



AZERBAIJAN

v.

TOFIG YAGUBLU

April 2026

TRIALWATCH FAIRNESS REPORT

A CLOONEY FOUNDATION FOR JUSTICE INITIATIVE

A. ABOUT THE AUTHORS

This report was prepared by **Charline Yim, Marryum Kahloon** and **Carolyn Ye**, attorneys at **Gibson, Dunn & Crutcher LLP**. Invaluable research assistance was provided by Nicole Waddick and Brian Yeh.

Darryl Brown is O.M Vicars Professor of Law at the University of Virginia School of Law. He teaches and writes primarily in the areas of Criminal Law, Criminal Adjudication, and Evidence and has served as a visiting professor or scholar at University of California-Los Angeles, University of Oxford, University of Cambridge, The University of London's Institute for Advanced Legal Studies, and the University of Muenster. He is the author of numerous scholarly articles and of *Free Market Criminal Justice* (Oxford U. Press 2016) and he co-edited the *Oxford Handbook of Criminal Process* (Oxford U. Press. 2018). He is also a lawyer who practiced as criminal defense attorney and served as lead counsel in more than thirty criminal trials.

B. ABOUT THE CLOONEY FOUNDATION FOR JUSTICE'S TRIALWATCH INITIATIVE

The **Clooney Foundation for Justice** advocates for justice through accountability for human rights abuses around the world. **TrialWatch** is an initiative of the Clooney Foundation for Justice that provides free legal aid in defense of free speech. Its mission is to expose injustice, help to free those unjustly detained and promote the rule of law around the world.

This report is published for informational and advocacy purposes. It is based on information available from public sources, court proceedings, legal documents and interviews believed to be accurate at the time of publication. The views and opinions expressed in this report are those of the authors and do not necessarily represent the views or opinions of the Clooney Foundation for Justice, its Board of Directors, or its partners. This report is intended as a contribution to public discourse on fair trial standards and access to justice. Nothing in this report is intended to assert or imply criminal or unlawful conduct on the part of any individual or entity unless such findings have been made by a competent court.

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EXECUTIVE SUMMARY



Darryl Brown, O. M. Vicars Professor of Law at the University of Virginia School of Law and member of the TrialWatch Expert Panel, assigned this trial a grade of D:

Based on the trial monitor’s notes, the indictment, party briefs, the trial court’s detention orders and final judgment, and other publicly available sources, the prosecution of Tofig Yagublu between 2023 and 2025 violated international fair trial rights specified in the European Convention on Human Rights (“ECHR”) and the International Covenant on Civil and Political Rights (“ICCPR”). This case is consistent with a broader pattern of arrests and prosecutions of Mr. Yagublu, a prominent journalist and opposition figure critical of the Azerbaijani Government, and it occurred in a larger political context in Azerbaijan that has been characterized as one of repression of political opposition figures, journalists, civil society leaders, and academics.¹ Especially in that context, the fair trial violations apparent in this case support the conclusion that Mr. Yagublu’s prosecution amounted to an abuse of judicial process that based on the context reflect an improper ulterior motive to hinder and deter Mr. Yagublu’s activities as a journalist and opposition leader. During the trial, Mr. Yagublu was denied his rights to confront key Government witnesses, to call certain defense witnesses, to produce digital and physical evidence, to communicate with his lawyers, and otherwise to fully participate in his trial. Moreover, the trial judge’s rulings during the proceedings and reasoning in the written judgment strongly suggest that Mr. Yagublu was denied a fair and impartial tribunal. His prosecution and conviction represent a serious departure from the rule of law implicating clear violations of Articles 6 and 18 of the ECHR. Because these alleged violations led to his conviction and resulted in significant harm to Mr. Yagublu – most significantly his pretrial detention for 452 days followed by a nine-year prison sentence – the proceeding has been assigned a grade of “D.”

¹ See *infra* Background Information, A. Political and Legal Context, below.

BACKGROUND INFORMATION

A. POLITICAL & LEGAL CONTEXT

Over the past two decades, documented cases and reporting by international and domestic observers indicate that Azerbaijan has intensified its efforts to silence opposition against the Government by pursuing what observers have described as politically-motivated prosecutions against journalists, human rights defenders, and opposition figures, among others.² As of the beginning of 2025, there are estimated to be almost 400 individuals classified as political prisoners in Azerbaijan.³ Since 2003,⁴ President Ilham Aliyev and his political party, the New Azerbaijan Party, have gradually consolidated power, including through what have been described as “rigged elections,” extending presidential terms *ultra vires*, and weaponizing the justice system.⁵

Multiple international bodies and other civil society organizations have found that Azerbaijan has used retaliatory criminal and administrative prosecutions to silence opposition figures 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.”⁶ The UN Working Group on Arbitrary Detention has likewise found that in Azerbaijan, “human rights defenders, journalists, political and religious leaders continue to be regularly detained

² See, e.g., *World Report 2025: Azerbaijan: Events of 2024*, HUMAN RIGHTS WATCH (2025), <https://www.hrw.org/world-report/2025/country-chapters/azerbaijan>; *Azerbaijan: Freedom in the World 2025*, FREEDOM HOUSE (2025), <https://freedomhouse.org/country/azerbaijan/freedom-world/2025>.

³ European Parliament, *Resolution of 18 December 2025 on the Arbitrary Arrest and Sentencing of Academics Bahruz Samadov and Iqbal Abilov in Azerbaijan*, RC-B10-0567/2025, 18 December 2025, https://www.europarl.europa.eu/doceo/document/TA-10-2025-0339_EN.html.

⁴ 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>.

⁵ Human Rights Foundation, *Azerbaijan’s Aliyev Secures a Fourth Term in Rigged Elections*, 12 April 2018, <https://hrf.org/azerbaijans-aliyev-secures-a-fourth-term-in-rigged-elections/>.

⁶ 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.

under criminal or administrative charges.”⁷ In multiple cases brought against Azerbaijan, the European Court of Human Rights (“**ECtHR**”) has reached the same conclusions.⁸ The ECtHR 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 ECtHR].”⁹

These concerns have escalated in recent years—in particular in the run up to Azerbaijan’s February 2024 elections,¹⁰ Baku’s hosting of the 2024 UN Climate Change Conference (“**COP29**”) in November 2024,¹¹ and most recently, in December 2025 when yet more opposition figures were arrested on what Amnesty International describes as the “ongoing consolidation of authoritarian practices.”¹² In its latest resolution on Azerbaijan, the European Parliament condemned the “criminalisation of freedom of expression” and

⁷ 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.

⁸ 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.

⁹ *Aliyev v. Azerbaijan*, European Court of Human Rights, App. Nos. 68762/14 and 71200/14, Judgment, 4 February 2019, ¶ 223.

¹⁰ *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/>.

¹¹ *World Report 2025: Azerbaijan: Events of 2024*, HUMAN RIGHTS WATCH (2025) (reporting that prior to COP29 Azerbaijan “arrested dozens of individuals, including journalists, human rights defenders, and activists, on politically motivated charges.”), <https://www.hrw.org/world-report/2025/country-chapters/azerbaijan>.

¹² *Azerbaijan: Arrest of Opposition Leader is Further Evidence of Consolidation of Authoritarian Practices*, AMNESTY INTERNATIONAL, 1 December 2025, <https://www.amnesty.org/en/latest/news/2025/12/azerbaijan-arrest-of-opposition-leader-is-further-evidence-of-consolidation-of-authoritarian-practices/>.

called on the authorities to “end repression against journalists, activists, academics, opposition representatives, human right defenders and other unlawfully detained individuals, including those in exile.”¹³

In the months leading up to the February 2024 elections, more than a dozen individuals—including journalists, political opponents, and human rights defenders—were detained on charges that have widely been deemed spurious.¹⁴

For instance, in July 2023, Human Rights Watch reported on the arrest of a prominent government critic, Dr. Gubad Ibadoghlu, for alleged involvement in a counterfeit money scheme.¹⁵ On 14 September 2023, the European Parliament adopted a resolution 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.”¹⁶ The European Parliament adopted the resolution in response to Dr. Ibadoghlu being “brutally attacked and arbitrarily detained.”¹⁷ On 19 December 2024, the European Parliament adopted a further resolution that “[d]emand[ed] that the authorities immediately lift the travel ban on Ibadoghlu, unconditionally drop all charges against him and allow him to receive urgent treatment abroad.”¹⁸

¹³ European Parliament, *Resolution of 18 December 2025 on the Arbitrary Arrest and Sentencing of Academics Bahruz Samadov and Iqbal Abilov in Azerbaijan*, RC-B10-0567/2025, 18 December 2025, https://www.europarl.europa.eu/doceo/document/TA-10-2025-0339_EN.html.

¹⁴ *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.”).

¹⁵ *Azerbaijan: Opposition Leader Arrested*, HUMAN RIGHTS WATCH, 25 July 2023, <https://www.hrw.org/news/2023/07/25/azerbaijan-opposition-leader-arrested>.

¹⁶ 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.

¹⁷ *Id.*

¹⁸ European Parliament, *Resolution of 19 December 2024 on the Continued Repression of Civil Society and Independent Media in Azerbaijan and the Cases of Dr Gubad Ibadoghlu, Anar Mammadli, Kamran Mammadli, Rufat Safarov and Meydan TV*, RC-B10-0218/2024, 19 December 2024, https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074_EN.html.

In particular, Azerbaijan authorities have increasingly detained individuals on charges involving financial crimes.¹⁹ Aziz Orujov, the founder of the online television channel *Kanal 13*, known to be critical of the Government, was arrested in November 2023 on illegal construction charges.²⁰ In February 2025, Orujov was convicted and sentenced to two years imprisonment.²¹ 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.²² In November 2023, four people linked to *Abzas Media*, a publication known for its investigative journalism, were arrested based on allegations that they had smuggled illegal currency.²³

Even after the February 2024 elections (which President Aliyev won with 92.12% of the vote in what international observers described as a “contest devoid of genuine pluralism”),²⁴ the Government reportedly continued to target critics as they prepared to host COP29 in November 2024. For example, on 6 March 2024, at least six journalists connected with online news platform *Toplum TV* were arrested on charges that they

¹⁹ *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/>.

²⁰ Arzu Geybulla, *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>.

²¹ *Azerbaijan Sentences Kanal 13 Director Aziz Orujov to 2 Years Imprisonment*, COMMITTEE TO PROTECT JOURNALISTS, 28 February 2025, <https://cpj.org/2025/02/azerbaijan-sentences-kanal-13-director-aziz-orujov-to-2-years-in-prison/>.

²² *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/>.

²³ Arzu Geybulla, *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. *Azerbaijan: Seven Journalists Sentenced in Latest Shocking Crackdown on Free Speech*, AMNESTY INTERNATIONAL, 20 June 2025, <https://www.amnesty.org/en/latest/news/2025/06/azerbaijan-seven-journalists-sentenced-in-latest-shocking-crackdown-on-free-speech/>.

²⁴ 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’”); *Azerbaijan Election: President Ilham Aliyev Wins Vote Criticised by Monitors*, BBC, 8 February 2025, <https://www.bbc.co.uk/news/world-europe-68237326>.

smuggled illegal currency.²⁵ In August 2024, the UN Special Rapporteur on the Situation of Human Rights Defenders issued a statement that she had “witnessed an alarming wave of arrests and criminal cases against human rights defenders and journalists in Azerbaijan.”²⁶ In October 2024, Human Rights Watch issued a report on Azerbaijan’s intensifying crackdown on human rights defenders, journalists, and other critics of the Government.²⁷ In the report, Human Rights Watch noted that, of the 33 cases of arrests that were likely to have been politically motivated, 20 involved charges of smuggling money into the country.²⁸ Twelve journalists and media workers from another leading independent media organisation, *Meydan TV*, are also on trial on financial charges, and have been detained for over a year following their arrests in December 2024.²⁹

Human Rights Watch has further described that Azerbaijani “authorities targeted high-profile critics in a new arrest wave in 2024, building on similar crackdowns in previous years,” and “level[ing] false or spurious charges against political opponents, journalists, and civic activists.”³⁰

²⁵ Arzu Geybulla, *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>.

