəyi cəmiyyətlərdə iki yol var, biri demokratiya yolu, biri də anti-demokratiya yoludur. Hansı yolun seçildiyi də ki, göz önündədir...

### English Translation:

One of the most senseless, fraudulent, and damaging mottos of the government is the one "we pursue an independent policy and we have our own way". They say this as if there are hundreds of different ways in front of the nations, and everyone chooses the one that works for them better, and the government has chosen the most successful one out of these hundreds of ways that others have not yet seen and chosen. The point is that there are only two paths that societies can choose, one is the path of democracy and the other is the path of anti-democracy. It is obvious which way has been chosen...

**Original Post in Azerbaijani:**

 Tofiq Yaqublu  
December 10, 2023 · 🌐

Sonra da deyirsiniz ki, qazılara diqqət və qayğı göstərilir. Salyan rayonunun Karimbeyli kənd sakini, Vətən müharibəsi iştirakçısı, ADPU-nun Psixologiya ixtisası üzrə məzunu olan İbrahim Hüseynov Salyan-Şirvan Regional İdarəsinin rəisi Sanan Masimliyin əmri ilə Qarabağlı kənd 1 sayılı tam orta məktəbinə xadimə vəzifəsinə təyin olunub. Bu gün Beynəlxalq İnsan Hüquqlarının Müdafiəsi Günüdür.

Biri var ki, adamı toyda oynamağa dəvət edələr və adam da "aya bu toydur, toyda nə edirlər?" prinsipi ilə çıxıb oynaya, bir də var adam küçədə getdiyi yerdə biri gəlib qabağında zurna çalır ki, gəl küçənin ortasında "Şalaxo" oynə. Bax, bu beyqafıl seçkini təyin edən də zurnasını çalıb bu xalqa küçənin ortasında oynamağı əmr edir. Cəmiyyət özünə hörmət eləməlidir, necə yəni kefiyyətə seçki təyin edəcəm və siz də gəlib iştirak etməlisiniz? Aydındır ki, ölkədə azad seçki mühiti və imkanı yoxdur, amma heç olmasa bunu Konsritusiyada nəzərdə tutulmuş vaxtda etmək lazımdır. Artıq ATƏT çöxdəndir ki, "bu ölkədə seçki yoxdur" düşüncəsi ilə Azərbaycana müğahidə missiyası göndərmir. Məncə, ələ siz də Azərbaycanda seçki institutunun lağv edildiyi fikri ilə razılaşmaya bilməzsiniz, lağv edilmiş institutda (burada təhsil ocağı anlamında) necə oxumaq olar? Əksinə, biz çalışmalıyıq ki, bu seçkilərə heç kim gətməsin, Əliyev özü çalıb, özü oynasin. Xahiş edirəm, durub "bir fürsətdir" tipli şeylər yazmayın, çünki bu mənasız arqument haqqında o qədər yazıb-danışmışam ki, artıq yorulmuşam...



**English Translation:**

And then you say that veterans are not given attention and care.

İbrahim Hüseynov, a resident of Karimbeyli village of Salyan region, a person who served during the Patriotic War, and a graduate of ADPU majoring in Psychology, was appointed to the position of a janitor at Karabakhli village No. 1 comprehensive secondary school by the order of the head of Salyan-Shirvan Regional Administration Sanan Masimli.

Today is International Human Rights Day.

Imagine a case at a wedding where someone invites another person to dance, and the latter thinks "hey, this is a wedding, what would they do at a wedding?", and goes and dances with that principle.

There is a case in which someone is walking down the street and another person playing a trumpet in front of him calls that person to dance to "Shalaxo" in the middle of the street. Now, the one who appoints this "sudden" election blows his trumpet and orders people to dance in the middle of the street. Society should respect itself, how come I appoint an election whenever I want and you have to come and participate? It is obvious that there is no free election environment and opportunity in the country, but at least it should be done at the time stipulated in the Constitution. It has been a long time since the OSCE has not deployed an observation mission to Azerbaijan with the thought that "there is no election in this country". For me, even you cannot disagree with the opinion that the election institute in Azerbaijan has been abolished. ...

On the contrary, we should try so that no one goes to these elections. Let Aliyev play and dance by himself. Please do not write "it's an opportunity" type of stuff, because I have written and talked about this pointless argument so much that I'm tired...

## I. 12 December 2023

URL: <https://bit.ly/4b7rMDa>

### Original Post in Azerbaijani:

 **Tofiq Yaqublu**  
December 12, 2023 · 🌐

Tutathat davam edir...

Seçkilərin növbədənəkar təyin edilməsinə baxmayın, həbslər isə öz növbəsilə gedir. Jurnalist Teymur Karimova hədə-qorxu yolu ilə pul tələb etmək maddəsilə cinayət işi qaldırılıb və tutulub.

İ.Əliyev özü üçün ən rahat və optimal vaxtda qanunsuz növbədənəkar seçkilər təyin edib. Bunu qınamaq əvəzinə, "bu bir fürsətdir" deyib seçkilərə qatılmaq çağırışlarını anlamaq olmur. Deməzsənmi, o bizim üçün fürsət yaradıbmış... Bizə fürsət yaratmayıb e, fürsətimizi əlimizdən alıb!



### English Translation:

Arrests continue...

Despite the appointment of early elections, arrests are taking place in turn. Journalist Teymur Karimov was arrested and charged with extorting money through threats. Aliyev has scheduled unlawful early elections at the most convenient and optimal time for himself. Instead of condemning this, he calls to participate in the elections saying "this is an opportunity" cannot be understood. You would not say that he has created an opportunity for us... He did not create an opportunity for us, he took it away from us!