²⁶ *Azerbaijan: Expert Concerned About Prosecution of Human Rights Defenders and Journalists*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, 15 August 2024, <https://www.ohchr.org/en/press-releases/2024/08/azerbaijan-expert-concerned-about-prosecution-human-rights-defenders-and>.

²⁷ See Jane Buchanan, Giorgi Gogia, and Arzu Geybulla, “*We Try to Stay Invisible*”: *Azerbaijan’s Escalating Crackdown on Critics and Civil Society*, HUMAN RIGHTS WATCH, 8 October 2024, <https://www.hrw.org/report/2024/10/08/we-try-stay-invisible/azerbaijans-escalating-crackdown-critics-and-civil-society>.

²⁸ *Id.*

²⁹ *Trial of 12 Journalists Begins in Azerbaijan’s Case Against Meydan TV*, COMMITTEE TO PROTECT JOURNALISTS, 12 December 2025, <https://cpj.org/2025/12/trial-of-12-journalists-begins-in-azerbaijans-case-against-meydan-tv/#:~:text=The%20journalists%20are%20among%20at,alleged%20Western%20funding%20since%202023>.

³⁰ *World Report 2025: Azerbaijan: Events of 2024*, HUMAN RIGHTS WATCH (2025), <https://www.hrw.org/world-report/2025/country-chapters/azerbaijan>.

By the end of 2024, Azerbaijan reportedly held 13 media workers in prison on politically motivated charges.³¹ As of December 2025, at least 24 journalists were jailed, according to the Committee to Protect Journalists.³²

One of the re-occurring tactics featured in these cases is the use of facially neutral charges, including ‘hooliganism’ and financial offenses. Voice of America has, for instance, described a pattern of “Azerbaijani authorities often us[ing] ‘hooliganism’ charges to detain opposition activists,” like the cases brought against the prominent activist and Government critic Bakhtiyar Hajiyev,³³ opposition figure Zamin Salayev, and activist Agil Humbatov.³⁴ As discussed further below, Tofiq Yagublu was also previously prosecuted for ‘hooliganism.’³⁵

Today, the Government continues to target human rights defenders and journalists, in an apparent effort to eliminate all independent national media outlets.³⁶ In June 2025, six *Abzas Media* contributors and another journalist were sentenced to prison with terms

³¹ See *Azerbaijan: Sentencing and Arbitrary Detention of Prominent Peace Activist Bahruz Samadov*, INTERNATIONAL FEDERATION FOR HUMAN RIGHTS, 15 July 2025, <https://www.fidh.org/en/issues/human-rights-defenders/azerbaijan-sentencing-and-arbitrary-detention-of-prominent-peace>; *Azerbaijan: From Newsroom to Cell, Persecution of Independent Journalists*, AMNESTY INTERNATIONAL (22 July 2025), <https://www.amnesty.org/en/documents/eur55/0128/2025/en/>.

³² *Trial of 12 Journalists Begins in Azerbaijan’s Case Against Meydan TV*, COMMITTEE TO PROTECT JOURNALISTS, 12 December 2025, <https://cpj.org/2025/12/trial-of-12-journalists-begins-in-azerbajians-case-against-meydan-tv/#:~:text=The%20journalists%20are%20among%20at,alleged%20Western%20funding%20since%202023.>

³³ 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”).

³⁴ 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>.

³⁵ See *infra* Background Information, B. Case History.

³⁶ See *Azerbaijan: Sentencing and Arbitrary Detention of Prominent Peace Activist Bahruz Samadov*, INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (15 July 2025), <https://www.fidh.org/en/issues/human-rights-defenders/azerbaijan-sentencing-and-arbitrary-detention-of-prominent-peace>; *Azerbaijan: From Newsroom to Cell, Persecution of Independent Journalists*, AMNESTY INTERNATIONAL (22 July 2025), <https://www.amnesty.org/en/documents/eur55/0128/2025/en/>.

ranging from seven and a half to nine years, on what three European Parliament officials called “trumped-up charges of smuggling foreign currency and money laundering.”³⁷

In sum, over the past two decades, observers have noted that there has been a “relentless repression of regime critics.”³⁸ It is against this backdrop that the latest trial of Tofig Yagublu took place.

B. CASE HISTORY

Tofig Yagublu is a prominent Government critic, former deputy chairman and current member of the opposition Musavat Party, and senior member of the National Council of Democratic Forces, a coalition of opposition parties.³⁹ Mr. Yagublu was also previously a journalist for the Azerbaijani newspaper *Yeni Musavat*. He is well known for participating in peaceful demonstrations against the Government, as well as for making statements on social media and in interviews criticizing the Government for human rights violations.⁴⁰

In response to Mr. Yagublu’s activism, the Government has repeatedly targeted and prosecuted him through criminal and administrative actions that have been deemed meritless, including by the ECtHR. For example:

- 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.⁴¹

³⁷ Mounir Satouri, Nils Ušakovs, Dan Barna, *Joint Statement on the Harsh Prison Sentences for Journalists, Researchers and Activists in Politically Motivated Cases in Azerbaijan*, European Parliament, 25 June 2025, <https://www.europarl.europa.eu/delegations/en/joint-statement-on-the-harsh-prison-sent/product-details/20250625DPU40150>.

³⁸ *Id.*

³⁹ *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 31709/13, Judgment, 5 February 2016, ¶ 6; *Azerbaijan: Opposition Leader Arrested*, HUMAN RIGHTS WATCH, 25 March 2020, <https://www.hrw.org/news/2020/03/25/azerbaijan-opposition-leader-arrested>.

⁴⁰ 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 Tofig 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 Tofig Yagublu, because they won’t be punished”).

⁴¹ Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, https://cfj.org/wpcontent/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf, p. 14.

- 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.”⁴²
- 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.⁴³
- d. In January 2013, Mr. Yagublu was arrested and sentenced to five years’ imprisonment for charges related to organizing riots in Ismayilli, despite only being present to report on them for *Yeni Musavat*.⁴⁴
- e. In October 2019, Mr. Yagublu was arrested for “purportedly failing to obey police orders” while attending “a peaceful protest rally brutally dispersed by police.”⁴⁵
- 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. TrialWatch monitored the subsequent trial, concluding that the accusations appeared to have been manufactured for the purpose of arresting Mr. Yagublu.⁴⁶ Mr. Yagublu was convicted of hooliganism and sentenced to four years

⁴² 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.

⁴³ See *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 69686/12, Judgment, 15 July 2021, ¶¶ 7-9, 14, 18-21, 27.

⁴⁴ *Statement: Government Must Immediately Release Journalist Tofig Yagublu*, INSTITUTE FOR REPORTERS’ FREEDOM AND SAFETY, 8 February 2013, <https://www.irfs.org/news-feed/statement-government-mustimmediately-release-journalist-tofig-yagublu/>; *Yagublu v. Azerbaijan*, European Court of Human Rights, App. No. 31709/13, Judgment, 5 February 2016, ¶¶ 9-11, 42. Mr. Yagublu was released in March 2016 due to a presidential pardon. See *Opposition Activist Detained, Health at Risk*, AMNESTY INTERNATIONAL, 25 March 2020, <https://www.amnesty.org.uk/urgent-actions/opposition-activist-detained-health-risk>.

⁴⁵ *Opposition Activist Detained, Health at Risk*, AMNESTY INTERNATIONAL, <https://www.amnesty.org.uk/urgentactions/opposition-activist-detained-health-risk> (last accessed 17 May 2024).

⁴⁶ See generally Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, https://cfj.org/wpcontent/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf.

and three months' imprisonment.⁴⁷ Mr. Yagublu was eventually placed on house arrest and later released on parole in July 2021.⁴⁸

- g. In December 2021, Mr. Yagublu was detained at a peaceful protest in support of an imprisoned opposition figure, reportedly badly beaten, and released 70 kilometers from where he had been detained.⁴⁹ Later in December 2021, Mr. Yagublu was again arrested while protesting the detention of the same activist and administratively fined and released.⁵⁰
- h. In December 2022, Mr. Yagublu was arrested, convicted and sentenced to 30 days' imprisonment for protesting the imprisonment of another activist.⁵¹

2023 Arrest and Pre-Conviction Detention

Despite the repeated arrests and detention of Mr. Yagublu, he has continued to speak out against Governmental corruption and the human rights situation in Azerbaijan, often directly condemning President Aliyev in connection with these alleged violations. In the leadup to the February 2024 presidential elections, and prior to his latest arrest, Mr. Yagublu issued public statements criticizing the Government on an almost daily basis.⁵²

⁴⁷ Giorgi Gogia, *Opposition Leader Convicted in Azerbaijan*, HUMAN RIGHTS WATCH, 3 September 2020, <https://www.hrw.org/news/2020/09/03/opposition-leader-convicted-azerbaijan>; Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, https://cfj.org/wpcontent/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf, pp. 15-16, 23.

⁴⁸ Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, https://cfj.org/wpcontent/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf, p. 25.

⁴⁹ *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>; Ismi Aghayev, *Azerbaijani Prosecutor: 'No Evidence' That Tofig Yagublu Beaten*, OC MEDIA, 14 January 2022, <https://oc-media.org/azerbaijani-prosecutor-no-evidence-that-tofig-yagublubeaten/>; Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, https://cfj.org/wpcontent/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf, p. 26.

⁵⁰ *Azerbaijan: Stop Crackdown on Opposition Politicians*, AMNESTY INTERNATIONAL, 15 December 2021, <https://www.amnesty.org/en/latest/news/2021/12/azerbaijan-stop-crackdown-on-oppositionpoliticians/>; Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, https://cfj.org/wpcontent/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf, p. 26.

⁵¹ Darryl Brown, *TrialWatch Report: Republic of Azerbaijan v. Tofig Yagublu*, December 2023, https://cfj.org/wpcontent/uploads/2023/12/EN-Tofig-Yagublu-Fairness-Report_December-2023.pdf, p. 26.

⁵² See Tofig Yagublu, Facebook Post, 28 November 2023, <https://bit.ly/4bv62AH>; Tofig Yagublu, Facebook Post, 28 November 2023, <https://bit.ly/3Qwn8X5>; Tofig Yagublu, Facebook Post, 28 November 2023, <https://bit.ly/3wpd8le>; Tofig Yagublu, Facebook Post, 2 December 2023, <https://bit.ly/4bp9SLO>; Tofig Yagublu, Facebook Post, 8 December 2023, <https://bit.ly/4a6amoZ>; Tofig Yagublu, Facebook Post, 8 December 2023, <https://bit.ly/3JRIKdH>; Tofig Yagublu, Facebook Post, 9 December 2023,

For example, on 9 December 2023, only days before his arrest, Mr. Yagublu 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.⁵³

On 14 December 2023, Mr. Yagublu was arrested as he was exiting a metro train in Baku.⁵⁴ He was transferred to the Narimanov District Detention Center.⁵⁵ On the same day, approximately 20 police officers searched Mr. Yagublu’s home and claimed to have found Euros, Azerbaijani Manat, and U.S. Dollars, allegedly with Mr. Yagublu’s fingerprints, under the pillows on the bed.⁵⁶ Mr. Yagublu’s wife was home alone and unable to observe the entirety of the search, and the police officers confiscated multiple items, including Ms. Yagublu’s phone, laptop and other personal items.⁵⁷ According to Ms. Yagublu, her phone was confiscated when she attempted to record the search.⁵⁸ Ms. Yagublu was also surprised to see the cash as, just one day prior, she had to borrow money from a neighbor for her dental treatment.⁵⁹

On 15 December 2023, Mr. Yagublu was formally charged. Mr. Yagublu was accused, along with his co-defendant Elnur Mammadov, of conspiring to defraud alleged victim Elshan Huseynov by promising to secure him German residency and citizenship in exchange for 25,000 Euros and 10,000 Azerbaijani Manats.⁶⁰ A hearing was held before

<https://bit.ly/3USUGkU>; Tofiq Yagublu, Facebook Post, 10 December 2023, <https://bit.ly/3JOWNzR>; Tofiq Yagublu, Facebook Post, 12 December 2023, <https://bit.ly/4b7rMDa>.

⁵³ Tofiq Yagublu, Facebook Post, 9 December 2023, <https://bit.ly/3USUGkU> (translated by TrialWatch).

⁵⁴ *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>.

⁵⁵ Indictment, 1 June 2024, p. 4.

⁵⁶ *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>; Indictment, *Evidence Obtained from Search & Seizure*, 30 May 2024, pp. 33–34.

⁵⁷ *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>.

⁵⁸ Trial Monitor Notes, 31 January 2025, pp. 4–6.

⁵⁹ *Azerbaijan: Prominent Opposition Figure Arrested*, HUMAN RIGHTS WATCH, 19 December 2023, <https://www.hrw.org/news/2023/12/19/azerbaijan-prominent-opposition-figure-arrested>; Trial Monitor Notes, 5 March 2025, pg. 23.

⁶⁰ Indictment, 1 June 2024.

the Narimanov District Court in Baku, which ordered four months of pretrial detention.⁶¹ At the hearing, Mr. Yagublu’s counsel requested house arrest, but the court rejected the request, stating that it was likely that, without pretrial detention, Mr. Yagublu would abscond, commit another crime, or interfere with the investigation by destroying evidence or threatening witnesses.⁶² 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 conclusions.⁶³ On 21 December 2023, Mr. Yagublu’s counsel appealed this decision to the Baku Court of Appeals.⁶⁴ The court rejected the appeal.⁶⁵

On 9 January 2024, Mr. Yagublu’s counsel renewed its petition for Mr. Yagublu’s pretrial detention to be substituted with house arrest.⁶⁶ The petition was again 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.⁶⁷ On 17 January 2024, Mr. Yagublu’s counsel appealed the decision, and the court rejected the appeal.⁶⁸

On 4 April 2024, the investigation period for Mr. Yagublu’s case was extended to 11 June 2024,⁶⁹ and on 6 April 2024, the Narimanov District Court extended his pretrial detention for another two months because of the need to “wait[] for the result of the” criminal

⁶¹ Baku City Narimanov District Court, Case No. 4(005)-1701/2023, Decision on Pretrial Detention, 15 December 2023.

⁶² *Id.*

⁶³ *See generally id.*

⁶⁴ Indictment, 1 June 2024.

⁶⁵ *Id.*

⁶⁶ Baku City Narimanov District Court, Case No. 4(005)-14/2024, Decision on House Arrest Petition, 9 January 2024.

⁶⁷ *See generally id.*

⁶⁸ Indictment, 1 June 2024.

⁶⁹ *Id.*, p. 5.

investigation.⁷⁰ On 15 April 2024, the Baku Court of Appeals rejected Mr. Yagublu's appeal of that decision.⁷¹

On 17 January 2025, following the conclusion of the investigation and in the midst of trial hearings (described below), Mr. Yagublu's counsel again requested that he be placed under house arrest instead of continued custodial imprisonment. However, the prosecution maintained that the circumstances surrounding his detention had not changed, and that the purported grounds relied on, including interfering with the evidence and absconding, prevailed, again without offering any supporting evidence.⁷² The court denied the motion after 35 seconds of deliberation, offering no substantive reasoning.⁷³

On 14 February 2025, another motion from Mr. Yagublu's counsel requesting house arrest was denied after a one-minute deliberation by the court.⁷⁴

Mr. Yagublu remained in pretrial detention until 10 March 2025, when he was convicted and sentenced (described below), despite the Azerbaijani courts never providing specific justification for his continued detention.⁷⁵ In total, he was in pre-trial detention for 452 days.

UN Special Procedures Review of Pre-Conviction Detention and Application to the ECtHR

On 11 July 2024, shortly after Mr. Yagublu's trial commenced, Gibson, Dunn & Crutcher LLP and TrialWatch submitted an allegation letter to several UN Special Rapporteurs, expressing concern about Mr. Yagublu's case.⁷⁶ On 17 October 2024, the Special

⁷⁰ *Tofiq 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-foranother-2-months/>. See also *Indictment*, 1 June 2024.

⁷¹ *Indictment*, 1 June 2024, p. 5.

⁷² *Trial Monitor Notes*, 17 January 2025, p. 6.

⁷³ *Id.*, p. 7.

⁷⁴ *Trial Monitor Notes*, 14 February 2025, pp. 3, 10–11; *Trial Monitor Notes*, 19 February 2025, p. 3.

⁷⁵ See *infra* Trial Proceedings below.

⁷⁶ Letter from Gibson, Dunn & Crutcher LLP and TrialWatch to 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, 11 July 2024,

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 Independence of Judges and Lawyers sent a communication to the Government, “express[ing] [their] serious concern in relation to the arrest and the pre-trial detention of Mr. Tofiq Yagublu and his prosecution, which appear to be directly linked to his human rights work, political activism and the exercise of his rights to freedom of expression and of peaceful assembly, including his criticism of the Government, particularly considering the prior pattern of legal harassment against Mr. Yagublu in response to such criticism.”⁷⁷ The Special Rapporteurs requested that the Government provide additional information and evidence about its conduct in connection with Mr. Yagublu’s case.⁷⁸

On 10 December 2024, the Government of Azerbaijan responded, rejecting the allegations in the Special Rapporteurs’ communication. The Government alleged that Mr. Yagublu “caused damage in large scale and committed crimes of fraud, falsification of an official document with the purpose of use, and use of false documents by arranging a criminal contact with his acquaintance [REDACTED] and others.”⁷⁹ The Government further stated that Mr. Yagublu had falsely promised to arrange German residency and citizenship for someone in exchange for a total of 55,827.5 Azerbaijani Manats, had issued false summons to this individual for questioning “in order to create the impression that he was being persecuted by law-enforcement bodies,” and “prepared [a] fake certificate of being a member of the ‘Democracy for Azerbaijan.’”⁸⁰

The Government further asserted that Mr. Yagublu was placed in pre-trial detention because of “the nature of the committed act and the degree of public nature, presence of material and procedural grounds for the selection of preventive detention measures, taking into account the possibility of obstructing the normal course of preliminary investigation or trial by hiding or falsifying materials important for criminal prosecution, re-committing the crime or creating a danger to society,” and “failing to appear at the

<https://cfj.org/wp-content/uploads/2024/07/2024-07-11-Letter-to-UN-Special-Rapporteurs-re-Tofiq-Yagublu.pdf>.

⁷⁷ 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 Independence of Judges and Lawyers, *Communication AL AZE 4/2024*, 17 October 2024, p. 4.

⁷⁸ *Id.*

⁷⁹ Permanent Mission of the Republic of Azerbaijan to the UN Office and other International Organizations in Geneva, *Communication Ref: 0439/ 12/24/40*, 10 December 2024, p. 3.

⁸⁰ *Id.*

summons by the body that carries out the criminal process without valid reason.”⁸¹ The Government alleged that, during the preliminary investigation, neither Mr. Yagublu’s close relatives nor defenders complained of any violation of Mr. Yagublu’s right to be provided with a lawyer.⁸² The Government further stated that, during an interview of Mr. Yagublu conducted by members of the National Preventive Group while Mr. Yagublu was in pre-trial detention, “he did not complain about his detention conditions and treatment.”⁸³

Mr. Yagublu’s lawyers have lodged an application with the ECtHR, alleging violations of Articles 5, 10 and 18 of the ECHR resulting from his arrest and pre-trial detention.⁸⁴

Trial Proceedings

Mr. Yagublu’s trial commenced on 14 June 2024, and on 10 March 2025, he was convicted and sentenced to nine years’ imprisonment.⁸⁵

The prosecution charged Mr. Yagublu under multiple articles of the Azerbaijani Criminal Code,⁸⁶ specifically Articles 178.3.2 (criminalizing fraud causing “large scale damage”), 320.1 (criminalizing forgery of an official document), and 320.2 (criminalizing the use of forged documents).

During the trial, the prosecution presented witnesses who made the following allegations:

- a. Mr. Yagublu’s co-defendant Mr. Mammadov met the alleged victim Mr. Huseynov in mid-2023.⁸⁷ In October 2023, Mr. Huseynov stated he wanted to move abroad to treat an illness, to which Mr. Mammadov responded that he could, with Mr. Yagublu’s assistance, help Mr. Huseynov obtain legal residency in Germany.⁸⁸
- b. In November and December 2023, Mr. Yagublu met with Mr. Mammadov three times to discuss Mr. Huseynov’s situation, all in front of either the building of the Narimanov

⁸¹ *Id.*, pp. 3-4.

⁸² *Id.*, p. 4.

⁸³ *Id.*, p. 4.

⁸⁴ At the time of publication of this report the application to the ECtHR remains pending communication.

⁸⁵ *Azerbaijan: Opposition Activist Tofiq Yagublu Sentenced Following Sham Trial*, AMNESTY INTERNATIONAL, 10 March 2025, <https://www.amnesty.org/en/latest/news/2025/03/azerbaijan-opposition-activist-tofiq-yagublu-sentenced-following-sham-trial/>.

⁸⁶ Indictment, 1 June 2024, pp. 6-7.

⁸⁷ Trial Monitor Notes, 26 July 2024, p. 8; Trial Monitor Notes, 9 August 2024, pp. 12, 22.

⁸⁸ Trial Monitor Notes, 26 July 2024, p. 4; Trial Monitor Notes, 9 August 2024, pp. 12-13.

District Court in Baku or the Baku Court of Appeal on days when Mr. Yagublu was attending trials of other activists.⁸⁹ At these meetings, Mr. Yagublu informed Mr. Mammadov that the process would cost 60,000 Azerbaijani Manat, and Mr. Mammadov provided Mr. Yagublu with a photocopy of Mr. Huseynov's ID and passport.⁹⁰

- c. Between 5 and 7 December 2024, Mr. Huseynov collected 25,000 Euros and 10,000 Azerbaijani Manats, which he handed over to Mr. Mammadov on 8 December.⁹¹ Later that day, Mr. Mammadov then gave 25,000 Euros and 7,000 Azerbaijani Manats to Mr. Yagublu in return for two forged documents and the photocopies of Mr. Huseynov's documents.⁹²
- d. Soon after, Mr. Huseynov discovered that migration services typically only cost between 10,000 and 15,000 Azerbaijani Manats and, after concluding the documents were fake, contacted the Ministry of Internal Affairs.⁹³

The prosecution's case heavily relied on Mr. Mammadov's pretrial confession and Mr. Huseynov, his wife, and his friend Amil Dadashov's pretrial statements.⁹⁴ The prosecution also produced mobile phone records and WhatsApp messages allegedly showing communications between Mr. Mammadov and Mr. Huseynov and video and satellite evidence showing Mr. Yagublu and Mr. Mammadov in front of the courthouse on the relevant days.⁹⁵ The prosecution also relied on the evidence it had allegedly obtained from searches of Mr. Mammadov's office and Mr. Yagublu's home, and forensic analysis which allegedly identified Mr. Mammadov and Mr. Yagublu's fingerprints on various pieces of evidence.⁹⁶

⁸⁹ Indictment, 1 June 2024, p. 8; Trial Monitor Notes, 26 July 2024, pp. 4-5; Trial Monitor Notes, 9 August 2024, pp. 14-15; Trial Monitor Notes, 13 September 2024, p. 5; Trial Monitor Notes, 26 February 2025, p. 4.

⁹⁰ Indictment, 1 June 2024, p. 8; Trial Monitor Notes, 26 July 2024, pp. 4-5; Trial Monitor Notes, 9 August 2024, pp. 14-15; Trial Monitor Notes, 26 February 2025, p. 4.

⁹¹ Indictment, 1 June 2024, pp. 9, 13, 20; Trial Monitor Notes, 9 August 2024, pp. 13, 25, 36; Trial Monitor Notes, 23 August 2024, pp. 13-14; Trial Monitor Notes, 23 August 2024, pp. 18-22.

⁹² Indictment, 1 June 2024, p. 9; Trial Monitor Notes, 26 July 2024, p. 5-6; Trial Monitor Notes, 9 August 2024, p. 8.

⁹³ Indictment, 1 June 2024, p. 14; Trial Monitor Notes, 9 August 2024, pp. 11, 16-17, 35.

⁹⁴ See Judgment, 10 March 2025, pp. 14-15; Trial Monitor Notes, 9 August 2024, p. 34; Trial Monitor Notes, 23 August 2024, pp. 14, 22; Trial Monitor Notes, 17 August 2025, p. 2.

⁹⁵ Indictment, 1 June 2024, pp. 17-22, 24-32, 34-37.

⁹⁶ *Id.*, pp. 33-34, 39.

At trial, Mr. Yagublu's counsel presented a different version of events. Specifically, defense counsel presented witness and other evidence to the effect that:

- a. Mr. Yagublu and Mr. Mammadov were not friends and had only minimal communication. Mr. Yagublu's counsel introduced into evidence Mr. Yagublu's phone and WhatsApp logs that showed minimal communication with only two calls. One call lasted 155 seconds, and Mr. Yagublu testified he ended the call after not recognizing the caller. The second call lasted 26 seconds, and Mr. Yagublu testified he told Mr. Mammadov on that call to stop contacting him, having received four missed calls from that number.⁹⁷
- b. Mr. Yagublu's friend, who was with him on two of the days the prosecution alleges Mr. Yagublu and Mr. Mammadov met, testified that Mr. Mammadov attempted to give Mr. Yagublu documents on the first day, but that he did not approach or speak to Mr. Yagublu on the second day.⁹⁸
- c. At the time the prosecution alleged Mr. Yagublu was meeting Mr. Mammadov to receive payment, Mr. Yagublu was 25 kilometers away from the alleged location of the meeting. This was substantiated with satellite and antenna data from the mobile phones of Mr. Yagublu and his bodyguard and corroborated by testimony from multiple witnesses.⁹⁹
- d. Mr. Yagublu was experiencing financial hardship during the relevant events, which was inconsistent with the theory that he had access to significant amounts of cash (from Mr. Huseynov).¹⁰⁰ The day prior to the search of his house, Ms. Yagublu had to borrow 50 Azerbaijani Manats to pay for her dental care, and Mr. Yagublu, despite owning a car, had been arrested while at a subway station as he could not afford fuel.¹⁰¹

The defense also sought to show inconsistencies in the prosecution's narrative. For example:

- a. Mr. Yagublu's counsel impeached Mr. Huseynov's testimony on several occasions. For example, Mr. Huseynov denied ever having traveled to Israel or having a child there. However, during the cross-examination of Mr. Huseynov, Mr. Yagublu's counsel demonstrated, including with photos, that Mr. Huseynov had traveled to Israel and that

⁹⁷ Trial Monitor Notes, 5 March 2025, pp. 7-8.

⁹⁸ Trial Monitor Notes, 29 November 2024, p. 6;

⁹⁹ Trial Monitor Notes, 6 September 2024, p. 6; Trial Monitor Notes, 18 October 2024, pp. 3-4; Trial Monitor Notes, 29 November 2024, pp. 2-4.

¹⁰⁰ Trial Monitor Notes, 5 March 2025, p. 23.

¹⁰¹ *Id.*

he had a son allegedly working for Israeli special services.¹⁰² This also contradicted Mr. Huseynov's testimony that he had only ever been to Belarus outside of Azerbaijan.¹⁰³

- b. Only Mr. Yagublu's fingerprints were allegedly found on the cash, which undercut the theory that they had passed from Mr. Huseynov to Mr. Mammadov and then to Mr. Yagublu.¹⁰⁴ Further, the physical bills allegedly found in Mr. Yagublu's home did not match the amounts and currencies that the prosecution alleged Mr. Huseynov paid Mr. Yagublu in the indictment.¹⁰⁵

At the same time, Mr. Yagublu's attempts to obtain and introduce additional countervailing evidence were regularly stymied by the court. For example:

- a. Mr. Yagublu's counsel requested leave to adduce the testimony of five defense witnesses to establish Mr. Yagublu's alibi for when he allegedly was meeting with Mr. Mammadov. However, the court only granted leave to introduce the testimony of three of those individuals, stating that even one would be sufficient if they were all testifying as to where Mr. Yagublu was.¹⁰⁶ Despite this ruling, the court later claimed that the testimony of the three witnesses allowed to testify on this point was unreliable because of alleged contradictions in their testimony as to the weather conditions and the duration of the meeting that served as Mr. Yagublu's alibi.¹⁰⁷
- b. The court also ended Mr. Yagublu's questions concerning the source of the funds that Mr. Huseynov allegedly borrowed to pay Mr. Yagublu and about when those alleged loans were repaid, stating that how Mr. Huseynov repaid those funds was not anyone's business, despite Mr. Yagublu's position that it was relevant to showing that Mr. Huseynov never acquired the funds to pay for an alleged visa.¹⁰⁸

¹⁰² Trial Monitor Notes, 23 August 2024, p. 9.

¹⁰³ Trial Monitor Notes, 9 August 2024, pp. 27-29; Trial Monitor Notes, 16 August 2024, pp. 10-11, 28; Trial Monitor Notes, 23 August 2024, pp. 15, 17-18; Trial Monitor Notes, 6 September 2024, p. 4; Trial Monitor Notes, 5 March 2025, pp. 7-9, 24-25.

¹⁰⁴ Trial Monitor Notes, 13 December 2024, pp. 4-5; Trial Monitor Notes, 17 January 2025, pp. 5-6; Trial Monitor Notes, 31 January 2025, pp. 3-4.

¹⁰⁵ Trial Monitor Notes, 13 December 2024, pp. 4-5; Trial Monitor Notes, 17 January 2025, pp. 5-6; Trial Monitor Notes, 31 January 2025, pp. 3-4.

¹⁰⁶ Trial Monitor Notes, 27 September 2024, pp. 1-4.

¹⁰⁷ Judgment, 10 March 2025.

¹⁰⁸ Trial Monitor Notes, 9 August 2024, p. 28.

- c. The judge ended Mr. Yagublu's examination of Mr. Mammadov when Mr. Mammadov refused to answer additional questions.¹⁰⁹ The judge also struck as irrelevant Mr. Yagublu's counsel's questions regarding Mr. Mammadov's past involvement as a victim in a high-profile corruption case related to Azerbaijan's Ministry of National Security and whether he was paid by the Government to appear as a victim in that case.¹¹⁰ Mr. Yagublu's counsel argued it was relevant to Mr. Mammadov's credibility given the other case was related to a government agency connected to President Aliyev and might be indicative of a financial motive to testify on behalf of the prosecution.¹¹¹
- d. Mr. Yagublu's counsel requested that the court obtain and play the WhatsApp voice messages allegedly exchanged between Mr. Huseynov and Mr. Mammadov, which the prosecution had referenced and relied on during trial, but were never produced to the court or the defendant.¹¹² Mr. Yagublu's counsel submitted that the prosecution was refusing to produce the WhatsApp messages because they were fabricated. However, Mr. Yagublu's counsel's motion was denied without explanation.¹¹³
- e. The video discs allegedly recorded during the search of Mr. Yagublu's home were blank.¹¹⁴ While Azerbaijani law requires a video recording of a search or, in the event there is no video recording, witness testimony, the court denied Mr. Yagublu's request to question witnesses in relation to the search, despite Mr. Yagublu's counsel alleging several procedural violations in conducting the search and contradictions in police reports.¹¹⁵
- f. Evidence regarding Mr. Mammadov's cellphone location data was only released to Mr. Yagublu and his counsel on 31 January 2025, after 13 hearings had passed, and contained around 200 pages of incomplete data.¹¹⁶ The information provided was insufficient to allow Mr. Yagublu's counsel to cross-reference Mr. Mammadov's phone records with Mr. Huseynov's records in the same period.
- g. Mr. Yagublu's counsel requested that the court review Mr. Huseynov's original passport because, in spite of his testimony that he had never traveled to Germany, Mr. Yagublu had been told that Mr. Huseynov had made multiple trips there for car

¹⁰⁹ *Id.*, p. 7.

¹¹⁰ Trial Monitor Notes, 13 September 2024, p. 7.

¹¹¹ *Id.*, p. 7.

¹¹² Trial Monitor Notes, 14 February 2025, p. 9; Trial Monitor Notes, 19 February 2025, pp. 3-4.

¹¹³ Trial Monitor Notes, 14 February 2025, p. 9; Trial Monitor Notes, 19 February 2025, pp. 3-4.

¹¹⁴ Trial Monitor Notes, 14 February 2025, p. 2.

¹¹⁵ *Id.*, p. 2; Trial Monitor Notes, 26 February 2025, p. 3.

¹¹⁶ Trial Monitor Notes, 31 January 2025, pp. 2-4.

trading, undermining his claim of ignorance regarding the visa process.¹¹⁷ Counsel's request was denied, and the court ruled that an unclear and incomplete copy of the passport was sufficient.¹¹⁸

Throughout the trial, Mr. Yagublu's counsel also raised several concerns about the prosecution's evidence. For example:

- a. The case files show that Mr. Huseynov was identified as a victim to the crime prior to either Mr. Huseynov's or Mr. Mammadov's statements or interrogations.¹¹⁹ Mr. Yagublu's counsel submitted that this indicated pre-judgment as to the veracity of Mr. Huseynov's allegations on their face.¹²⁰
- b. The indictment also described evidence that was never produced. For example, the indictment refers to a video that allegedly showed Mr. Yagublu and Mr. Mammadov standing side-by-side outside a courthouse, but no such video was ever submitted onto the record.¹²¹
- c. The prosecution submitted several handwritten documents as evidence without authentication, violating Articles 125 and 145 of the Criminal Procedure Code ("**CPC**") on the procedural requirements for handling evidence.¹²² Article 145.1 of the CPC requires that "[a]ll evidence shall be assessed as to its relevance, credibility and reliability," and Article 125 establishes that if "evidence is taken . . . from an unknown source," it "shall be regarded as invalid and may not be used to prove any circumstance with a view to determining a charge correctly."¹²³

During the trial, Mr. Yagublu's counsel also raised numerous procedural violations and irregularities:

¹¹⁷ Trial Monitor Notes, 26 July 2024, pp. 10-11; Trial Monitor Notes, 31 January 2025, pp. 6-7; Trial Monitor Notes, 19 February 2025; Trial Monitor Notes, 5 March 2025, p. 10; Trial Monitor Notes, 10 March 2025, p. 7.

¹¹⁸ Trial Monitor Notes, 31 January 2025, pp. 6-7; Trial Monitor Notes, 10 March 2025, p. 7.

¹¹⁹ Trial Monitor Notes, 31 January 2025, pp. 3-4; Trial Monitor Notes, 5 March 2025, p. 13.

¹²⁰ Trial Monitor Notes, 29 December 2024, p. 3; Trial Monitor Notes, 31 January 2025, p. 3.

¹²¹ Trial Monitor Notes, 5 March 2025, pp. 5-6 (Mr. Yagublu noting that no such video evidence was produced over the course of the trial).

¹²² Trial Monitor Notes, 26 February 2025, pp. 3-4.

¹²³ Code of Criminal Procedure of the Azerbaijan Republic, arts. 124, 145.1, *available at* https://www.unodc.org/cld/uploads/res/document/aze/2000/code_of_criminal_procedure_of_the_azerbaijan_republic_english_html/Azerbaijan_Code_of_Criminal_Procedure_of_the_Azerbaijan_Republic_2000.pdf.

- a. Mr. Yagublu was confined in a glass cage at every hearing, often making it difficult for him to hear or be heard. His requests for those giving testimony to use a microphone so he could hear them more clearly were also denied. He was therefore unable to clearly listen to the testimony and evidence being proffered against him, a concern he raised with, and that was not addressed by, the court.¹²⁴
- b. Notes that Mr. Yagublu passed to his lawyers were intercepted on a number of occasions and reviewed by guards.¹²⁵ Documents that Mr. Yagublu's counsel passed to him were also inspected, and when his lawyers objected, the court stated that the guards were permitted to first check the documents "for safety" and that it was their job.¹²⁶ Mr. Yagublu's complaints that the guards were reading the contents of the notes and not just inspecting them for weapons or other dangerous items also went unaddressed.¹²⁷
- c. Journalists were initially barred from attending the trial, and when they were finally permitted to attend, their phones and other equipment were confiscated.¹²⁸ The defense argued that this was an obstruction to journalists' professional activity, and Mr. Yagublu noted that other recent trials permitted live broadcasting or reporting by journalists.¹²⁹ The court stated that in order to record, journalists must submit an official application, but refused to provide a legal basis for this requirement.¹³⁰
- d. Mr. Yagublu's counsel's requests for a larger courtroom were never acknowledged, even though the trial was held in a small courtroom mostly filled with security personnel and other Government-affiliated individuals, with little space for civil society or family observers.¹³¹
- e. While Mr. Yagublu was detained, detention center officials read through Mr. Yagublu's trial notes and confiscated his notebook and pens without explanation.¹³² The

¹²⁴ Trial Monitor Notes, 26 July 2024, p. 4.

¹²⁵ Trial Monitor Notes, 26 July 2024, p. 4; Trial Monitor Notes, 16 August 2024, pp. 2, 5; Trial Monitor Notes, 10 March 2025, p. 1.

¹²⁶ Trial Monitor Notes, 16 August 2024, p. 2; Trial Monitor Notes, 29 December 2024, p. 1.

¹²⁷ Trial Monitor Notes, 16 August 2024, p. 6.

¹²⁸ Trial Monitor Notes, 26 July 2024, pp. 1-2; Trial Monitor Notes, 9 August 2024, pp. 1-2; Trial Monitor Notes, 16 August 2024, pp. 2-4; Trial Monitor Notes, 19 February 2025, p. 1; Trial Monitor Notes, 5 March 2025, p. 1.

¹²⁹ Trial Monitor Notes, 26 July 2024, p. 2.

¹³⁰ Trial Monitor Notes, 16 August 2024, pp. 2-4.

¹³¹ Trial Monitor Notes, 9 August 2024, p. 3

¹³² Trial Monitor Notes, 16 August 2024, pp. 5-6.

confiscated notes included questions Mr. Yagublu intended for his lawyers or himself to ask witnesses.¹³³

Over the course of two trial days on 9 and 10 March 2025, Mr. Yagublu presented a detailed account highlighting the flaws in the prosecution's case.¹³⁴ After 19 days of trial over the course of approximately seven and a half months, the court deliberated immediately following the conclusion of Mr. Yagublu's closing statement for only five minutes before delivering its verdict.¹³⁵ Mr. Yagublu was convicted on all three charges (fraud on a large scale, forgery, and use of a forged document).¹³⁶

Judgment

In its judgment issued on 10 March 2025, the court dismissed the testimony of Mr. Yagublu as lacking credibility, characterizing his statements as self-serving and unsupported by the evidence presented by the prosecution.¹³⁷ The court also rejected Ms. Yagublu's testimony concerning the search of her house and her statement that no money was found, describing her account as self-serving and uncorroborated.¹³⁸ Instead, it accepted as credible the police-prepared search records, which claimed that Ms. Yagublu had stated the money discovered belonged to her and her husband.¹³⁹ The court also disregarded the testimony of Mr. Yagublu's additional witnesses as unreliable.¹⁴⁰

The court found the prosecution's evidence credible and sufficient to support its finding that Mr. Yagublu had committed the alleged crime.¹⁴¹ In contrast, the court disregarded the testimony of other defense witnesses, asserting that their accounts conflicted with the

¹³³ *Id.*, pp. 6-7.

¹³⁴ Trial Monitor Notes, 10 March 2025, p. 11.

¹³⁵ *Id.*, p. 11.

¹³⁶ Trial Monitor Notes, 10 March 2025, pp. 12-13; Judgment, pp. 11, 47.

¹³⁷ Judgment, 10 March 2025.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

established evidence.¹⁴² It further concluded that the materials submitted by Mr. Yagublu in his defense did not amount to reliable evidence capable of proving his innocence.¹⁴³

Based on his conviction on all three charges, Mr. Yagublu was sentenced to nine years' imprisonment, while Mr. Mammadov received an eight-year sentence.¹⁴⁴

Appeal

Following Mr. Yagublu's sentencing, his counsel appealed the decision.¹⁴⁵ On 1 April 2025, Mr. Yagublu went on a hunger strike to protest his conviction, which he ended after 40 days at his daughter's request and due to his deteriorating health.¹⁴⁶ During Mr. Yagublu's hunger strike, his counsel requested that he be released into house arrest on the basis of his deteriorating health, but the Baku Court of Appeal rejected the request.¹⁴⁷

On 20 May 2025, the Baku Court of Appeal affirmed Mr. Yagublu's nine-year prison sentence.¹⁴⁸ The Court of Appeal held that the lower court had "thoroughly and objectively" examined all the evidence of "great importance" and ruled that the evidence Mr. Yagublu provided in his appeal was not admissible, without providing reasons, and merely stated that the defense evidence could not be considered "important."¹⁴⁹ The Court of Appeal rejected Mr. Yagublu's argument that he was being prosecuted in

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ Tom Lantos Human Rights Commission, *Tofiq Yagublu*, UNITED STATES CONGRESS, <https://humanrightscommission.house.gov/defending-freedom-project/prisoners-by-country/AZERBAIJAN/TOFIG-YAGUBLU> (last visited 17 March 2026).

¹⁴⁶ Aytan Farhadova, *Imprisoned Azerbaijani Politician Tofiq Yagublu Ends Hunger Strike After 40 Days*, OC MEDIA, 12 May 2025, <https://oc-media.org/imprisoned-azerbaijani-politician-tofiq-yagublu-ends-hunger-strike-after-40-days/>.

¹⁴⁷ Aytan Farhadova, *Azerbaijani Opposition Politician Tofiq Yagublu Denied House Arrest Despite Deteriorating Health*, 6 May 2025, <https://oc-media.org/azerbaijani-opposition-politician-tofiq-yagublu-denied-house-arrest-despite-deteriorating-health/>.

¹⁴⁸ *Azerbaijan: Jail Sentence Against Opposition Leader Tofiq Yagublu Upheld in "Sham Court Hearing"*, AMNESTY INTERNATIONAL, 20 May 2025, <https://www.amnesty.org/en/latest/news/2025/05/azerbaijan-jail-sentence-against-opposition-leader-tofiq-yagublu-upheld-in-sham-court-hearing/>.

¹⁴⁹ Baku Court of Appeal, Judgment, 20 May 2025.

connection with his political activism.¹⁵⁰ As a result, the Court of Appeal declined to vacate the judgment of the lower court.¹⁵¹

In September 2025, Mr. Yagublu's counsel appealed the Court of Appeal's decision to the Supreme Court of Azerbaijan.¹⁵² Hearings took place on 6 November and 19 December 2025.¹⁵³ As at the date of publication of this report, the Supreme Court has yet to announce its decision.¹⁵⁴

Mr. Yagublu currently remains in prison. Mr. Yagublu's local counsel recently reported that he was having serious health problems.¹⁵⁵ Despite being placed in a treatment facility, he was reportedly not being examined or treated by a doctor of his choice. In February 2026, Mr. Yagublu went on another hunger strike for 26 days in protest of his detention conditions, including being held in solitary confinement for a period of time and having basic items removed from his cell during a search, according to his lawyers.¹⁵⁶

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² See Cassation Appeal, September 2025.

¹⁵³ See Appeal Monitor Notes, 6 November 2025; Appeal Monitor Notes, 19 December 2025.

¹⁵⁴ According to Mr. Yagublu's defense lawyers, at least one hearing for delivery of the judgment was postponed apparently due to ill-health of the judge.

¹⁵⁵ *Imprisoned Opposition Politician Tofiq Yagublu Reportedly Loses Consciousness During Hunger Strike*, 13 March 2026, MEYDAN.TV, <https://www.meydan.tv/en/article/friday-wrap-up-yagublu-loses-consciousness-during-hunger-strike-eu-council-president-discusses-energy-cooperation-in-baku-pashinyan-tells-european-parliament-peace-with-azerbaijan-effectiv/>.

¹⁵⁶ *Relatives Reported a Deterioration in the Condition of the Starving Azerbaijani Politician*, CAUCASIAN KNOT, 2 March 2025, <https://www.eng.kavkaz-uzel.eu/articles/73242>.

METHODOLOGY

A. MONITORING PHASE

As part of the Clooney Foundation for Justice’s TrialWatch initiative, this case was monitored through a combination of in-person monitoring in court by a monitor based in Baku, who speaks fluent Azerbaijani and is familiar with the domestic legal system, and review of case documents.

B. ASSESSMENT PHASE

To evaluate the trial’s fairness and arrive at a grade of D, Professor Brown relied on notes prepared by the trial monitor as well as various court documents, including the indictment, the trial court’s detention orders and final judgment, the appellate court decision, party briefs, publicly available reports on Azerbaijani officials’ actions targeting domestic political dissidents, and analysis of the case and of the political and legal context in Azerbaijan prepared by Gibson Dunn & Crutcher LLP and set out in this report.

Based on his examination of the record, Professor Brown concludes that the proceedings violated rights protected by the ECHR and the ICCPR. Specifically, there were violations of Mr. Yagublu’s rights defined in ECHR Article 5 and ICCPR Article 9(3), which prohibit unreasonable pretrial detention; his ECHR Article 3 and ICCPR Article 7 right against degrading treatment; and his ECHR Article 6 and ICCPR Article 14 rights to adequately prepare his defense, communicate confidentially with his lawyers, to effectively participate in his defense, to call and confront witness, and to be tried by an independent and impartial tribunal. Additionally, Professor Brown found that based on the evidence, Mr. Yagublu’s prosecution constituted an abuse of process, apparently for ulterior political purposes—to hinder his freedom of political expression and his effectiveness as a political opposition leader and journalist—in violation of ECHR Article 18.

ANALYSIS



A. APPLICABLE LAW

This report draws upon the ICCPR; jurisprudence from the UN Human Rights Committee, tasked with monitoring implementation of the ICCPR; the ECHR; and jurisprudence from the ECtHR, tasked with monitoring implementation and enforcement of the ECHR. Azerbaijan acceded to the ICCPR in 1992 and ratified the ECHR in 2002.¹⁵⁷ The following analysis assesses the compatibility of Mr. Yagublu’s treatment with Azerbaijan’s human rights obligations under international law.

B. VIOLATIONS

The Right Not to Be Subject to Arbitrary Pre-Trial Detention

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.”¹⁵⁸ Article 9(3) of the ICCPR further provides in relevant part that “[a]nyone arrested or detained on a criminal charge . . . shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial.”¹⁵⁹ Article 5 of the ECHR also provides that “[e]veryone arrested or detained in accordance with the provisions of paragraph 1(c) of this Article shall be . . . entitled to trial within a reasonable time or to release pending trial.”¹⁶⁰

¹⁵⁷ On 25 January 2024, the Parliamentary Assembly of the Council of Europe adopted a resolution to not ratify the credentials of the Azerbaijani delegation—meaning the delegation could not participate in the election of ECtHR judges—on the basis that Azerbaijan had “not fulfilled major commitments” stemming from joining the Council of Europe. Council of Europe, *PACE Resolves Not to Ratify the Credentials of Azerbaijan’s Parliamentary Delegation, Citing a Failure to Fulfil ‘Major Commitments’*, 25 January 2024, <https://www.coe.int/en/web/portal/-/pace-resolves-not-to-ratify-the-credentials-of-azerbaijan-s-parliamentary-delegation-citing-a-failure-to-fulfil-major-commitments-?ref=oc-media.org>. As a result, at an international forum on 9 April 2025, President Aliyev announced that Azerbaijan would consider all ECtHR decisions invalid since Azerbaijan could not participate in the election of ECtHR judges. President of the Republic of Azerbaijan Ilham Aliyev, *International Forum Themed “Facing the New World Order” was Held at ADA University with Participation of Ilham Aliyev*, 9 April 2025, <https://president.az/en/articles/view/68514?ref=oc-media.org>.

¹⁵⁸ ICCPR, art. 9.

¹⁵⁹ ICCPR, art. 9(3).

¹⁶⁰ ECHR, art. 5(3).

The UN Human Rights Committee has explained that as a general principle under ICCPR Article 9(3), “[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,”¹⁶¹ and “[p]ersons who are not released pending trial must be tried as expeditiously as possible, to the extent consistent with their rights of defence.”¹⁶² While “[i]mpediments to the completion of the investigation may justify additional time,” reliance on “general conditions of understaffing or budgetary constraint do not.”¹⁶³ Accordingly, “[w]hen delays become necessary, the judge must reconsider alternatives to pretrial detention.”¹⁶⁴ Moreover, whenever possible, States should “ensure that measures less restrictive than detention are available.”¹⁶⁵

With respect to ECHR Article 5, “the presumption under Article 5 is in favour of release” because “[u]ntil conviction, [the accused] must be presumed innocent, and the purpose of Article 5 § 3 is essentially to require his provisional release once his continuing detention ceases to be reasonable.”¹⁶⁶ Applying Article 5, the ECtHR has 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 pretrial detention.¹⁶⁷ Prolonged pretrial detention is only justified “if there are specific indications of a genuine requirement of public interest, which, notwithstanding the presumption of innocence, outweighs the rule of respect for individual liberty laid down in Article 5,” and courts must “examine all the facts arguing for or against the existence of [such] public interest justifying a departure from the rule in

¹⁶¹ 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.

¹⁶² ICCPR General Comment No. 35, HUMAN RIGHTS COMMITTEE, 16 Dec. 2014, ¶ 37.

¹⁶³ *Id.* See also *Fillastre and Bizouarn v. Bolivia*, U.N. Doc. CCPR/C/40/D/336/1988, 5 Nov. 1991, ¶ 6.5; *Sextus v. Trinidad and Tobago*, U.N. Doc. CCPR/C/72/D/818/1998, 16 July 2001, ¶¶ 4.2, 7.2.

¹⁶⁴ ICCPR General Comment No. 35, HUMAN RIGHTS COMMITTEE, 16 Dec. 2014, ¶ 37.

¹⁶⁵ UN Human Rights Committee, *Report of the Working Group on Arbitrary Detention*, UN Doc. No. A/HRC/19/57, 26 December 2011, ¶ 76.

¹⁶⁶ *Aliyev v. Azerbaijan*, European Court of Human Rights, App. No. 45875/06, Judgment, 6 March 2012, ¶ 85.

¹⁶⁷ *Piruzyan v. Armenia*, European Court of Human Rights, App. No. 33376/07, Judgment, 26 September 2012, ¶ 99.

Article 5 and must set them out in their decisions on the applications for release.”¹⁶⁸ The ECtHR has held that “it is incumbent on the authorities, rather than the detainee, to establish the persistence of reasons justifying continued pre-trial detention” as such reasons “can by their very nature change over time.”¹⁶⁹ Moreover, the UN Human Rights Committee has also confirmed that States have an obligation to engage in “periodic re-examination of whether [detention] continues to be reasonable and necessary in light of possible alternatives.”¹⁷⁰

In this case, Mr. Yagublu was subject to 452 days (almost 15 months) of pre-trial detention from 14 December 2023 to 10 March 2025. This pre-trial detention was arbitrary because it was not proportional, reasonable, or necessary for the reasons identified below.

In requesting that Mr. Yagublu be detained pretrial, the prosecution failed to identify any concrete reason that would make Mr. Yagublu’s pretrial detention reasonable and necessary.¹⁷¹ Then, in response to the prosecution’s request, the Narimanov District Court granted that request and ordered Mr. Yagublu to be placed in pretrial detention for an initial period of four months on the alleged basis that Mr. Yagublu would abscond, commit another crime, or interfere with the investigation by destroying evidence or threatening witnesses, but failed to cite any specific information or provide any reasoning to support these conclusions.¹⁷² In fact, Mr. Yagublu has been prosecuted repeatedly by the authorities and has no reported history of ever having absconded or interfering with an investigation.

The Narimanov District Court extended Mr. Yagublu’s pretrial detention several times.¹⁷³ Each of Mr. Yagublu’s counsel’s petitions for pretrial detention to be substituted with house arrest was rejected, without the court providing any evidence or explanation of its conclusions that Mr. Yagublu was likely to abscond, commit another crime, or interfere with the investigation.¹⁷⁴ The court’s only explanation for the continued detention was the

¹⁶⁸ *Aliyev v. Azerbaijan*, European Court of Human Rights, App. No. 45875/06, Judgment, 6 March 2012, ¶¶ 86-87.

¹⁶⁹ *Merabishvili v. Georgia*, European Court of Human Rights, App. No. 72508/13, Judgment, 28 November 2017, ¶ 234.

¹⁷⁰ ICCPR General Comment No. 35, HUMAN RIGHTS COMMITTEE, 16 Dec. 2014, ¶ 38.

¹⁷¹ Baku City Narimanov District Court, Case No. 4(005)-1701/2023, Decision on Pretrial Detention, 15 December 2023, p. 4.

¹⁷² *Id.*

¹⁷³ *See supra* notes 66, 70, 73, 74.

¹⁷⁴ *Id.*

severity of Mr. Yagublu's alleged crimes.¹⁷⁵ However, the ECtHR has held that the severity of an alleged crime "cannot by itself serve to justify long periods of detention on remand."¹⁷⁶ As the ECtHR has noted, "using a stereotyped formula merely listing the grounds for detention without addressing the specific facts of the [accused person's] case"¹⁷⁷ constitutes grounds for finding a violation of Mr. Yagublu's rights.

Accordingly, the detention of Mr. Yagublu prior to and during trial and the court's refusal to permit house arrest as an alternative to pre-trial detention is arbitrary and contrary to the State's 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.¹⁷⁸

Right to a Fair Trial

The evidence supports that Mr. Yagublu's right to a fair trial was violated in several ways. Specifically, Mr. Yagublu was: (i) denied the right to call and examine witnesses to support his defense; (ii) denied the right to have adequate time and facilities for the preparation of his defense; (iii) denied the right to confidentially communicate with his attorneys as his communications with his counsel were impeded or read by officers; (iv) denied the presumption of innocence by being kept in a glass cage throughout his pretrial and trial proceedings; (v) denied the right to a defense by being unable to clearly hear witnesses and be heard due to being confined in a glass cage; and (vi) denied the right to a reasoned judgment. These violations have not to date been cured on appeal.

Right to Call and Examine Witnesses

Article 14(3)(e) of the ICCPR provides that a defendant has the right "[t]o examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against them."¹⁷⁹ Article 6(3) of the ECHR also guarantees the right of an accused "to examine or have examined witnesses against him and to obtain the attendance and examination of

¹⁷⁵ *Id.*

¹⁷⁶ *Aliyev v. Azerbaijan*, European Court of Human Rights, App. No. 45875/06, Judgment, 6 March 2012, ¶ 92.

¹⁷⁷ *Id.* ¶¶ 95-96.

¹⁷⁸ See *infra* Ulterior Purpose below.

¹⁷⁹ ICCPR, art. 14(3)(e).

witnesses on his behalf under the same conditions as witnesses against him.”¹⁸⁰ The UN Human Rights Committee has noted that “this guarantee is important for ensuring an effective defence by the accused and their counsel and thus guarantees the accused the same legal powers of compelling the attendance of witnesses and of examining or cross-examining any witnesses as are available to the prosecution.”¹⁸¹

On the right to call defense witnesses, the ECtHR has developed a two-pronged test to establish whether the inability of an applicant to call a defense witness constitutes a fair trial violation: (1) “whether the applicant substantiated his or her request to call a particular witness by referring to the relevance of that individual’s testimony for ‘the establishment of the truth’” and (2) “whether the domestic courts’ refusal to call that witness undermined the overall fairness of the proceedings.”¹⁸² This two-pronged test is satisfied if an applicant “submits a request which is sufficiently reasoned, relevant to the subject matter of the accusation and can arguably strengthen the position of the defence or lead to his or her acquittal.”¹⁸³ Further, the ECtHR has held that, following a request by the defense to examine a witness whose testimony could strengthen the defense’s position or give rise to an acquittal, “the domestic authorities must provide relevant reasons for dismissing such a request.”¹⁸⁴

With respect to the right to cross-examination of adverse witnesses, “the rights of the defence . . . , as a rule, require that the accused should be given an adequate and proper opportunity to challenge and question a witness against him.”¹⁸⁵ The ECtHR has found a violation of this right where the only incriminating evidence against an applicant was the statement of a witness, the applicant was unable to cross-examine that witness at trial, and “no good reason has been shown for the failure to have [that witness] examined.”¹⁸⁶ The ECtHR has also found that an “applicant’s defence rights were significantly restricted”

¹⁸⁰ ECHR, art. 6(3)(d).

¹⁸¹ 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, ¶ 39.

¹⁸² *Murtazaliyeva v. Russia*, European Court of Human Rights, App. No. 36658/05, Judgment, 18 December 2018, ¶ 141.

¹⁸³ *Id.* ¶ 144.

¹⁸⁴ *Id.* ¶ 146.

¹⁸⁵ *Efendiyev v. Azerbaijan*, European Court of Human Rights, App. No. 27304/07, Judgment, 18 March 2015, ¶ 41.

¹⁸⁶ *Id.* ¶¶ 46-48.

where he was not allowed to question a witness “about the factors that might undermine the credibility of his testimony.”¹⁸⁷

In this case, as described above, Mr. Yagublu requested admission of the testimony of five defense witnesses who could establish his alibi for a key date in the case. However, the court only permitted the testimony of three individuals on the alleged basis that three witnesses should be sufficient, but it later disregarded their testimony on the alleged basis that they were unreliable.¹⁸⁸

Further, the court rejected Mr. Yagublu’s counsel’s request to cross-examine prosecution witnesses regarding the search of his home, an Azerbaijani legal requirement when (as in this case) no video recording of a search exists.¹⁸⁹ In disallowing questions that challenged the Government’s case, the court violated Mr. Yagublu’s right to cross-examine witnesses.

Mr. Yagublu also attempted to cross-examine Mr. Mammadov on his past involvement in a high-profile corruption case involving Azerbaijan’s Ministry of National Security, arguing it was relevant to assess his credibility because he might have had an incentive to cooperate with the authorities (and thus falsely accuse Mr. Yagublu) if he had previously also been paid to appear as a victim in a government-related case, but the court struck the questions as being irrelevant.¹⁹⁰ Mr. Yagublu was also not permitted to question Mr. Huseynov in detail about the source of the funds he allegedly paid to Mr. Yagublu as well as how those funds were allegedly repaid to his lenders, again on the basis that such questions were allegedly irrelevant.¹⁹¹ In fact, this line of questioning could have helped to establish that Mr. Huseynov never had the funds to give to Mr. Mammadov to pay Mr. Yagublu and discredit the alleged evidence regarding the money found in Mr. Yagublu’s home.

The court’s rejection of additional proposed defense witnesses and restriction of lines of cross-examination, which go to the credibility of Mr. Mammadov and the source of key physical evidence in the case, infringed on Mr. Yagublu’s fair trial rights.

¹⁸⁷ *Pichugin v. Russia*, European Court of Human Rights, App. No. 38623/03, Judgment, 18 March 2013, ¶¶ 211-13.

¹⁸⁸ See *supra* nn. 106-107.

¹⁸⁹ See *supra* nn. 114-115.

¹⁹⁰ See *supra* n. 110.

¹⁹¹ See *supra* n. 108.

Right to Adequate Time and Facilities for Preparation of a Defense

Article 14(3)(b) of the ICCPR provides that a defendant has the right “[t]o have adequate time and facilities for the preparation of his defence.”¹⁹² ECHR Article 6(3)(b) similarly protects the right “to have adequate time and facilities for the preparation of his defence.”¹⁹³

The UN Human Rights Committee has determined that adequate facilities require “access to documents and other evidence” including “all materials that the prosecution plans to offer in court against the accused or that are exculpatory.”¹⁹⁴ Exculpatory material includes not only evidence that could establish an accused person’s innocence, but “also other evidence that could assist the defence.”¹⁹⁵

Here, the prosecution failed to produce some of the evidence referenced and relied on in the investigation (and cited in the indictment) and trial, such as WhatsApp voice messages allegedly exchanged between Mr. Huseynov and Mr. Mammadov, a video allegedly showing Mr. Yagublu and Mr. Mammadov standing side-by-side, and the video recording of the search of the Yagublu home.¹⁹⁶ Similarly, the court refused to order the production of such evidence, despite applications from Mr. Yagublu’s counsel.¹⁹⁷ Without access to such evidence, Mr. Yagublu’s counsel was unable to sufficiently prepare his defense, and Mr. Yagublu’s right to adequate time and facilities for the preparation of a defense was violated. Additionally, significant (and lengthy) evidence regarding Mr. Mammadov’s cellphone location was only disclosed late in the trial, and Mr. Yagublu or his counsel did not have sufficient time to review and cross-reference this data with Mr. Huseynov’s records in the same period.¹⁹⁸

¹⁹² ICCPR, art. 14(3)(b).

¹⁹³ ECHR, art. 6(3)(b).

¹⁹⁴ 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, ¶ 33.

¹⁹⁵ *Id.*

¹⁹⁶ *See supra* notes 112-114, 121, 114-115.

¹⁹⁷ *Id.*

¹⁹⁸ *See supra* note 116 (noting that the newly received documents included two CDs with over 200 pages of data that Mr. Yagublu protested his counsel would not have enough time to examine it all).

Right to Confidentially Communicate with Legal Counsel

Article 14(3)(b) of the ICCPR guarantees that, “[i]n the determination of any criminal charge against him, everyone shall be entitled . . . to communicate with counsel of his own choosing.”¹⁹⁹

The UN Human Rights Committee has expressly confirmed that it considers the inability to consult with one’s legal counsel in private “constitutes a violation” of Article 14(3)(b) of the ICCPR.²⁰⁰ This right means that “[c]ounsel should be able . . . to communicate with the accused in conditions that fully respect the confidentiality of their communications.”²⁰¹ The ECtHR has held that “an accused’s right to communicate with his lawyer without the risk of being overheard by a third party is one of the basic requirements of a fair trial in a democratic society; otherwise legal assistance would lose much of its usefulness.”²⁰² An applicant feeling “ill at ease” when discussing his or her case with his or her attorneys has been highlighted by the ECtHR as a consideration when finding violations of the right to confidentially communicate with one’s counsel.²⁰³ The ECtHR has also found that the right to counsel has been violated in cases where the defendant has been placed in a cage during hearings, observing that this impedes the defendant’s ability to communicate confidentially with their lawyer.²⁰⁴

The ECtHR has further held that Article 8 ECHR protects the confidentiality of communications in “whatever form [they] t[ake],” including in the form of “a folded sheet of paper on which a lawyer ha[s] written a message before handing it to his client[.]”²⁰⁵

¹⁹⁹ ICCPR, art. 14(2).

²⁰⁰ *Gridin v. Russian Federation*, HRC Communication No. 770/1997, 18 July 2000, ¶ 8.5.

²⁰¹ 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, ¶ 34.

²⁰² *Belousov v. Russia*, European Court of Human Rights, App. Nos. 2653/13 and 60980/14, 6 March 2017, ¶ 149.

²⁰³ *Sakhnovskiy v. Russia*, European Court of Human Rights, App. No. 21272/03, Judgment 2 November 2010, ¶ 104.

²⁰⁴ *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).

²⁰⁵ Press Release, *Interception by a Police Officer of Pieces of Paper Handed Over by a Lawyer to his Clients, Who Were Under Police Escort, was not Justified*, European Court of Human Rights, 25 May 2018, <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-6092428-7852145&filename=Judgment%20Laurent%20v.%20France%20-%20interception%20of%20correspondence%20>

Such an exchange is privileged and cannot be monitored by the state without “reasonable cause to believe that it contained an illicit enclosure which the normal means of detection failed to disclose,” and an unjustified interception of such documents would constitute a violation of the ECHR.²⁰⁶

During the trial, not only was Mr. Yagublu unable to have private conversations with his counsel because he was kept in a glass cage, but his notes to his lawyers were regularly intercepted and reviewed by guards.²⁰⁷ Despite Mr. Yagublu’s complaints that they were reading these notes, the court stated that this was the protocol and done for safety.²⁰⁸ These circumstances meant that Mr. Yagublu could reasonably have “felt ill at ease when he discussed his case with”²⁰⁹ his counsel because those communications were not confidential and were being reviewed by State officials. Additionally, the interception of privileged notes between Mr. Yagublu and his counsel in itself constituted a violation of the ECHR Article 8, which protects the right to respect for private life and correspondence. Accordingly, Mr. Yagublu’s right to confidentially communicate with legal counsel was also violated.

Prohibition of Degrading Treatment and Interplay with the Right to Presumption of Innocence

Article 7 of the ICCPR states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”²¹⁰ This right is also enshrined in Article 3 of the ECHR.²¹¹ When degrading treatment takes the form of the defendant’s unnecessary, segregated confinement in the courtroom, the ECtHR has repeatedly found Article 3 to be violated in ways that also undermine the Article 6 right to a fair trial and the procedural guarantee of the presumption of innocence.

between%20a%20lawyer%20and%20his%20clients%20.pdf (reporting *Laurent v. France*, European Court of Human Rights, App. No. 28798/13, 24 August 2018, ¶ 36).

²⁰⁶ *Id.*

²⁰⁷ *See supra* nn. 125-127.

²⁰⁸ *Id.*

²⁰⁹ *Sakhnovskiy v. Russia*, European Court of Human Rights, App. No. 21272/03, Judgment 2 November 2010, ¶ 104 (noting that where an applicant could only communicate with his lawyer via a video-conferencing system installed and operated by the State, he “*might legitimately have felt ill at ease when he discussed his case*”).

²¹⁰ ICCPR, art. 7.

²¹¹ ECHR, art. 3.

More specifically, a state violates the Article 3 prohibition on degrading treatment when court hearings are conducted in a manner that suggests that the defendant is guilty because he is sequestered in a metal cage or similar structure. Confining a defendant in such an enclosure, without clear justification, is not only degrading; it also undermines the defendant's right to a fair trial by improperly suggesting his dangerousness to the judges, jury, and the public and thereby undermining the presumption of innocence. In one such case, the ECtHR noted the "harsh image" of the defendant in a cage, even in pre-trial hearings, "could lead an average observer to believe that an extremely dangerous criminal was on trial."²¹² In a case before the Grand Chamber, the ECtHR found that the applicants' confinement in metal cages throughout the trial must have created "objectively justified fears that their exposure in a cage during hearings in their case would convey to their judges, who were to take decisions on the issues concerning their criminal liability and liberty, a negative image of them as being dangerous to the point of requiring such an extreme physical restraint, thus undermining, or at least tainting, the presumption of innocence."²¹³

While glass enclosures are not necessarily as degrading and unfair as metal cages, in specific contexts they can be—including when they are used without a specific justification based on a defendant's dangerousness and, as in Mr. Yagublu's case, when they impair the defendant's participation in the trial or communication with counsel. In two recent decisions, the ECtHR has found that glass enclosures violated ECHR Article 3.²¹⁴

The ICCPR similarly disapproves such practices. The UN Human Rights Committee has held that, in accord with ICCPR Article 14 fair trial guarantee, "[d]efendants should normally 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."²¹⁵ In *Pustovoit v. Ukraine*,

²¹² *Piruzyan v. Armenia*, European Court of Human Rights, App. No. 33376/07, Judgment, 26 September 2012, ¶¶ 70-74.

²¹³ *Svinarenko and Slyadnev v. Russia*, European Court of Human Rights, App. Nos. 32541/08 and 43441/08, Judgment, 17 July 2014, ¶ 133.

²¹⁴ *Mariya Alekhina and Others v. Russia*, European Court of Human Rights, App. No. 38004/12, Judgment, 3 December 2018, ¶¶ 143-150; *Yaroslav Belousov v. Russia*, European Court of Human Rights, App. Nos. 2653/13 & 60980/14, Judgment, 6 March 2017, ¶¶ 125-128. See also *Federici v. France*, European Court of Human Rights, App. No. 52302/19, Judgment, 3 July 2025, ¶¶ 42, 47, 60 (noting criticisms of courtroom glass boxes as infringing defense rights).

²¹⁵ 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

the UNHRC found that a Ukrainian court violated Article 14(2) ICCPR when it: [F]ailed to demonstrate that placing the [defendant] in a metal cage during the public trial at the Supreme Court, with his hands handcuffed behind his back, was necessary for the purpose of security or the administration of justice, and that no alternative arrangements could have been made consistent with the human dignity of the [defendant] and with the need to avoid presenting him to the court in a manner indicating that he was a dangerous criminal.”²¹⁶

Here, Azerbaijan violated the Mr. Yagublu’s right against degrading treatment and a fair trial by placing him in a glass cage for the duration of each of his pretrial hearings and throughout his trial without providing any basis for this measure.²¹⁷ Indeed, Mr. Yagublu continued to be confined to a glass cage during every single hearing day of his trial. This treatment subjected him to degrading treatment and arguably undermined his right to be presumed innocent having been presented throughout his trial as requiring sequestration.

Right to Effective Participation and Right to a Defense

Article 14 of the ICCPR also includes the right to effective participation in and to a defense, providing that “everyone shall be entitled . . . [t]o be tried in his presence, and to defend himself in person or through legal assistance of his own choosing.”²¹⁸ Article 6 of the ECHR similarly “guarantees the right of an accused to participate effectively in a criminal trial, which includes, inter alia, not only his or her right to be present, but also to hear and follow the proceedings.”²¹⁹

In *Belousov v. Russia*, the defendants, like Mr. Yagublu, were also held within a glass cabin guarded by officers, and the ECtHR determined that this separation from the rest of the hearing room was “a physical barrier which to some extent reduced their direct involvement in the hearing.”²²⁰ The ECtHR concluded this amounted to a restriction on

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>.

²¹⁶ U.N. Human Rights Committee, *Mikhail Pustovoit v. Ukraine*, § 9.3, U.N. Doc. CCPR/C/110/D/1405/2005 (May 12, 2014).

²¹⁷ See *supra* note 124.

²¹⁸ ICCPR, art. 14.

²¹⁹ *Murtazaliyeva v. Russia*, European Court of Human Rights, App. No. 36658/05, Judgment, 18 December 2018, ¶ 91.

²²⁰ *Belousov v. Russia*, European Court of Human Rights, App. Nos. 2653/13 and 60980/14, Judgment, 6 March 2017, ¶¶ 74, 151.

the “right[] to participate effectively in the proceedings and to receive practical and effective legal assistance” in violation of ECHR Article 6.²²¹ Similarly, here, Mr. Yagublu’s confinement in a glass cage throughout his trial prevented him from being able to clearly hear witnesses and to also be heard by the courtroom. Mr. Yagublu’s counsel’s requests to the court that testifying witnesses be given a microphone so that Mr. Yagublu could hear them were denied.²²² As a result, there was a significant physical barrier to his participation in the trial, amounting to a violation of Mr. Yagublu’s right to defense and effective participation therein.

Right to a Reasoned Decision

Article 6(1) of the ECHR “obliges the courts to give reasons for their judgments.”²²³ The effect of Article 6(1) is “to place a ‘tribunal’ under a duty to conduct a proper examination of the submissions, arguments and evidence, without prejudice to its assessment or to whether they are relevant for its decision.”²²⁴ The ECtHR has found proceedings to violate Article 6(1) where “the domestic courts have failed to even mention, let alone address, any of the applicant’s arguments challenging the veracity of the plaintiff’s statements, or to explain why they accepted the plaintiff’s version of events.”²²⁵ In *Ruiz Torija v. Spain*, the ECtHR found a violation of Article 6 where “a court ha[d] failed to fulfil the obligation to state reasons” when the court rejected the detainee’s objection that the action against him was time barred.²²⁶ Similarly, in *Grafescolo S.R.L. v. the Republic of Moldova*, the ECtHR found that the proceedings were not fair where an important argument raised by the applicant during the proceedings was not accepted, and the court provided no reasons for doing so.²²⁷

²²¹ *Id.* ¶ 153.

²²² *See supra* n. 124.

²²³ *Ruiz Torija v. Spain*, European Court of Human Rights, App. No. 18390/91, Judgment, 9 December 1994, ¶ 29; *Ilgar Mammadov v. Azerbaijan (No. 2)*, European Court of Human Rights, App. No. 919/15, Judgment, November 16, 2017, ¶¶205-210.

²²⁴ *Fomin v. Moldova*, European Court of Human Rights, App. No. 36755/06, Judgment, 11 January 2012, ¶ 24.

²²⁵ *Id.* ¶¶ 30–34.

²²⁶ *Ruiz Torija v. Spain*, European Court of Human Rights, App. No. 18390/91, Judgment, 9 December 1994, ¶¶ 29–30.

²²⁷ *Grafescolo S.R.L. v. the Republic of Moldova*, European Court of Human Rights, App. No. 36157/08, Judgment, 22 October 2014, ¶¶ 22–24.

Here, Mr. Yagublu’s counsel presented multiple reasons why the prosecution’s narrative was not credible, including that the evidence showed no relationship between Mr. Yagublu and Mr. Mammadov, that Mr. Yagublu was 25 km away from the location where the prosecution alleged him to have been, that Mr. Huseynov’s testimony was not credible and riddled with contradictions, and that the financial evidence seized during the search showed no sign of having been transferred between multiple individuals and did not match the amount allegedly transferred.²²⁸ The court provided no reason for disregarding all this evidence, nor did it provide any reason for not permitting Mr. Yagublu’s counsel to introduce countervailing evidence.²²⁹ As a result, Mr. Yagublu’s right to a reasoned decision was violated. This was not cured by the judgment of the Court of Appeal which dismissed the defense evidence as unimportant without subjecting the defense’s arguments to any meaningful scrutiny or providing reasons for rejecting the defense’s evidence.²³⁰

Right to an Impartial, Independent, and Competent Tribunal

Article 14(1) of the ICCPR provides that “[a]ll persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him . . . everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”²³¹ Article 6(1) of the ECHR similarly guarantees the right to “an independent and impartial tribunal.”²³²

The ECtHR has held that “the existence of impartiality for the purposes of Article 6 § 1 must be determined according to a subjective test, that is, on the basis of the personal conviction of a particular judge in a given case, and also according to an objective test, that is, ascertaining whether the judge offered guarantees sufficient to exclude any legitimate doubt in this respect.”²³³ In terms of the subjective test, the ECtHR has looked to “whether a judge has displayed hostility or ill-will for personal reasons,” and under the objective test, the ECtHR has made a determination as to whether “there are

²²⁸ See *supra* nn. 102-118.

²²⁹ *Id.*

²³⁰ See *supra* n. 149.

²³¹ ICCPR, art. 14(1).

²³² ECHR, art. 6(1).

²³³ *Huseyn and Others v. Azerbaijan*, European Court of Human Rights, App. Nos. 35485/05, 45553/05, 35680/05 and 36085/05, Judgment, 26 October 2011, ¶¶ 159.

ascertainable facts which may raise doubts as to his impartiality.”²³⁴ The UN Human Rights Committee has found violations of this right where the facts “tend to reveal that the [defendant’s] trial suffered from a number of irregularities which, taken as a whole . . . amount to a breach of . . . equality before the law and a fair hearing by an impartial tribunal.”²³⁵

Here, the court consistently displayed a bias against Mr. Yagublu and his counsel and there were “a number of irregularities”²³⁶ that, when viewed together, would provide grounds for an impartial observer to have doubts as to the court’s impartiality. Despite multiple requests for Mr. Yagublu’s pre-trial detention to be amended to house arrest, the court regularly and swiftly rejected such requests, citing no new analysis or reasons for the continued and prolonged pre-trial detention.²³⁷

Additionally, throughout the trial, there were significant procedural irregularities. For example, Mr. Yagublu was unable to hear witnesses clearly or be heard, but his requests for the witnesses to be provided with a microphone were denied.²³⁸ The court regularly delayed or denied Mr. Yagublu’s counsel’s motions to obtain additional evidence in response to contradictions or inconsistencies in the evidence presented by the prosecution, such as additional communication logs and Mr. Huseynov’s original passport, which could have contradicted the prosecution’s witnesses’ proffered testimony.²³⁹ The court also struck relevant questions during Mr. Yagublu’s counsel’s cross-examination of Mr. Mammadov, a key witness in the prosecution’s case.²⁴⁰ These questions were aimed at addressing Mr. Mammadov’s credibility as a witness, and the judge’s refusal to permit the questions on the basis that they were allegedly irrelevant prevented Mr. Yagublu from presenting his defense. Moreover, as, noted above, the court also refused to permit Mr. Yagublu’s counsel to question witnesses to the search of Mr. Yagublu’s home, despite Azerbaijani law requiring such testimony in the absence of video recording of the search.²⁴¹ Additionally, the court significantly hampered the ability of civil

²³⁴ *Id.* ¶¶ 160-61.

²³⁵ UN Human Rights Committee, *Khostikoev v. Tajikistan*, UN Doc. No. CCPR/C/97/D/1519/2006, 3 December 2009, ¶¶ 7.2-7.3.

²³⁶ *Id.*

²³⁷ *See supra* nn. 66, 70, 72, 74.

²³⁸ *See supra* n. 124.

²³⁹ *See supra* nn. 102-118.

²⁴⁰ *See supra* n. 110.

²⁴¹ *See supra* nn. 114-115.

society to observe and monitor Mr. Yagublu’s trial by refusing to move the trial to a larger courtroom or to allow journalists to record the proceedings.²⁴²

Finally, the court took only five minutes to deliberate, despite the trial having taken 19 days over the course of a seven-and-a-half-month period, strongly suggesting that the court pre-judged and pre-determined Mr. Yagublu’s guilt and conviction.²⁴³

Taken together, it is clear that Mr. Yagublu’s right to an impartial tribunal was violated.

Ulterior Purpose

Article 18 of the ECHR is intended to “prohibit the misuse of power,” including through prohibiting “politically motivated prosecutions,”²⁴⁴ and is applied in conjunction with other qualified provisions of the ECHR.²⁴⁵ The ECtHR has held that an Article 18 violation can be found in conjunction with Article 6 ECHR,²⁴⁶ finding that fair trial rights can be restricted in order to mask an ulterior purpose. In *Sytnyk v. Ukraine*, the ECtHR found a violation of Article 18 along with Article 6 where Article 6 violations “depriv[ed] [the applicant] of any practical opportunity to effectively challenge the charges against him.”²⁴⁷ The ECtHR has held that, even if a restriction on particular right is permissible under a different ECHR Article, there can still be an Article 18 violation if the restriction “was chiefly meant for another purpose that is not prescribed by the” ECHR.²⁴⁸ In *Sytnyk*, the ECtHR concluded that “the overriding focus of the authorities . . . was not preventing corruption . . . but rather a personal attack on the applicant’s moral and professional integrity.”²⁴⁹

In *Jafarov v. Azerbaijan*, the ECtHR found a violation of Article 18 in conjunction with Article 5(1) ECHR where, after considering the circumstances of the case, “the totality of the . . . circumstances indicates that the actual purpose of the impugned measures was

²⁴² See *supra* nn. 128-131.

²⁴³ See *supra* n. 135.

²⁴⁴ *Ukraine v. Russia (re Crimea)*, European Court of Human Rights, App. Nos. 20958/14 and 38334/18, 25 June 2024, ¶ 1335.

²⁴⁵ *Jafarov v. Azerbaijan*, European Court of Human Rights, App. No. 69981/14, 4 July 2016, ¶ 153.

²⁴⁶ *Ukraine v. Russia (re Crimea)*, European Court of Human Rights, App. Nos. 20958/14 and 38334/18, 25 June 2024, ¶ 1337.

²⁴⁷ *Sytnyk v. Ukraine*, European Court of Human Rights, App. No. 16497/20, 24 July 2025, ¶ 156.

²⁴⁸ *Id.* ¶ 142.

²⁴⁹ *Id.* ¶ 157.

to silence and punish the applicant for his activities in the area of human rights.”²⁵⁰ When assessing whether there is a violation, the ECtHR has considered whether “a certain pattern [can] be discerned from” a series of arrests.²⁵¹ In *Navalnyy v. Russia*, where the applicant had been arrested seven times in a relatively short period “in the context of the applicant exercising his Convention right[s],” the ECtHR found a violation of Article 18 and noted that “in a continuous situation the predominant purpose may vary over time” and “[w]hat might possibly have seemed a legitimate aim or purpose at the outset appears less plausible over time,” particularly when “the violations [. . .] occurred despite the authorities’ increasing awareness that the practices in question were incompatible with Convention standards.”²⁵² The ECtHR has also considered whether an applicant’s situation occurs within the context of a State’s “larger campaign to ‘crack down on human-rights defenders,’” such as in Azerbaijan, as discussed in *Aliyev v. Azerbaijan*.²⁵³

When considering the totality of the circumstances, it is clear that the violations of Mr. Yagublu’s Article 6 fair trial rights also constituted an Article 18 violation (taken together with Article 6) because those violations have apparently occurred for the ulterior purpose of hindering his political activity. Mr. Yagublu has faced a long history of the Government persecuting him in relation to his journalistic and political opposition activism.²⁵⁴ His current arrest, investigation, and prosecution occurred shortly after he published criticisms of the Government.²⁵⁵ The Government has a lengthy, well-documented history, which has intensified in recent years, of silencing critics and human rights defenders through retaliatory prosecutions.²⁵⁶ All of this strongly suggests that Mr. Yagublu’s fair trial rights in order to facilitate a groundless, pretextual prosecution and thereby to silence him as a vocal opponent of the Government, thus also constituting a violation of Article 18 taken together with Article 6.

²⁵⁰ *Jafarov v. Azerbaijan*, European Court of Human Rights, App. No. 69981/14, 4 July 2016, ¶¶ 158–63.

²⁵¹ *Navalnyy v. Russia*, European Court of Human Rights, App. Nos. 29580/12 and 4 others, 15 November 2018, ¶ 168.

²⁵² *Id.* ¶¶ 168-71.

²⁵³ *Aliyev v. Azerbaijan*, European Court of Human Rights, App. Nos. 68762/14 and 71200/14, 4 February 2018, ¶ 215.

²⁵⁴ See Background Information, B. Case History, above.

²⁵⁵ See Background Information, B. Case History, above.

²⁵⁶ See Background Information, A. Political and Legal Context, above.

CONCLUSION



Based on a review of case materials and court records, the proceedings against Tofig Yagublu violated international human rights standards, particularly those specified in ECHR Articles 5 and 6 as well as those specified in Articles 3 and 18. This prosecution is consistent with a larger pattern of the Azerbaijani Government targeting Mr. Yagublu specifically and independent journalists, political opposition and civil society figures generally with politically motivated arrests and criminal charges. The trial record, in the context of the public record of Government actions and statements outside the court, indicates that Mr. Yagublu's prosecution appears to have been motivated by his anti-government political activities, and that this ulterior Government motive explains the violations in this case of Mr. Yagublu's rights to a fair trial, freedom from unjustified detention, and freedom from degrading treatment.

GRADE:

