Azerbaijan v. Abzas Media

July 2026

TRIALWATCH FAIRNESS REPORT

A CLOONEY FOUNDATION FOR JUSTICE INITIATIVE

A. ABOUT THE AUTHORS

This report was prepared by **Sean Sullivan, Joel Richert, Nellie Dunderdale, Ella Beres, Susan Stith, and Philip Lamborn at Davis Wright Tremaine LLP (DWT),** a law firm with a nationally-recognized First Amendment practice. DWT regularly defends the ability of journalists to report on matters of public concern where government accountability and transparency are paramount.

B. ABOUT THE EXPERT

Judge Françoise Tulkens has a Doctorate in Law, a Master's degree in Criminology and a Higher education teaching certificate (agrégation de l'enseignement supérieur) in Law. She was a Professor at the University of Louvain and has taught, in Belgium as well as abroad, as a visiting professor at the Universities of Geneva, Leuven, Ottawa, Paris I, Rennes, Strasbourg and Louisiana State University, in the fields of general criminal law, comparative and European criminal law, juvenile justice and human rights protection systems. From November 1998 to September 2012, she was a Judge in the European Court of Human Rights, serving as Section President and as Vice-President of the Court. She has been an Associate Member of the Belgian Royal Academy since 2011. From 2012 to 2016 she chaired the Board of Governors of the King Baudouin Foundation. In September 2012, she took up an appointment as a member of the United Nations Human Rights Advisory Panel for Kosovo, which completed its work in June 2016. From 2013 to 2018 she was a member of the Scientific Committee of the European Union Fundamental Rights' Agency (FRA), serving as Vice-Chair from 2015 to 2018. From 2016 to 2018, she was copresident of the expert's commission to evaluate the Belgian anti-discriminations legislations and, until 2019, co-president of the Board of the Institute for the promotion of Islam training in the Wallonia-Brussels Federation. Since 2016, she is vice-president and president of the Federal Ethics Commission and she was a member appointed by the Committee of Ministers of the Administrative Tribunal of the Council of Europe (2018-2021). She is member of the High-Level Panel of Legal Experts on Media Freedom appointed by Lord Neuberger, former president of the UK Supreme Court, at the request of the UK and Canadian Government (2019-). Françoise Tulkens is the author of many publications in the areas of human rights and criminal law and also co-author of reference books. She holds honorary doctorates from the Universities of Geneva, Limoges, Ottawa, Ghent, Liège and Brighton and is a member of the Disciplinary Coordination Unit of the Order of French- and German-speaking Bar Associations of Belgium (2020-).

C. ABOUT THE CLOONEY FOUNDATION FOR JUSTICE'S TRIALWATCH INITIATVE

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.

TABLE OF CONTENTS

EXECUTIVE SUMMARY

Judge Françoise Tulkens, member of the TrialWatch Expert Panel, assigned this trial a grade of F.

In a member state of the Council of Europe that has acceded to the European Convention on Human Rights, it is unacceptable to find, in judicial proceedings, such a significant number of serious and flagrant violations of the right to a fair trial—a right also guaranteed by the ICCPR—which have been committed at all levels of the judicial system. In this case, the issue concerns Article 6 of the Convention in all its aspects and, by extension ("en cascade"), Articles 7, 14, and 18.

For years, the European Court of Human Rights has issued judgments on violations of the rules of fair trial in Azerbaijan, procedural deficiencies and the lack of independence of the judicial authorities. The Court's detailed reasoning in these judgments was intended to enable the Government to correct and remedy the violations of the Convention. This has not been the case. We are now faced with the aggravating circumstance of systemic violations—that is, violations that have become institutionalized.

In light of all of the foregoing, the proceedings have been assigned a grade of F.

The Clooney Foundation for Justice's TrialWatch initiative monitored the criminal proceedings against seven individuals affiliated (or in the case of one defendant, allegedly affiliated) with Abzas Media, an independent media outlet known for its investigative reporting and criticism of government corruption in Azerbaijan. The defendants included: 1) Ulvi Hasanov, the founder and director of Abzas Media; 2) Sevinj Abbasova, a senior editor and coordinator of grant-funded projects; 3) Mahammad Kekalov, a translator whose role within Abzas Media was otherwise contested; 4) Nargiz Absalamova and 5) Elnara Gasimova, both journalists and reporters for Abzas Media; 6) Hafiz Babali, a well-known investigative journalist and head of the economic department at Turan News Agency, who wrote articles on political and financial corruption for Abzas Media; and 7) Farid Mehralizadeh, a trained economist and journalist for Radio Free Europe/Radio Liberty ("RFE/RL") whose reporting focused on exposing government corruption and whose affiliation with Abzas Media was contested repeatedly at trial (hereinafter referred collectively as "the Defendants"). Together, they were charged and convicted on a combination of serious offenses under Azerbaijan's Criminal Code, including aggravated illegal entrepreneurship, legalization of property obtained through crime, forgery, smuggling, tax evasion, and participation in an organized criminal group. Despite the gravity of the criminal charges, the acts in question largely stem from the operation of a donor-funded media platform, Abzas Media.

These prosecutions reflect what appears, based on the monitoring, to be a targeted pattern of prosecuting those who are critical of the Azerbaijani government, similar to the arrests and detentions of civil society actors in *Rasul Jafarov v. Azerbaijan*, *Mammadli v. Azerbaijan*, and *Aliyev v. Azerbaijan*, which preceded this case, and which the European Court of Human Rights ("ECtHR" or "European Court") found to have been politically motivated in retaliation for the defendants' legitimate civil society work.[1] In particular, in the present case, the Azerbaijan authorities chose to invoke serious criminal offenses for what seem to have been, at most, potential violations of Azerbaijan's Administrative Code, and based on analysis of the proceedings, the actual charges do not appear supported by the evidence presented at trial.

This report concludes that the conduct of the prosecution and the Baku Court of Grave Crimes (the "court" or the "trial court") throughout trial deprived the Defendants of the right to be presumed innocent, the right to contest the evidence against them, and the right to an impartial court. The defense submitted 81 motions in the months leading up to and during trial. The motions addressed everything from the Defendants' unlawful pre-trial detention and poor conditions of incarceration, to requests to view the prosecution's evidence in advance, require the prosecution to submit original evidence and not the photocopies that were presented, access to exculpatory evidence the Defendants alleged existed, the right to cross-examine an absent witness, and to call witnesses that they said would have favorable evidence to present for the defense, in addition to procedural requests.[2] All in all, over the course of pre-trial hearings and trial, only one motion (relating to the Defendants' ability to sit next to their counsel) of the Defendants' 81 motions was granted.[3] The court resolved all questions of doubt in favor of the prosecution, violating the Defendants' right to the presumption of innocence, and impairing their ability to present a meaningful defense.[4]

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[1] European Court of Human Rights, *Rasul Jafarov v. Azerbaijan*, App. No. 69981/14 (Mar. 17, 2016); *Mammadli v. Azerbaijan*, App. No. 47145/14 (Apr. 19, 2018); *Aliyev v. Azerbaijan*, App. Nos. 68762/14 and 71200/14 (Sept. 20, 2018).
[2] *See* discussion *infra*.
[3] Trial Monitor Notes, March 13, 2026, p. 3.
[4] *Id.*

The outright denials of the Defendants' appeals were equally concerning, appearing to constitute nothing more than a rubber-stamp approval of the trial court's judgment. Not only did it appear as though the Baku Court of Appeal fail to meaningfully review the substance of the prosecution's case, it appears to have shifted the burden to the Defendants, noting that they failed to prove their innocence, something they are not required to do to secure acquittals.[5] The Supreme Court affirmed the trial and appellate court rulings finding that the prosecution had proved their case and the Defendants had an opportunity to challenge the evidence against them, yet it did so without appearing to provide a meaningful analysis of the issues raised.[6]

This report finds that these circumstances collectively raise significant concerns that the prosecution inflated charges and appeared to rely upon insufficient evidence, and the court's denial of the Defendants' right to contest that evidence, was meant not simply to deter the Defendants' medium to long-term media efforts to hold the Azerbaijan government to account, but also to ensure that their detention on criminal charges would prevent further reporting.

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[5] Court of Appeal Decision, p. 299.
[6] Supreme Court Decision, April 3, 2026, pp. 17-19.

BACKGROUND

A. POLITICAL BACKGROUND

The foundation of what has been widely characterized as Azerbaijan's authoritarian system was established under former President Heydar Aliyev, a Soviet KGB general who ruled from 1993 until his death in 2003. Under President Ilham Aliyev, former President Aliyev's son, and his New Azerbaijan Party, this system has reportedly only become more entrenched.[7] A major crackdown on civil society began in 2013-2014, when the government arrested and detained numerous human rights defenders, lawyers, and journalists on what were widely deemed fabricated charges—deprivations of liberty which the ECtHR later found to be politically motivated, and which reflected 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."[8]

Azerbaijan's pattern of human rights violations has worsened in recent years. In 2019, the Parliamentary Assembly of the Council of Europe concluded that "it is simply no longer possible to argue that Azerbaijan does not have a problem of political prisoners."[9] And the European Parliament found that "since 2023, the Azerbaijani authorities have been engaged in a systemic crackdown on civil society . . . and independent media."[10] Moreover, Freedom House has designated Azerbaijan "Not Free" on its countries list since 2002, with its score dropping from 33 to 6 out of 100 over the last two decades, as authorities have intensified their crackdown on civil liberties.[11] In 2024-2025, in what has been characterized by Human Rights Watch as an effort to escape international scrutiny, Azerbaijan expelled the UN Development Program, the UN High Commissioner for Refugees, and the International Committee

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[7] *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 (Oct. 8, 2024), https://www.hrw.org/report/2024/10/08/we-try-stay-invisible/azerbaijans-escalating-crackdown-critics-and-civil-society (last visited July 22, 2026).
[8] European Court of Human Rights, *Aliyev v. Azerbaijan*, App. Nos. 68762/14 and 71200/14, ¶ 223 (Sept. 20, 2018). *See also Azerbaijan: Crackdown on Civil Society*, Human Rights Watch (Sept. 2, 2013), https://www.hrw.org/news/2013/09/02/azerbaijan-crackdown-civil-society (last visited July 22, 2026); Reyhan Demytrie, *"Azerbaijan cracks down while chairing Council of Europe,"* BBC (Oct. 13, 2014), https://www.bbc.co.uk/news/world-europe-29559009 (last visited July 22, 2026).
[9] PACE, *Reported cases of political prisoners in Azerbaijan*, Doc. 15020, ¶ 29 (Dec. 18, 2019).
[10] European Parliament, Resolution on the continued repression of civil society and independent media in Azerbaijan, P10_TA(2024)0074 (Dec. 19, 2024), available at https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074_EN.html (last visited July 22, 2026).
[11] Freedom House, *Freedom in the World 2026*: *Azerbaijan*, available at https://freedomhouse.org/country/azerbaijan/freedom-world/2026 (last visited May 12, 2026).

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of the Red Cross.[12] It also suspended broadcasting licenses and revoked accreditation for news outlets and their journalists.[13] In May 2026, Azerbaijan suspended institutional cooperation with the EU Parliament.[14]

For years, international reporting has identified a pattern in which journalists and civil society actors are prosecuted under financial and other criminal laws rather than laws directly regulating speech.[15] Indeed, Human Rights Watch and other organizations have documented numerous cases in which journalists, like the Abzas Media Defendants, have been charged with offenses such as illegal entrepreneurship, tax evasion, money laundering (charged as: legalization of property obtained through crime), or smuggling of foreign currency.[16] These charges often arise in connection with the receipt of foreign grant funding or alleged irregularities in the financial administration of independent media or other civil society organizations.[17] A 2024 Human Rights Watch report noted that of the 33 cases documented that were likely to have been politically motivated, 20 involved charges of smuggling money into the country.[18]

The practice of criminally prosecuting individuals as a method to circumvent international protections for freedom of expression by reframing journalism-related activity as economic crime is consistently criticized by human rights organizations.[19]

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[12] *See, e.g.*, Human Rights Watch, *World Report 2026: Azerbaijan*, available at https://www.hrw.org/world-report/2026/country-chapters/azerbaijan (last visited Apr. 15, 2026); Freedom House, Freedom in the World 2025: Azerbaijan, available at https://freedomhouse.org/country/azerbaijan/freedom-world/2025 (last visited Apr. 15, 2026).
[13] *See* Human Rights Watch, *World Report 2026: Azerbaijan*, available at https://www.hrw.org/world-report/2026/country-chapters/azerbaijan (last visited Apr. 15, 2026).
[14] Nate Ostiller, *Azerbaijan severs ties with EU Parliament over Nagorno-Karabakh resolution*, OC Media (May 1, 2026), available at https://oc-media.org/azerbaijan-severs-ties-with-eu-parliament-over-nagorno-karabakh-resolution/ (last visited July 22, 2026).
[15] *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 (Oct. 8, 2024), available at https://www.hrw.org/report/2024/10/08/we-try-stay-invisible/azerbaijans-escalating-crackdown-critics-and-civil-society (last visited July 22, 2026).
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] *See, e.g.*, Amnesty International, *Azerbaijan: Seven journalists sentenced in latest shocking crackdown on free speech* (June 20, 2025) ("By pressing fabricated economic charges against journalists who exposed high-level corruption, the Azerbaijani authorities are sending a chilling message to anyone in the country who dares to challenge them."), available at https://www.amnesty.org/en/latest/news/2025/06/azerbaijan-seven-journalists-sentenced-in-latest-shocking-crackdown-on-free-speech/ (last visited July 22, 2026); Committee to Protect Journalists, *8 journalists given lengthy jail terms as Azerbaijan crushes free press* (June 23, 2025) (Abzas Media stated that the charges against their staff were "absurd and fabricated" and their "only 'offense' was exposing corruption"), available at https://cpj.org/2025/06/8-journalists-given-lengthy-jail-terms-as-azerbaijan-crushes-free-press/ (last visited July 22, 2026); Human Rights Watch & Amnesty International, Joint Statement (July 23, 2024) (condemning "ongoing crackdown against civil society"

Journalists, human rights defenders, and members of the political opposition face arbitrary arrest and prosecution, on what have been widely criticized as manufactured criminal charges, and they are denied basic due process during unfair trial proceedings, in what the European Parliament has labelled as "politically motivated abuse of the judicial system."[20]

There continues to be an increase in the Azerbaijan authorities prosecuting government critics and restricting freedoms of expression, association and assembly. It is against this backdrop that the Abzas Media trial took place.

B. CASE HISTORY

The case against the Defendants was predicated on allegations that all seven were affiliated with Abzas Media, an independent media outlet known for its investigative reporting and criticism of alleged government corruption, including allegations related to securing lucrative state contracts for Nagorno-Karabakh post-war reconstruction projects. As noted above, the Defendants were all arrested and charged with working together to commit a combination of serious offenses under Azerbaijan's Criminal Code, including illegal entrepreneurship, legalization of property obtained through crime (or "legalization"), forgery, smuggling, tax evasion, and participation in an organized criminal group.[21] They were tried together and received varying sentences, as further detailed below.

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and the government's use of "criminal prosecution as a tool" to repress critics), available at https://www.hrw.org/news/2024/07/23/azerbaijan-free-academic-facing-bogus-charges (last visted July 22, 2026).

[20] Freedom House, *Freedom in the World 2025: Azerbaijan*, available at https://freedomhouse.org/country/azerbaijan/freedom-world/2025 (last visited Apr. 15, 2026); European Parliament, Resolution on the continued repression of civil society and independent media in Azerbaijan, P10_TA(2024)0074 (Dec. 19, 2024), available at https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074_EN.html (last visited July 22, 2026).

[21] The criminalization of journalistic organizations as criminal enterprises has become a troubling pattern among post-Soviet states. This same tactic has been deployed with success in Belarus, where authorities have designated at least 17 independent media outlets–including Radio Free Europe/Radio Liberty and the Belarusian Association of Journalists (BAJ)–as "extremist formation" under anti-extremism legislation. As a result, participating in such a designated organization carries lengthy prison sentences. The OSCE Representative on Freedom of the Media has condemned this practice of equating independent journalism with extremism or organized crime, and stated that such practice effectively criminalizes not just individual reporters but the very act of operating an independent media outlet. *See* OSCE Representative on Freedom of the Media, Press Release (Mar. 8, 2023) (condemning Belarus's designation of BAJ as "extremist formation"); OSCE Joint Statement of Group of Friends on Safety of Journalists (May 9, 2024) ("It is deeply worrisome that in

The Arrests

- Mr. Hasanov, the founder and director of Abzas Media, was the first defendant arrested on November 20, 2023.[22] At the time of his arrest, the authorities also searched the Abzas Media office, in Mr. Hasanov's presence. During the search, the authorities allegedly discovered and seized €40,000 in cash, though Mr. Hasanov maintained authorities planted the cash.

- Ms. Abbasova, the editor-in-chief and coordinator of grant-funded projects at Abzas Media, and Mr. Kekalov, a translator whose affiliation with Abzas Media was contested,[23] were arrested next on November 21, 2023.[24]

- Ms. Absalamova, a journalist and reporter for Abzas Media, was arrested on November 30, 2023.[25]

- Mr. Babali, an investigative journalist for Abzas Media, was arrested on December 13, 2023.[26]

- Ms. Gasimova, a journalist and reporter for Abzas Media, was arrested on January 13, 2024.[27]

- Mr. Mehralizadeh, a trained economist and journalist for RFE/RL, who was previously interviewed but not otherwise employed by Abzas Media, was arrested on May 30, 2024.[28]

Mr. Hasanov asserted his arrest was violent. He said that he was attacked by four masked men in plainclothes who refused to identify themselves.[29] He stated that without informing him of the reason for his detention, they beat him multiple times and used physical force to seize his phone, watch, computer, suitcase, and bag,

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these countries the exploitation of the media to spread relentless state-sponsored disinformation and labelling independent media outlets and media organizations as 'extremist', 'undesirable' or 'foreign agents', do not abate."); Viasna Human Rights Center, *How the authorities in Belarus persecute readers and journalists of "extremist" media* (Aug. 30, 2023) (documenting 17 media outlets designated as "extremist groups").

[22] Trial Monitor Notes, January 21, 2025, pp. 3, 6-7; Trial Monitor Notes, June 10, 2025, pp. 3-7; Indictment, p. 2.

[23] The government maintained that Mr. Kekalov was responsible for administrative and financial logistics, which Mr. Kekalov disputed. Trial Monitor Notes, April 1, 2025, pp. 1-2.

[24] Sevinj Vagifgizi Application Remand-Custody, November 21, 2023, pp. 2-3; Trial Monitor Notes, January 21, 2025, p. 3; Trial Monitor Notes, April 1, 2025, pp. 5-7; Indictment, p. 2.

[25] Indictment, p. 3.

[26] Trial Monitor Notes, April 8, 2025, p. 2; May 16, 2025, p. 2; June 10, 2025, p. 28; Indictment, p. 3.

[27] Indictment, p. 3.

[28] Trial Monitor Notes, December 17, 2024, p. 18; Indictment, p. 5.

[29] Trial Monitor Notes, January 21, 2025, pp. 3, 7.

knocking him to the ground in the process.[30] Mr. Hasanov testified that he was further beaten at the police station where officers assaulted him in an effort to compel him to disclose the passwords to his devices.[31] During the interrogation that followed his arrest, Mr. Hasanov claimed that the police asked him why he was "investigating corruption in Karabakh", "covering the problems happening in the country", and "tarnishing the name of our country", referring to various pieces of investigative journalism that Abzas Media published in 2022 and 2023 regarding alleged corruption including matters related to landholdings, investments, and the sources of government officials' wealth.[32]

With respect to the search of the Abzas Media office, Mr. Hasanov claimed that a masked, unidentified officer planted the €40,000 in cash.[33] An officer then "discovered" the money, and allegedly tried to force Mr. Hasanov to touch it, which he refused.[34] Finally, Mr. Hasanov alleged that several officers counted the money with their bare hands.[35]

Mr. Kekalov claimed that following his arrest, he was held without access to a lawyer and interrogated late into the evening, in what he asserted was an environment of coercion by the police.[36] He testified that he was detained for more than 48 hours without legal representation.[37]

Mr. Babali alleged that he was attacked while disembarking a train and handcuffed by unidentified men in civilian clothes who were operating without a summons or warrant.[38] He claimed that his personal property was confiscated, and he was placed in a civilian vehicle that ultimately brought him to his apartment, which was searched by police pursuant to a court order.[39]

Mr. Mehralizadeh claimed that when he was arrested, he was surrounded by more than ten masked, plainclothes men who did not identify themselves.[40] He stated that they used force, placed a bag over his head, handcuffed him, and seized his phone.[41]

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[30] Trial Monitor Notes, January 21, 2025, pp. 6-8; December 17, 2024, pp. 12-16; June 10, 2025, pp. 3-8.
[31] Trial Monitor Notes, January 21, 2025, pp. 6-8.
[32] Trial Monitor Notes, January 21, 2025, p. 7; *See also* Abzas Media, various articles under "Investigation," available at https://abzas.info/en/category/arasdirma (last visited June 26, 2026).
[33] Trial Monitor Notes, May 16, 2025, p. 2.
[34] Trial Monitor Notes, January 21, 2025, pp. 8.
[35] *Id.*
[36] Trial Monitor Notes, April 1, 2025, pp. 5-7.
[37] *Id.*
[38] Trial Monitor Notes, May 16, 2025, p. 2.
[39] *Id.*
[40] Trial Monitor Notes, April 8, 2025, p. 2.
[41] Trial Monitor Notes, April 8, 2025, pp. 2-3.

Although he did not resist, he said they beat him inside their vehicle for approximately 15 to 20 minutes, striking his head with his phone and demanding his password.[42] Instead of being taken directly to the Baku City Main Police Department, Mr. Mehralizadeh says that he was brought to an undisclosed location, beaten again, and subjected to threats and degrading remarks. Mr. Mehralizadeh testified that the police used common Azerbaijani phrases, specifically "Your tongue is too long," and "Didn't you know that if you talk too much, you will end up like this?", which, to him, made him believe that his detention was politically motivated and linked to his public interviews.[43] Mr. Mehralizadeh testified that he was ultimately taken to the Baku Police Department hours later, where he asserted that he was held without access to a lawyer for seven hours.[44]

Pre-Trial Motions and the Indictment

The Defendants filed multiple motions prior to trial, including motions alleging that Mr. Hasanov was tortured during his arrest, their detentions were politically motivated, their personal property, including their phones, computers, and bank accounts, were unlawfully searched and seized, that contact with their lawyers and family during pretrial detention was unlawfully constrained, and motions requesting access to evidence, witness examinations, expert reports and forensic analysis.[45] The investigator countered by denying these claims and opposing the Defendants' motions, alleging, among other things, that Mr. Hasanov voluntarily provided his device to the authorities and that Mr. Babali voluntarily presented himself to the police.[46] All defense motions were denied by the Court as "unfounded and subjective."[47]

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[42] *Id.*
[43] *Id.*
[44] Trial Monitor Notes, April 8, 2025, pp. 2-3, 9.
[45] Ulvi Denial Motions, November 21, 2023, pp. 1-2, 4-5; December 11, 2023, pp. 2-3; January 9, 2024, pp. 3-4; February 9, 2024, pp. 2-3; April 23, 2024, pp. 1-3; May 27, 2024, pp. 2-5. Sevinj Vagifgizi Denial Motions, November 21, 2023, pp. 3-4; November 22, 2023, pp. 3-4; July 10, 2024, pp. 3-4. Sevinj Vagifgizi Application Operational Search Warrants, November 20, 2024, pp. 1-2; District Court, November 20, 2024, pp. 1-2; Appeal Court, November 28, 2024, pp. 2-4. Sevinj Vagifgizi Denial House Arrest Appeal Court, January 18, 2024, p. 1.
[46] Ulvi Hasanli Denial Motions, December 11, 2023, pp. 2-3; February 9, 2024, pp. 3-5; Trial Monitor Notes, May 6, 2025, pp. 6; May 16, 2025, pp. 2; June 10, 2025, pp. 21.
[47] Ulvi Hasanli Denial Motions, December 11, 2023, p. 3; January 9, 2024, pp. 3-4; February 9, 2024, pp. 3-5; April 23, 2024, pp. 2-3; May 27, 2024, pp. 3-5. Sevinj Vagifgizi Denial Motions, November 21, 2023, pp. 3-4; November 22, 2023, pp. 3-4; July 10, 2024, pp. 4. Sevinj Vagifgizi Application Operational Search Warrants, November 20, 2024, pp. 1-2; District Court, November 20, 2024, pp. 1-2; Appeal Court, November 28, 2024, pp. 2-4. Sevinj Vagifgizi Denial House Arrest Appeal Court, January 18, 2024, pp. 1.

All seven Defendants were committed to pre-trial detention.[48] Despite repeated motions to replace pretrial detention with house arrest or non-custodial measures, the Court routinely denied these motions without any specific reasoning and extended the Defendants' detentions.[49] Defendants' counsel appealed these decisions to the Baku Court of Appeal, which rejected the appeals.[50] In addition, the defense raised motions on multiple occasions concerning the dire conditions of Ms. Absalamova's detention, stating she was being held in a cold, cramped, smoke-filled space and was freezing.[51] Likewise, those motions were denied.[52]

The indictment, filed on November 29, 2024, one year after the first arrests, charges the Defendants with participating in a scheme related to the receipt and management of international grants used to support Abzas Media's journalism. The prosecution alleged that Mr. Hasanov orchestrated a conspiracy amongst the Defendants to smuggle large amounts of undeclared foreign currency into Azerbaijan in violation of customs regulations.[53] According to the indictment, the Defendants falsely presented themselves as a legitimate media organization under the name Abzas Media, which was in fact unregistered.[54] The prosecution alleged that Defendants created a website and social media presence to give the appearance of lawful media operations.[55] The prosecution claims that Defendants used Abzas Media to obtain unregistered foreign grants, smuggle undeclared cash across Azerbaijan's borders, and evade substantial tax obligations.[56] The charges were brought under Articles 192.3.2, 193-1.3.1, 193-1.3.2, 206.4, 213.2.1, 320.1, and 320.2 of the Azerbaijani Criminal Code.[57]

Despite the Defendants holding different roles and (at times, contested) affiliations within Abzas Media, the prosecution treated each individual identically. For example,

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48 *See* Indictment, pp. 2-5.
49 Trial Monitor Notes, December 17, 2024, pp. 12-19; December 28, 2024, pp.6-7; April 29, 2025, pp. 7-8. See also, Indictment, pp. 4-9.
50 Ulvi Hasanli House Arrest Denial Court Appeal, December 20, 2023, p. 4; Ulvi Hasanli Denial Motions, January 9, 2024, pp. 3-4. Elnara Gasimova Remand-Custody Appeal Court, January 19, 2024, p. 6; March 15, 2024, pp. 5-6. Sevinj Vagifgizi Remand-Custody Order Appeal Court, November 27, 2023, pp. 2-6. Sevinj Vagifgizi Denial House Arrest Appeal Court, January 18, 2024, pp. 1-5. Sevinj Vagifizi Extension Remand-Custody Appeal Court, March 19, 2024, pp. 4-6. Sevinj Vagifgizi Denial House Arrest District Court, May 15, 2024, pp. 1, 4-5. Sevinj Vagfigizi Denial Bail District Court, June 6, 2024, pp. 1-6. Sevinj Vagifgizi Extension Remand-Custody Appeal Court, June 21, 2024, pp. 3-5.
51 Trial Monitor Notes, December 28, 2024, p. 7; January 21, 2025, p. 9; February 11, 2025, p. 2.
52 *Id.*
53 Indictment, pp. 225, 239, 246, 253, 260, 267, 273-274, 280-281.
54 Indictment, pp. 9-11.
55 *Id.*
56 *Id.*
57 Indictment, p. 1.

Mr. Mehralizadeh testified that his name does not appear in any grant agreement and his signature is not on any relevant document, but he too was charged with conspiracy to smuggle large amounts of undeclared foreign currency into Azerbaijan.[58]

The Trial

The trial commenced on December 17, 2024.[59] Although the proceedings were formally open to the public, the courtroom was largely occupied by security personnel and government affiliated individuals, leaving limited space for others.[60] Security personnel were told not to allow journalists into the courtroom.[61] The Court also placed restrictions on recording equipment, further limiting access to the proceedings.[62] The Defendants were held in glass booths during trial[63] and technical issues such as malfunctioning microphones impaired the ability of the Defendants to hear the testimony and for their testimony to be heard.[64]

Appearing on behalf of the government were both the prosecution and the State Tax Service under the Ministry of Economy of the Republic of Azerbaijan, which joined as a civil claimant against the Defendants. The State Tax Service sought to pursue remedies for the alleged tax evasion. The Defendants objected to the civil claimant's participation on the basis that no tax evasion took place. The Court rejected that argument and allowed the civil claimant to participate in the trial.[65]

Prosecution's Case

In their opening statement, the prosecution alleged that Ulvi Hasanov was "acting on the common criminal intentions agreed in advance with members of the organized gang, has been operating under the name 'AbzasMedia'… in order to illegally secure his economic interests" and "[a]t various events organized in that office, as well as in other countries and other addresses, he presented himself as the head of an organization called 'AbzasMedia', which is not actually registered with the state and does not officially have founders, members, and assistants, and members of the organized gang."[66] The prosecution then introduced the other six defendants,

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[58] Trial Monitor Notes, April 29, 2025, pp. 7-8; Indictment, p. 5.
[59] Trial Monitor Notes, December 17, 2024, p. 1.
[60] *Id.*
[61] *Id.*
[62] *Id.*
[63] Trial Monitor Notes, December 17, 2024, p. 1; December 28, 2024, p. 1.
[64] Trial Monitor Notes, December 17, 2024, p. 2; May 6, 2025, p. 2-3; May 13, 2025, p. 1.
[65] Trial Monitor Notes, December 17, 2024, p. 9.
[66] Trial Monitor Notes, December 28, 2024, p. 8.

identifying "Sevinj Abbasova Vagif as editor-in-chief, Mahammad Kekalov Shamil as assistant to the executive director and translator, Nargiz Absalamova Fazail and Elnara Gasimova Bahadar as video reporters, Hafiz Babali Erkoyun as an investigative journalist, and Farid Mehralızade Isa as an expert on economic issues."[67] The prosecution stated that all seven defendants "…succeeded in arranging for particularly large amounts of money, in total AZN 545,278.46, including 30,000, equivalent to AZN 56,076 at the exchange rate of the period, to be transferred, under the guise of grants, from…organizations operating outside the territory of the Republic of Azerbaijan, which…hadn't acquired the right to award grants within the territory of the Republic of Azerbaijan in respect of the specific grant agreements (decisions) concerned, to foreign bank accounts and to the accounts linked to foreign bank cards [specific card numbers omitted], which had been provided by representatives of foreign donor organisations during direct meetings in order to ensure the confidentiality of the financial transactions, and in receiving those funds in cash during direct meetings with representatives of those organisations abroad."[68]

To support the allegations, the prosecution relied upon the indictment, Mr. Kekalov's pre-trial statement (that he retracted during trial alleging that it was obtained under police coercion[69]), in-court questioning, and testimony from multiple witnesses who were called to substantiate the allegations. The prosecution maintained that the evidence they presented proved the allegations that the seven Defendants operated as an organized criminal group to commit illegal entrepreneurial activity (under Article 192.3.2),[70] legalization of property obtained through crime (under Articles 193-1.3.1

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[67] *Id.*
[68] *Id.*, p. 9.
[69] Trial Monitor Notes, April 1, 2025, p. 2 ("When I testified in the preliminary investigation, I said that I'm not a journalist. I don't know about journalism, grants, donors - I don't know about such things. But they insisted that I know, and I have to talk. And finally I had no choice."), and p. 9 (Mr. Kekalov answers "Yes," when asked "Are you retracting the statement you gave during the investigation?")
[70] **Article 192. Illegal Entrepreneurship.** Article 192.1 states: Engaging in entrepreneurial activity without obtaining state registration (tax registration), or, where a special permit (license) is required under the legislation of the Republic of Azerbaijan, without obtaining such permit (license), or in breach of the licensing requirements, or by using items whose circulation is restricted without the required special authorization, where such activity causes substantial damage to natural or legal persons or to the State, or results in the obtaining of substantial income shall be punishable by a fine in the amount of two to three times the damage caused (or income obtained) as a result of the crime, or by corrective labor for a term of up to one year, or by deprivation of liberty for a term of up to six months. Article 192.2 states: The same acts, 192.2.1. when causing large-scale damage; 192.2.2 when committed with the obtaining of large-scale income; 192.2.3 when committed by a criminal organization (organized group) shall be punjishable by a fine in an amount of three times the damage caused (or income obtained) as a result of the crime, or by restriction of liberty for a term of up to three years, or by imprisonment for a term of one to five years. Article 192.3: The acts in Article 192.1 and 192.2 of this Code: **192.3.2** where they are committed by obtaining particularly large-scale income, shall be punishable by a fine in an amount four times the damage caused (or income obtained) as a result of

and 193-1.3.2),[71] the smuggling of undeclared funds (under Article 206.4),[72] tax evasion (under Article 213.2.1),[73] and forgery (under Articles 320.1 and 320.2).[74]

To support the charges of illegal entrepreneurial activity, legalization, and tax evasion, the prosecution provided documents to support the claim that Abzas Media was an unregistered media organization that received more than 545,000 manat (Azerbaijan's currency) worth of money from international grants into Azerbaijan and

he crime, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years, or by imprisonment for a term of five to seven years. *See* Azerbaijan Criminal Code, https://e-qanun.az/framework/46947, (last visited July 20, 2026).

[71] **Article 193-1. Legalization of property obtained through criminal means.** 193-1.1.1. Knowing that property has been obtained through the commission of a criminal offence, concealing the true origin of such property; or converting or transferring such property for the purpose of assisting the person who committed the criminal offence to evade liability; or carrying out financial transactions or other dealings using property obtained through the commission of a criminal offence for the same purpose.193-1.1.2, Knowing that property has been obtained through the commission of a criminal offence, disguising or concealing the true nature, origin, location, disposition, movement, rights relating to such property, or the ownership of such property, or 193-1.2 the same acts 193-1.2.1 when committed by a group of persons acting in prior collusion; 193-1.2.2, when committed repeatedly; 193-1.2.3, when committed by a person through the use of their official position; 193.1.3: The acts provided for in Articles 193-1.1 or 193-1.2 of this Code: **193-1.3.1**. when committed by an organised group or criminal association (criminal organization); **193-1.3.2.** when committed in a significant amount; shall be punishable by imprisonment for a term of seven to twelve years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years. *See id.*

[72] **Article 206. Smuggling.** 206.1: Smuggling, that is, the movement across the customs border of the Republic of Azerbaijan of goods and other items (except for those specified in Article 206.2 of this Code) in a significant amount, by bypassing customs control or concealing them from customs control, or by fraudulent use of documents or customs identification means, or by failing to declare them or declaring them falsely; [206.1-1 and 206.1-2 refer to sentences that are not applicable where defendants are sentenced under 206.4 (as is in this case), 206.2 refers to the smuggling of controlled substances across the border, not applicable here, and 206.3 refers to sentences not applicable where defendants are sentenced under 206.4 (as is in this case)]. **206.4** states: The acts provided for in Articles 206.1-206.3 of this Code, when committed by an organized group shall be punishable by imprisonment for a term of seven to twelve years. *See id.*

[73] **Article 213. Evasion of payment of taxes, unemployment insurance, mandatory health insurance, or mandatory state social insurance contributions.** Article 213.1 states: Evasion of payment of taxes, unemployment insurance, mandatory health insurance, or mandatory social insurance contributions in a significant amount, **213.2.1** when committed by an organized group shall be punishable by a fine in the amount of three times the damage caused by the crime, or by imprisonment for a term of three to five years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years. *See id.*

[74] **Article 320. Forgery, illegal production, sale of official documents, state awards, seals, stamps, forms, or use of forged documents.** Specifically, Article **320.1** states: Forgery or illegal production, for the purpose of use, of an identification document or other official document granting rights or releasing from obligations, or the sale of such a document, as well as the production or sale for the same purpose, of a forged state award, stamp, seal, or form of the Republic of Azerbaijan shall be punishable by a fine in the amount of 3,000 to 6,000 manats, or by corrective labor for a term of up to two years, or by imprisonment for a term of up to two years. **320.2** Knowingly using a forged documents specified in Article 320.1 of this Code shall be punishable by a fine in the amount of 1,000 to 2,000 manats, or by community service for a term of 240 to 300 hours, or by corrective labor for a term of up to one year, or by imprisonment for the same term. *See id.*

never registered the money with the authorities. The prosecution called more than a dozen witnesses who the prosecution claimed worked for Abzas Media at one point or another. The witnesses either testified to providing limited freelance services to Abzas Media and receiving some small payment, attending a "Young Journalists Network" training, or testified that they were never associated with Abzas Media.[75] To support the forgery charges, the prosecution produced various receipts showing payment to at least seven of these witnesses, all of whom testified they never received a receipt for any payment and that the signatures on the receipts purported to be theirs were, in fact, not their signatures.

The prosecution presented additional physical evidence at trial, including the €40,000 in cash allegedly found by an investigator conducting a search of Abzas Media's offices. During that same search of the office, investigators confiscated phones and laptops. The prosecution argued that forensic analysis of these devices produced evidence of various encrypted communications with international donors over Signal and Proton Mail. In addition to these items, the prosecution presented surveillance footage of the Defendants withdrawing large sums of money from ATMs, receipts from ATM withdrawals, as well as testimony related to the prosecution's confiscation of 27,987.40 manats from bank accounts allegedly owned by the Defendants.[76]

The pre-trial statement from Mr. Kekalov that the prosecution relied upon allegedly outlined the relationships with various donor organizations and actions among the Defendants to move the money received from international donors into Azerbaijan. The presiding judge read the statement into the record on April 1, 2025, stating:

> I announce the testimony of Mahammad Kekalov. "Kekalov Mahammad Shamil oglu, pleading partially guilty to the charges brought against him, stated in his testimony that he worked as a translator and assistant to Ulvi Hasanov at the "AbzasMedia" online media portal, where Hasanov Ulvi Fakhraddin oglu was the director, from March 2022 until his arrest without concluding an employment or service contract. That media portal was not registered with any state body, and Ulvi Hasanov never applied to the relevant state body in this regard. Ulvi Hasanov told him that the media should be free and should not be registered anywhere. Therefore, Ulvi Hasanov did not apply to

[75] Trial Monitor Notes, April 22, 2025, Witness Testimony, p. 2; April 22, 2025, Witness Testimony, pp. 3-4; April 22, 2025, Witness Testimony, pp. 4-5; April 22, 2025, Witness Testimony, pp. 5-6; April 29, 2025, Witness Testimony, pp. 3-5; April 29, 2025, Witness Testimony, p. 6; April 29, 2025, Witness Testimony, p. 7; May 6, 2025, Witness Testimony, pp. 1-2.
[76] Trial Monitor Notes, December 28, 2024, pp. 7-14; May 16, 2025, pp. 5–7; May 20, 2025, pp. 1-5.

the relevant state *body*. He witnessed several times during his work at the "AbzasMedia" online media portal, Ulvi Hasanov, as the director of that media portal, collaborated with different international organizations and non-governmental organizations of foreign countries, submitted various grant projects to those donors, obtained large amounts of money under this name, and illegally transferred those funds to the territory of the Republic of Azerbaijan. He has witnessed it many times. Since March 2022, when he started working as a translator and assistant to Ulvi Hasanov at the "AbzasMedia" online media portal, he has compiled all project proposals, project budgets, financial and descriptive reports and other necessary documents for the grant projects of that online media portal in English, on the instructions of the latter, in some cases, since Ulvi Hasanov did not know English perfectly, he conducted negotiations on his behalf with representatives of foreign donor organizations regarding grant projects using the "Signal Messenger" encrypted messaging program, "protonmail.com" e-mail and other means considered secure, and participated as a translator in Ulvi Hasanov's direct negotiations with representatives of foreign donor organizations regarding grant projects in various countries during trips abroad, including familiarizing himself with the terms of grant agreements concluded between Ulvi Hasanov, the director of the "AbzasMedia" online media portal, and foreign donor organizations drafted in English, and provided Ulvi Hasanov with necessary advice in this regard. None of those grant agreements were subject to state registration. Ulvi Hasanov began cooperation with foreign donor organizations on grant projects before he started working at that media portal. Ulvi Hasanov, the director of the "AbzasMedia" online media portal, and Abbasova Sevinj Vagif gizi, the editor-in-chief, carried out this activity together. They traveled to Europe and the United States of America, often on the same flight or separately, and negotiated with representatives of foreign donor organizations on behalf of the "AbzasMedia" online media portal at various events organized by international organizations, in the administrative buildings of donor organizations, during one-on-one meetings, or in correspondence sent via the secure "protonmail.com" e-mail, concluding grant agreements and achieving the allocation of funds. Sevinj Abbasova, as the editor-in-chief of the "AbzasMedia" online media portal, was a leading figure in the activities of that portal. Sevinj Abbasova was directly involved in receiving grants from foreign donors and secretly transferring them to the country, was aware of everything, and also gave instructions to employees on ensuring confidentiality.

past. When he started working as a translator and assistant to Ulvi Hasanov on the “AbzasMedia” online media portal in March 2022, Sevinj Abbasova had already worked on that media portal. Sevinj Abbasova’s first job on that media portal, as far as he knows, was the implementation of a project related to the reconstruction work carried out in the liberated Karabakh territory. The implementation of that project, which was funded by a foreign donor organization, began in July 2021. The report for this project was compiled by [Translator name omitted], who had previously worked as a translator in the office. After [Translator name omitted] left work, he [Mr. Kekalov] began to perform this task. Ulvi Hasanov handed over all the documents compiled by [Translator name omitted] to him. From those documents, it became clear to him that Sevinj Abbasova was the executor of the project related to the reconstruction work carried out in the liberated Karabakh territory. As far as he knows, funds from grant projects from foreign donor organizations were transferred to Ulvi Hasanov by transferring them to foreign bank accounts, or in rare cases cash was given. Ulvi Hasanov has card accounts in the “Bank of Georgia” and “TBC Bank” banks operating in Georgia. Ulvi Hasanov’s “Bank of Georgia” bank card was in light gray and orange colors, and the “TBC Bank” bank card was in red. During his trips abroad with Ulvi Hasanov, at the latter’s request, he inserted Ulvi Hasanov’s “TBC Bank” bank card into ATMs in various countries several times and cashed out foreign currency and returned it to him. In addition, Ulvi Hasanov had several anonymous bank cards, that is, without any bank details on them. Those bank cards were given to Ulvi Hasanov by representatives of the “European Endowment for Democracy” organization in order to ensure confidentiality. He saw those anonymous cards, which were dark blue on Ulvi Hasanov. The organization transferred funds in euros to the accounts of the anonymous bank cards under grant projects. Based on the information available to him, the European Endowment for Democracy organization provides a separate anonymous bank card to the recipient for each grant project. If the project period is extended by the donor, financing is continued with the previous card. He [Kekalov] recalled that Ulvi Hasanov, acting carelessly, inserted those anonymous bank cards into ATMs of banks operating in Azerbaijan when the salaries of the persons involved in the implementation of grant projects of the “AbzasMedia” online media portal were due to be paid, and cash was urgently needed, and cashed out money in euros. Sevinj Abbasova repeatedly reprimanded Ulvi Hasanov for such behavior and asked him to ensure confidentiality, because they were

> operating secretly from state control. The funds received by Ulvi Hasanov and Sevinj Abbasova from foreign donor organizations on behalf of the "AbzasMedia" online media portal for grant projects were brought to the territory of the Republic of Azerbaijan in various ways, secretly from state control, and they [Ulvi Hasanov and Sevinj Abbasova] also involved him [Kekalov], Gasimova Elnara Bahadar gizi, Absolamov Nargiz Fazail gizi in this process. While returning to Azerbaijan on the same flight from abroad, they, as member of the same group, divided the funds between themselves at the customs point at the airport, in different amounts that did not require declaration. In cases where the members of the group were not together, the funds were divided into different amounts among persons who had participated in the same international event, who represented other Civil Society Organizations and gained trust that he does not remember at the moment. In addition, Ulvi Hasanov cashed out the funds by inserting the anonymous bank cards issued to him by the "European Endowment for Democracy" into ATMs of banks operating in Azerbaijan. The funds provided to Ulvi Hasanov by foreign donor organizations under grant projects were in euros and US dollars, depending on the country where the donor organization was registered.[77]

Beyond the testimony of the witnesses called at trial, various items confiscated from the Defendants and their office space, and Mr. Kekalov's statement, the prosecution relied upon border crossing documentation showing the various times the Defendants left and re-entered Azerbaijan. The prosecution presented this evidence suggesting that on each of these trips the Defendants smuggled unregistered grants back into Azerbaijan. As the prosecution adduced no proof of the Defendants working together during these various trips or of the money they allegedly smuggled into the country, it relied upon the sometimes overlapping travel among any of the seven Defendants to suggest organized criminal activity.

Defense Case

On the first day of trial, defense counsel filed a number of motions. The primary challenges focused on the failure of the prosecutor to present any evidence linking certain Defendants to certain charges, and their failure to present evidence that established each element of the charges. The Defendants argued that, at most, the evidence only supported alleged violations of the Administrative Code and did not

[77] Trial Monitor Notes, April 1, 2025, p. 5-7.

rise to the level of criminal conduct. For example, defense counsel argued both in opening remarks on December 17, 2024 and in closing remarks on June 10, 2025, that the failure to register grants received, at most, triggers administrative liability and a fine.[78] Referencing Article 432 of the Administrative Code, the defense argued that the government's characterization of the journalists' activities as entrepreneurs was improper and only characterized as such to move the charges from the administrative realm to the criminal.[79]

Challenges to Defendants' Pre-Trial Detention, Voluntariness of Pre-Trial Statements, and the Search and Seizure of Evidence

Defense counsel renewed their motions challenging pre-trial detention of various Defendants repeatedly throughout trial and, for certain Defendants, their poor conditions of confinement.[80] The prosecution failed to respond to any of the specific arguments and instead relied on the argument that the charges involved serious crimes under multiple articles of the Criminal Code, and that this justified their continued detention.[81] The Court rejected all defense motions and in doing so did not appear to address any of the Defendants' arguments.[82]

The defense challenged the manner of the arrests and subsequent searches. However, the trial court allowed the prosecution to rely upon an unnamed source to justify the Defendants' arrests.[83] The Defendants maintained that they did not consent to the government confiscating and reviewing the contents of their phones and computers, and that any information the prosecution obtained from those searches that were presented at trial were obtained illegally. In addition to challenging the manner in which the investigators carried out their searches and seizures, the Defendants argued that their pre-trial statements were illegally obtained given investigators' repeated use of coercion to obtain them.[84]

For example, Mr. Kekalov retracted his pre-trial statement at trial stating that it was inaccurate and the result of police coercion. Mr. Kekalov told the Court that the police did not believe him when he explained that he only served as a personal translator to Mr. Hasanov, was not a journalist and knew nothing about Abzas Media operations and grants it received. He testified that he only provided the statement to the police

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[78] Trial Monitor Notes, December 17, 2024, pp. 13-14; June 10, 2025, pp. 2, 4, 15-16, 22.
[79] *Id.*
[80] Trial Monitor Notes, December 17, 2024, pp. 12-20.
[81] *Id.*
[82] *Id.*
[83] Trial Monitor Notes, May 6, pp. 4-5.
[84] *Id.*, pp. 4-5, 6.

because they would not stop interrogating him until he told them what they wanted to hear. Specifically, he testified:

> The main thing I will say is that I was engaged in translation here. I don't know most of the journalists. When I testified in the preliminary investigation, I said that I'm not a journalist. I don't know about journalism, grants, donors - I don't know about such things. But they insisted that you know, you have to talk. And in the end, I had to. I really like the program "Mirshahin's Time." I watch it every week. I learned many names of organizations from there. I listed the organizations one by one. Then I listed all journalists who worked for Abzas Media to whom I said hello from time to time. But I don't know most of them. I don't know about the organizations. I've never received a grant. I don't even know anyone from those organizations. I just gave that kind of testimony so that the police would stop looking at me.[85]

Throughout his testimony at trial, Mr. Kekalov maintained that he only gave investigators information they wanted to hear to stop the questioning, naming organizations and journalists he had heard about, but had no personal knowledge of their work or any grants they may have received.[86]

Defense Arguments on Lack of Basis for Criminal Charges

The defense maintained throughout trial that the prosecution charged the Defendants with criminal code violations for conduct that was, at most, violative of Azerbaijan's Administrative Code.[87] For example, the defense highlighted the mischaracterization of unregistered grants as criminal in nature. The Law "On Grants" in Azerbaijan requires that grant agreements be submitted for registration but does not require approval or registration as a condition of legality. As defense counsel argued, failure by an NGO and media outlet to submit a grant agreement for registration constitutes an administrative offense under Article 432.1 of the Code of Administrative Offenses, punishable by a fine, and not a crime under the Criminal Code, which requires an element of entrepreneurial intent for profit.[88] Moreover, the law expressly states that grant agreements retain their legal force regardless of whether they are registered. It was argued that this distinction should have been fatal to the prosecution's theory. Because the grants themselves remain legally valid, the funds received under them cannot constitute "proceeds of crime" for purposes of the

[85] Trial Monitor Notes, April 1, 2025, pp. 2.
[86] *Id.*, pp. 1-10.
[87] Trial Monitor Notes, June 10, 2025, pp. 3-7, 9-11, 16, 21-23.
[88] *Id.*, pp. 4, 11.

legalization statute (Article 193-1), nor can their transfer into the country constitute "smuggling" (Article 206). In other words, the defense argued that the prosecution effectively sought to bootstrap an administrative deficiency into a predicate for serious criminal charges. Such a theory finds no support in Azerbaijani law, the defense asserted.[89]

As to the charge of illegal entrepreneurship, the defense argued it was based on a misapplication of Azerbaijani law.[90] According to the Civil Code,[91] the Tax Code,[92] and the Law "About Entrepreneurial Activity,"[93] entrepreneurship is defined as systematic, profit-oriented activity, such as selling goods or services for financial gain. However, the Defendants, including Mr. Hasanov, were engaged in independent journalism funded through donor-supported grant programs. Their work was not structured for profit and did not involve the sale of services or the generation of income beyond basic operational support. No evidence was presented at any stage to show that the Defendants earned personal profits or operated a business in the legal sense. Mr. Hasanov's finances showed no evidence of commercial activity, and the same applied to Mr. Babali and Mr. Mehralizadeh.

The defense also highlighted how the charges mirrored those used against Azerbaijani civil society leaders in 2013-2014, which the European Court found to be politically motivated in *Rasul Jafarov v. Azerbaijan*, *Mammadli v. Azerbaijan*, and *Aliyev v. Azerbaijan*. The ECtHR found that operating unregistered NGOs and failure to register grants did not amount to a criminal offense without evidence of profit.[94] Specifically, in *Rasul Jafarov v. Azerbaijan*, the defense made similar arguments before the ECtHR, which agreed that Article 192 of Azerbaijan's Criminal Code

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[89] Trial Monitor Notes, June 10, 2025, pp. 7-8.
[90] *Id.*, pp. 2-4, 8, 11, 16.
[91] Article 13 of Azerbaijan's Civil Code states: Entrepreneurial activity is a person's activity conducted independently and for the main purpose of receiving obtaining profit from the use of property, the sale of goods, and the performance of works or provision of services. *See* http://jafbase.fr/docAsie/Azerbajian/Civil_code_eng.pdf, last accessed May 9, 2026.
[92] Article 13 of the Tax Code provides definitions of words used in the Code. Article 13.2.37 defines "Entrepreneurial activity" as "any activity of entrepreneur, performed independently, with the purpose of profit obtaining from the use of the property, supply of goods, fulfillment of words or services." *See* https://www.taxes.gov.az/uploads/2022/qeydiyyat/1-VM.pdf, last accessed May 9, 2026.
[93] Article 1 of the Law of the Republic of Azerbaijan about Entrepreneurial Activity states "Entrepreneurial activity is an activity carried out independently by a person, the main purpose of which is to take profit (income by the individual entrepreneur) from the use of property, production and (or) sale of goods, performance of works or provision of services." *See* https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/105447/AZE-105447.pdf, last accessed July 22, 2026.
[94] *Rasul Jafarov v. Azerbaijan*, App. No. 69981/14 (Mar. 17, 2016), ¶125; *Mammadli v. Azerbaijan* App. No. 47145/14 (Apr. 19, 2018), ¶¶ 60, 61; *Intigam Aliyev v. Azerbaijan*, App. No. 68762/14 (Sept. 20, 2018), ¶¶159-160.

criminalizes behavior of entrepreneurial entities, which did not apply to Mr. Jafarov as a journalist working for a media organization.[95] The European Court stated that it

> remain[ed] unconvinced that such misconduct could have given rise to a reasonable suspicion that he had committed a criminal offence. Neither the domestic authorities nor the Government were able to refer to any provision of the Criminal Code which specifically criminalises a failure to register grants. Instead, rather inexplicably, the prosecuting authority claimed that the alleged failure by the applicant to register the grants should result in characterisation of the use of those grants as illegal commercial ("entrepreneurial") activity. However, as discussed below, no lawful or factual basis for that claim has been demonstrated.[96]

There was no evidence presented that Mr. Babali or Mr. Hasanov engaged in commercial activity or received taxable income, which are the essential elements of the charged offenses.

Defense Challenges to the Sufficiency and Reliability of the Evidence

The defense repeatedly challenged both the reliability of the government's evidence and the many ways in which the evidence the prosecution presented did not support the charges against Defendants, yet the court rejected every argument.[97] From an evidentiary standpoint, the defense argued that key case materials that the prosecution submitted were admitted without the proper evidentiary foundation and that many of the documents were obtained illegally.[98] The defense alleged that many of the documents that the prosecution claimed to prove the case against the Defendants were photocopies and not originals.[99] The defense also argued that their requests to receive copies of these documents to review were repeatedly denied, further calling the legitimacy of these documents into question.[100]

As noted above, to support the legalization and forgery charges, the prosecution called several witnesses whose names and signatures appeared on payment receipts and contracts allegedly linked to Abzas Media. Those individuals testified,

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[95] *Rasul Jafarov v. Azerbaijan*, App. No. 69981/14 (Mar. 17, 2016), ¶125.
[96] *Id.*
[97] *See, e.g.*, Trial Monitor Notes, December 17, 2024, pp. 12-13, 15-19; December 28, 2024, pp. 6, 15-18; January 21, 2025, pp. 3, 6, 9; March 11, 2025, pp. 2-3, 6-7; April 1, 2025, pp. 12-13; April 8, 2025, pp. 1-2, 4-6; May 6, 2025, pp. 2-7; June 10, 2025, pp. 1-3, 6, 9-29; June 20, 2025, pp. 2, 7-8.
[98] Trial Monitor Notes, December 17, 2024, pp. 13, 16, 19.
[99] *Id.*, p. 16
[100] *Id.*, p. 13.

across the board, that they were not employed by Abzas Media, had never received payment from the company, and had not seen those documents before the time of their testimony. Relying on this testimony, the prosecution argued that it served as proof that the Defendants had falsified documentation to conceal the movement of foreign funds.[101] Yet, the prosecution did not and was not required to provide the originals of the receipts. Mr. Hasanov testified that he never provided a handwriting sample to the prosecution and no original documents containing his signature were provided in evidence. Instead, it appears that the handwriting analysis used to support the prosecution's forgery charge was conducted on photographs of receipts.[102] Likewise, in multiple motions, the Defendants requested the names of the investigators involved in the case, and demanded that evidence that came from an unknown source or without a marked date or author be excluded from trial.[103]

To further support their argument that the prosecution failed to present sufficient evidence to support the charges, the defense pointed out that the prosecution failed to produce any customs documentation, seizure records, or testimony as to the allegations that the Defendants transported cash across a border. The only evidence the prosecution submitted was the pre-trial testimony of Mr. Kekalov, which stated that he and Ulvi Hasanov, Gasimova Elnara Bahadar, Absolamov Nargiz Fazail and other individuals brought the international funds into Azerbaijan by secret methods, and Kekalov retracted that statement during trial explaining that his pre-trial statement was false because he had been forced to give evidence under duress.[104] The Defendants' arguments that the prosecution failed to meet its burden to prove its allegations of smuggling were rejected.[105]

The defense also challenged the Court's decision to allow the prosecution to present a pre-trial statement from one witness, which identified Ulvi Hasanov as the financial operator of Abzas Media, because this witness was abroad during trial and not available for the defense to confront her.[106] Her statement read into the record on April 29, 2025 states: "She assumes that the rental and maintenance of the office, including the purchase of equipment, covering expenses for electricity, water, gas and other utilities, were carried out by [non-defendant name omitted] and Ulvi

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[101] Trial Monitor Notes, April 22, 2025, Witness Testimony, p. 2; April 22, 2025, Witness Testimony, pp. 3-4; April 22, 2025, Witness Testimony, pp. 4-5; April 22, 2025, Witness Testimony, pp. 5-6; April 29, 2025, Witness Testimony, pp. 3-5; April 29, 2025, Witness Testimony, p. 6; April 29, 2025, Witness Testimony, p. 7; May 6, 2025, Witness Testimony, pp. 1-2; May 6, 2025, Witness Testimony, p. 3.
[102] Judgment, p. 248.
[103] Trial Monitor Notes, May 16, 2025, pp. 3-22; June 10, 2025, pp. 1-7.
[104] As discussed at page 13 above.
[105] Out of 184 alleged border crossings, not a single instance involved a defendant being stopped by customs or found in possession of undeclared cash. Trial Monitor Notes, June 20, 2025.
[106] Trial Monitor Notes, April 29, 2025, pp. 6-7; May 6, 2025, pp. 5-6.

Hasanov as managers on a half-and-half basis. [Non-defendant name omitted] and Ulvi Hasanov each managed the finances of the organization they headed and exercised control over its activities."[107] Despite repeated objections from the defense, the court did not strike her statement or require the prosecution to bring her to court.

Defense Challenges to Denial of Their Right to Present Exculpatory Evidence

The defense argued that surveillance footage from cameras within the Abzas Media office would show that the money purportedly found there was planted, but the police confiscated the camera footage and refused to turn it over to the defense. Still, the prosecution persisted in presenting physical evidence at trial, including €40,000 in cash allegedly found by an investigator conducting a search of Abzas Media's offices.[108]

Mr. Mehralizadeh maintained throughout trial that he was not affiliated with Abzas Media in an ongoing professional capacity. The only individualized allegation the prosecution made against Mr. Mehralizadeh personally was to claim that:

> On February 2, 2024, Farid Mehralizadeh, a member of the organized group, deposited $7,890 cash into his account at Unibank Commercial Bank Open Joint Stock Company by paying $29.41 for insurance deposit, transferred the rest of $7,800 of that amount to the account of AGDAM TRADE, a company operating in Incheon, Republic of Korea, at Kookmin Bank of the Republic of Korea. He, in total, imported $7,829.41, which was 13,309.99 manat at the exchange rate of that period, to the Republic of Azerbaijan. After importing that amount, he spent it on purchasing a 2019-issued Kia K3 model car, registered number [vehicle identification number omitted], registered in his name with the license plate number [registration number omitted], from the Republic of Korea.[109]

Mr. Mehralizadeh argued that his name did not appear in any of the documents presented by the prosecution until after his arrest on May 30, 2024.[110] Throughout the trial, Mr. Mehraizadeh's co-defendants and multiple witnesses testified that he had no professional involvement in Abzas Media.[111] Ms. Absalamova, Mr. Hasanov, and Ms. Gasimova each confirmed that Mr. Mehralizadeh had no professional

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[107] Trial Monitor Notes, April 29, 2025, p. 6.
[108] Trial Monitor Notes, December 28, 2024, p. 14.
[109] Trial Monitor Notes, December 28, 2024, pp. 13-14.
[110] Trial Monitor Notes, January 21, 2025, pp. 8-9.
[111] Trial Monitor Notes, March 11, 2025, p. 2; April 1, 2025, pp. 1-4, 11-12; April 22, 2025, pp. 3, 5-6; April 29, 2025, p. 4.

connection to Abzas Media.[112] Ms. Absalamova testified that she interviewed him to ask his professional opinion as an economist, but that no ongoing professional relationship existed.[113] His defense attorney argued that there was no evidence linking his client to the alleged crimes and suggested the charges were retaliatory due to his work with Radio Liberty.[114] Mr. Mehralizadeh also argued that he had been denied the right to access exculpatory evidence, specifically data from his confiscated phone to prove he had never been to the Abzas Media office.[115]

Other Procedural Deficiencies Challenged by the Defense at Trial

The defense challenged various procedural deficiencies throughout the trial. The Defendants challenged the propriety of two judges presiding over the proceedings given that the European Court had already found that a previous case presided over by one of them had resulted in violation of Article 18 of the Convention, and given that the other, a former employee of the Ministry of National Security, had in the defence view, participated in politically motivated rulings.[116]

Judgment

On June 20, 2025, the Court returned a verdict of guilty against all the Defendants, finding each guilty of the same charges: breaches of (1) Article 192.3.2, Illegal Entrepreneurship; (2) Article 193-1.3.1, Legalization of property obtained through crime by a criminal organization; (3) Article 193-1.3.2 Legalization of property obtained through crime in a significant amount; (4) Article 206.4 Smuggling by an organized group; (5) Article 213.2.1, Tax Evasion by an organized group; (6) Article 320.1, Counterfeit certificate or official document; and (7) Article 320.2, Using Knowingly Counterfeit Documents.[117]

- Mr. Hasanov was sentenced to 9 years' imprisonment and a 3-year ban on holding managerial or financially responsible positions.[118]
- Mr. Kekalov was sentenced to 7.5 years' imprisonment.[119]

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[112] Trial Monitor Notes, January 21, 2025, p. 9, and April 1, 2025, p. 12.
[113] Trial Monitor Notes, April 1, 2025, p.11.
[114] Trial Monitor Notes, December 17, 2024, pp. 12-16.
[115] Trial Monitor Notes, April 8, 2025, p. 1.
[116] Trial Monitor Notes, December 17, 2024, pp. 2-3.
[117] Judgment, pp. 273-276.
[118] Judgment, pp. 265-67, 273-75.
[119] Judgment, pp. 265-67, 273-75.

- Ms. Abbasova was sentenced to 9 years' imprisonment and a 3-year ban on holding managerial or financially responsible positions.[120]
- Mr. Babali was sentenced to 9 years' imprisonment and a 3-year ban on holding managerial or financially responsible positions.[121]
- Ms. Absalamova was sentenced to 8 years' imprisonment.[122]
- Ms. Gasimova was sentenced to 8 years' imprisonment.[123]
- Mr. Mehralizadeh was sentenced to 9 years' imprisonment and a 3-year ban on holding managerial or financially responsible positions.[124]

Appeals

On July 5, 2025, the Defendants appealed the Baku Grave Crimes Court's June 20, 2025 verdict to the Baku Court of Appeals. They raised various procedural and substantive violations throughout trial and argued that the prosecution violated their rights under Articles 6, 10, 11, and 18 of the European Convention on Human Rights ("ECHR"), including the rights to a fair trial, freedom of expression, freedom of association, and protection from politically motivated prosecution.[125] On September 9, 2025, the Baku Court of Appeal upheld the convictions and sentencings of the Defendants.[126]

The Defendants then filed a cassation appeal to the Supreme Court.[127] The appeals were held piecemeal over three different court sessions, with each session considering the arguments of a few Defendants.[128] On March 6, 2026, the Supreme Court held the first proceeding of the Defendants' appeal, which commenced 2 hours and 40 minutes later than scheduled.[129] Only two Defendants, Mr. Mehralizade and Mr. Kekalov, were in attendance and only their requested appeals were being

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[120] Judgment, pp. 265-67, 273-75.
[121] Judgment, pp. 265-67, 273-75.
[122] Judgment, pp. 265-67, 273-75.
[123] Judgment, pp. 265-67, 273-75.
[124] Judgement, pp. 265-67, 273-75. Note: The ban on holding "managerial or financially responsible positions" would prevent Hasanov, Abbasova, Babali, and Mehralizadeh from serving as directors or editors of any media outlet for three years following their release, which is effectively an additional penalty to dismantle Abzas Media's institutional capacity even beyond the prison terms themselves.
[125] Hafiz Babali's Appeal, June 5, 2025.
[126] Court of Appeal Decision, p. 299.
[127] Trial Monitor Notes, March 6, 2026, p. 1.
[128] *Id.*
[129] *Id.*

considered.[130] Both were brought in with convoys and placed in a glass booth.[131] Mr. Kekalov's attorney was not present, but with his consent, the proceeding continued.[132]

Mr. Mehralizadeh's counsel set forth arguments detailing Mr. Mehralizade's limited and tangential connection to Abzas Media, having only given a limited number of interviews with the organization.[133] Mr. Mehralizadeh argued instead that he was merely an employee of a bank.[134] His counsel argued that there was not a single piece of evidence against him in the criminal case materials, and yet he was convicted and sentenced.[135]

The Supreme Court convened again on March 13, 2026 to consider the appeals of Mr. Hasanov and Ms. Abbasova.[136] Mr. Hasanov, who likewise was held in a glass booth, was the only defendant in attendance, as Ms. Abbasova refused to participate in protest against the case being considered in parts.[137] Counsel for Mr. Hasanov made an initial motion to request all the Defendants have their cassation appeals heard and considered during the same proceeding.[138] The court denied the motion, indicating a decision had already been made due to limited space and the number of defendants in the case.[139]

Counsel for Mr. Hasanov renewed their prior requests for Mr. Hasanov to be acquitted of all charges, a request made to the trial court and the Baku Court of Appeal.[140] Counsel articulated that not only had the prosecution failed to substantively meet its burden by presenting any evidence to support the crimes Mr. Hasanov was charged with committing, but the prosecution also failed to follow procedural protocols.[141] Further, counsel argued that despite raising arguments related to all of these points to the trial court, the Court refused to investigate.[142]

Mr. Hasanov also spoke before the Supreme Court to provide additional context in support of his appeal.[143] Mr. Hasanov shared that the Defendants had been

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[130] *Id.*
[131] *Id.*
[132] *Id.*, pp. 1-2.
[133] *Id.*
[134] *Id.*, pp. 2-3.
[135] *Id.*
[136] Trial Monitor Notes, March 13, 2026, p. 1.
[137] *Id.*
[138] *Id.*
[139] *Id.*
[140] Trial Monitor Notes, March 13, 2026, pp. 2-3.
[141] *Id.*
[142] *Id.*
[143] *Id.*, p. 3.

investigating the corruption of high-ranking officials relating to tax evasion, money smuggling, holding fake tenders, and illegal financial transactions.[144] The Defendants, he argued, were arrested to silence those journalistic efforts.[145] To support this argument, he pointed to the following: 1) upon his arrest, the police asked why Abzas Media was "investigating the facts of corruption there, and not the liberation of Karabakh from occupation"; 2) that only 1 of 81 motions filed by the Defendants was granted; and 3) that the Defendants' cassation appeal was separated to consider the Defendants' arguments in groups instead of as a collective.[146]

The final Supreme Court proceeding commenced on April 3, 2026.[147] The only defendant to appear was Mr. Babali.[148] Mr. Babali's counsel was unable to attend due to a conflicting court appearance, but with Mr. Babali's consent, the court proceeded.[149]

Ms. Abbasova, Ms. Gasimova, and Ms. Absalamova refused to participate in the cassation hearings in protest against the case being considered in parts.[150] Ms. Gasimova and Ms. Absalamova's counsel was first to speak.[151] Like the arguments raised in the prior proceedings, Ms. Gasimova and Ms. Absalamova's counsel argued that the prosecution failed to provide evidence that they were guilty of any of the crimes for which they were charged and convicted.[152] Rather, their involvement in Abzas Media was limited to filming of limited videos, which they did on a volunteer basis.[153] Instead, their counsel stated, it was clear that they were being targeted for their critical journalistic activities and provided detailed arguments as to why the prosecution failed to meet its burden.[154]

Upon conclusion of all of the Defendants' arguments, the representative for the civil plaintiff and prosecutor spoke to request the judgments be maintained.[155] The court

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144 Trial Monitor Notes, March 13, 2026, p. 3.
145 *Id.*
146 *Id.*
147 Trial Monitor Notes, April 3, 2026, p. 1.
148 *Id.*
149 *Id.*, pp. 1-2.
150 *Id.*
151 *Id.*, p. 2.
152 *Id.*, pp. 2-3.
153 Trial Monitor Notes, April 3, 2026, p. 2.
154 *Id.*, pp. 2-3.
155 *Id.*

deliberated for 10 minutes and denied the cassation appeals.[156] The Supreme Court's written decision found that for all seven defendants:

> The first-instance court established that the convicted persons had committed the acts imputed to them, as described in the descriptive and reasoning sections of the judgment and the final decision of the appellate court, as well as in the "Facts of the Case" section of the present decision, and that they were guilty of the offences under Articles 192.3.2, 193-1.3.1, 193-1.3.2, 206.4, 213.2.1, 320.1 and 320.2. Those findings were based on a totality of mutually consistent evidence, examined in accordance with Articles 143–146 of the Criminal Procedure Code of the Republic of Azerbaijan, the admissibility of which was not challenged, as well as on facts that had been fully, comprehensively and objectively examined.[157]

The Court went on to say that "no gross violations of the law was committed during the preliminary investigation, and that at the first-instance and appellate court levels, the proceedings were conducted in accordance with the principles of a fair trial, were conducted within reasonable timeframes, the rights of the defendants were respected at all court hearings, and during the trial, the defendants personally participated in the examination of all evidence against them, and were given opportunities to challenge the admissibility and use of the evidence."[158] While the Court asserted that the Defendants were effectively given a fair trial and the prosecution proved the elements of each offense, the decision does not go into detail about how the prosecution did that or counter the Defendants' claims of insufficient evidence and due process violations with examples to the contrary. The Supreme Court affirmed the decision of the Baku Court of Appeals finding the trial court's judgement "lawful and well-founded," and denied the Defendants' cassation appeals.[159]

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[156] *Id.*, p. 5.
[157] Supreme Court Decision, April 3, 2026, p. 17.
[158] *Id.,* p. 18.
[159] *Id.*

METHODOLOGY

A. MONITORING

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 machine translated case documents. The translation of key quotations from the case documents/monitor notes and legal provisions were checked with a translator.

The monitoring therefore reflects both the dynamics observed during hearings—such as judicial responses to motions, witness questioning, and courtroom access—and a documentary review of the investigative and prosecutorial record. This combined approach enabled a comprehensive evaluation of the proceedings as a whole, consistent with TrialWatch's established trial monitoring methodology.

B. ASSESSMENT

To evaluate the trial's fairness and arrive at a grade of F, TrialWatch Expert Françoise Tulkens reviewed a summary of the notes prepared by the trial monitor as well as machine translations of various court documents, including the indictment and judgments from the trial and appeal proceedings, and public reporting on Azerbaijani officials' targeting of freedom of expression and the media, as well as the analysis of the case and of the political and legal context in Azerbaijan prepared by Davis Wright Tremaine LLP and set out in this report.

Based on this review, TrialWatch Expert Françoise Tulkens concludes that, in her view, this trial is a travesty of justice, the core of which is offences that in her assessment lack any adequate evidential foundation, designed to conceal multiple violations of the Defendants' fundamental rights. Throughout the judicial proceedings the record demonstrates a lack of judicial independence, most obviously evidenced by the lack of any thorough and meaningful justification for the measures taken. This is exacerbated by the routine denial of the defense's motions without any adequate (or any) reasoning, inadequate evidence presented by the prosecution, and denial of the right to present exculpatory evidence. The judgment convicting all seven defendants on the same charges without distinguishing between them nor justifying any form of joint liability flagrantly breaches the right to individual adjudication of the charges. At the systemic level, it is considered that the trial exemplifies the ongoing pattern of retaliatory prosecutions of independent and critical voices in Azerbaijan, mirroring the same abusive practices found to breach the ECHR by the ECtHR over a decade ago.

31

ANALYSIS

A. APPLICABLE LAW

This report draws upon the International Covenant on Civil and Political Rights (ICCPR); jurisprudence from the United Nations Human Rights Committee ("HRC" or "Committee"), tasked with monitoring implementation and enforcement of the ICCPR; the ECHR and jurisprudence from the ECtHR tasked with monitoring implementation and enforcement of the former. Azerbaijan acceded to the ICCPR in 1992. Azerbaijan ratified the ECHR in 2002. The following analysis assesses the government's treatment of Defendants, from arrest through trial, judgment, and the Defendants' subsequent appeals, against Azerbaijan's human rights obligations under international law.

B. ANALYSIS OF CHARGING DOCUMENT(S)

The November 29, 2024 indictment filed against the Defendants did not comply with international standards. Specific concerns with the application of the charges are dealt with in the trial analysis section below. Issues unique to the indictment itself relating to the right of the Defendants to be informed of the charges against them are addressed below.

Right to be Informed of Charges

Article 14(3)(a) of the ICCPR entitles every person charged with a criminal offence "to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him." The ECHR provides similar protections. As the European Court has explained, Article 6 of the Convention requires that the defendant be able "to understand fully the extent of the charges against him with a view to preparing an adequate defence."[160] In particular, the Court has stressed the need for defendants to be informed of the "essential details concerning time and place" of the alleged offense.[161]

The indictment charged all seven Defendants under the exact same criminal code provisions without identifying each Defendant's individual actions that supported the charges against them under each article of the criminal code. Instead the indictment

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[160] European Court of Human Rights, Mattoccia v. Italy, App. No. 23969/94 (July 25, 2000), ¶ 60.
[161] *Id.* ¶ 71.

presented a narrative naming each individual as having various affiliations to Abzas Media and discussing what the seven defendants allegedly accomplished as a group without identifying each individual's role in the alleged crimes and explaining how they worked together as a criminal enterprise. While certain actions were ascribed to certain players, the Defendants not named in certain actions were assumed to be part of the criminal enterprise and charged just the same. Indeed, the indictment appears to be a series of circumstantial facts woven together into a final assumption of wrongdoing, rather than the identification of explicit material acts by each Defendant that would demonstrate their role in the charged crimes and their intent to work with the other Defendants as a criminal enterprise.

As such, the indictment failed to provide the Defendants with a clear understanding of what the government was accusing each individual of doing that would have established the charged offenses. In that failure, the Defendants were deprived of the right to know the allegations against them and prepare a full defense.

C. ANALYSIS OF TRIAL

The trial proceedings failed to respect the fundamental principles of fairness enshrined in the ICCPR and ECHR. Each violation is examined collectively as to all Defendants.

Right to Call and Examine Witnesses

The principle of equality of arms protected by Article 14(1) of the ICCPR and Article 6(1) of the ECHR requires "that each side be given the opportunity to contest all the arguments and evidence adduced by the other party."[162] Under ECtHR case law, equality of arms means that "each party must be afforded a reasonable opportunity to present his case under conditions that do not place him at a substantial disadvantage vis-à-vis his opponent."[163] This includes the right to have knowledge of and comment on all evidence adduced and observations filed by the opposing party. The HRC has found violations of Article 14(1) where courts have inexplicably denied requests to summon witnesses.[164]

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[162] U.N. Human Rights Comm., General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007), ¶ 13.
[163] *Dombo Beheer B.V. v. Netherlands*, App. No. 14448/88 (Oct. 27, 1993), ¶ 33.
[164] *See* U.N. Human Rights Comm., *Evrezov et al. v. Belarus*, U.N. Doc. CCPR/C/112/D/1999/2010 (Nov. 25, 2014), ¶ 8.9; U.N. Human Rights Comm., *Khomidova v. Tajikistan*, U.N. Doc. CCPR/C/81/D/1117/2002 (July 29, 2024), ¶ 6.5.

Article 14(3)(e) of the ICCPR also specifically enshrines the right of defendants in criminal cases "to obtain the attendance and examination of witnesses on [their] behalf under the same conditions as witnesses against [them]." In the words of the HRC, this provision "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."[165] In interpreting Article 14(3)(e), the Committee has found violations not only where courts have refused to call proposed defense witnesses without adequate justification,[166] but also where courts have unjustifiably cut short defense cross-examination of prosecution witnesses,[167] and where the prosecution has introduced out-of-court statements by key witnesses without making those witnesses available for cross-examination by the defense.[168]

Article 6(3)(d) of the ECHR likewise states "Everyone charged with a criminal offence has the following minimum rights: (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him." In *Al-Khawaja and Tahery v. the United Kingdom* the ECtHR Grand Chamber extensively reviewed the question of whether the prosecution's presentation of statements made by absent witnesses that the defense was unable to cross-examine violated Articles 6(1) and 6(3) of the ECHR.[169] Relevant to the ECtHR's determination were whether the defendant's conviction rested solely on the evidence of the absent witnesses and whether the trial court properly scrutinized the reasons the witness was absent and whether those reasons were valid.[170] In the case of Al-Khawaja, the ECtHR found that the

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[165] U.N. Human Rights Comm., General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007), ¶ 39.
[166] *See* U.N. Human Rights Comm., *Sirozhiddin Allaberdiev v. Uzbekistan*, U.N. Doc. CCPR/C/119/D/2555/2015 (Mar. 21, 2017), ¶ 8.9; U.N. Human Rights Comm., *Y.M. v. Russian Federation*, U.N. Doc. CCPR/C/116/D/2059/2011 (May 13, 2016), ¶ 9.9; U.N. Human Rights Comm., *Larranaga v. The Philippines*, U.N. Doc. CCPR/C/87/D/1421/2005 (July 24, 2006), ¶ 7.7; U.N. Human Rights Comm., *Dugin v. Russian Federation*, U.N. Doc. CCPR/C/81/D/815/1998 (July 5, 2004), ¶ 9.3; U.N. Human Rights Comm., *Khomidova v. Tajikistan*, U.N. Doc. CCPR/C/81/D/1117/2002 (July 29, 2004), ¶ 6.5.
[167] U.N. Human Rights Comm., *Larranaga v. The Philippine*s, U.N. Doc. CCPR/C/87/D/1421/2005 (July 24, 2006), ¶ 7.7; *see also* European Court of Human Rights, *Pichugin v. Russia*, App. No. 38623/03 (Oct. 23, 2012), ¶ 172 (finding a violation of the right to call and examine witnesses where the presiding judge strictly limited and struck questions relating to the credibility of a key witness).
[168] *See* U.N. Human Rights Comm., *Y.M. v. Russian Federation*, U.N. Doc. CCPR/C/116/D/2059/2011 (May 13, 2016), ¶ 9.9; U.N. Human Rights Comm., *Rouse v. Philippines*, U.N. Doc.CCPR/C/84/D/1089/2002 (July 25, 2005), ¶ 7.5; U.N. Human Rights Comm., *Dugin v. Russian Federation*, U.N. Doc. CCPR/C/81/D/815/1998 (July 5, 2004), ¶ 9.3.
[169] *Al-Khawaja and Tahery v. the United Kingdom,* App. Nos. 26766/05 and 22228/06 (Dec. 15, 2011), ¶ 147.
[170] *Id.* at ¶ 147.

presentation of absent witness testimony during the trial did not constitute a violation where the witness was absent due to her death and the court made efforts to instruct the jury to counterbalance the weight that should be provided to the statement.[171] In the proceedings against the second applicant, Tahery, the ECtHR found that the evidence from the absent witness presented at trial did violate Articles 6(1) and 6(3) of the ECHR because it was the sole evidence of the charges against the defendant and the statement was not corroborated by the other witnesses who were also present at the time of the crime, so the inability of the defense to test the reliability of the statement from the absent witness was critical to ensuring a fair trial.[172]

In *Allaberdiev v. Uzbekistan*, the UN Human Rights Committee considered a case in which the accused was charged with and convicted of drug-related offenses.[173] Defense counsel requested to call, among others, individuals involved with the investigation and individuals who had allegedly planted the drugs on the accused.[174] Although these witnesses were central to the defense theory that the case was fabricated, the court rejected the request, deeming the proposed testimony irrelevant.[175] The Committee found a breach of Article 14(3)(e).[176] Similarly, in *Saidov v. Tajikistan*, the Committee found a violation of Article 14(3)(e) where the court, "stating that the witnesses requested were too close to the accused and were interested in the outcome," prevented the accused from calling 11 witnesses.[177] Notably, the right to call and examine witnesses encompasses experts,[178] as well as police officers involved in the investigation.[179]

Here, the defense was denied the opportunity to question an absent witness, whose previous statement to investigators was entered into trial on April 29, 2025, when the prosecution maintained that she was abroad and unreachable. Her testimony largely focused on identifying Ulvi Hasanov as the financial operator of Abzas Media. The defense requested that the witness be brought to court or questioned remotely, as permitted by law, given that their statements implicated the Defendants. Alternatively,

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[171] *Id.* at ¶ 153-158.
[172] *Id.* at ¶ 159-165.
[173] U.N. Human Rights Comm., *Sirozhiddin Allaberdiev v. Uzbekistan*, U.N. Doc. CCPR/C/119/D/2555/2015 (May 18, 2017), ¶¶ 2.1–2.21.
[174] *Id*. ¶ 3.5.
[175] *Id*. ¶¶ 8.7–8.9.
[176] *Id*. ¶¶ 8.8–8.9.
[177] U.N. Human Rights Comm., *Saidov v. Tajikistan*, U.N. Doc. CCPR/C/122/D/2680/2015 (Sept. 20, 2018), ¶ 9.6.
[178] *See* U.N. Human Rights Comm., *Pustovalov v. Russian Federation*, U.N. Doc. CCPR/C/98/D/1232/2003(May 10, 2010), ¶ 8.4.
[179] *See* European Court of Human Rights, *Butkevich v. Russia*, App. No. 5865/07 (Feb. 13, 2018), ¶ 98; European Court of Human Rights, *Ürek and Ürek v. Turkey*, App. No. 74845/12 (July 30, 2019), ¶ 50.

the Defendants requested the statements be removed from evidence. The court instructed the prosecution to bring the witness into court. At the next appearance on May 6, 2025, the prosecution informed the court that the witness was unavailable to attend in person.[180] Still, the court neither retracted her statement nor required additional effort on the part of the prosecution to bring her to court.

The Defendants requested that the prosecution be required to identify and make available for questioning an unnamed "reliable source" relied upon by the prosecution as justification for the arrests of the Defendants.[181] In addition, the Defendants requested the right to summon four police officers linked to the investigation, to be cross-examined about their process for collecting evidence, as well as a taxi driver present during the arrest of Mr. Hasanov, who was said to have witnessed the abuse Mr. Hasanov endured, and to require that the prosecution identify the officer who photographed the search of Abzas Media, so that officer could also be questioned, especially in light of the allegations that the €40,000 allegedly found in the office was planted by police.[182] The court denied all requests.

This report considers that the court's denial of multiple requests to call witness, and subsequent refusal to remove the pre-trial statement of an absent witness from the record, despite defendants' inability to cross-examination that witness (and without any adjustment by the court as to the weight given to that evidence), constituted a violation of the Defendants' right to call and examine witnesses, again demonstrating the fundamentally unfair trial proceedings.

Right to be Presumed Innocent

The Defendants' right to the presumption of innocence, a principle that is foundational to ensuring a fair trial, was violated by the Court's failure to meaningfully consider any of the Defendants' motions and defenses, acceptance of unreliable evidence, and its unexamined deference to all prosecution arguments.

Article 14(2) of the ICCPR guarantees the right of anyone charged with a criminal offense to the presumption of innocence until proven guilty according to the law. This right is also guaranteed by Article 6(2) of the ECHR, incorporating the *in dubio pro reo* ("when in doubt, for the accused") principle, which requires that the burden of proof rest on the prosecution, and any doubt should benefit the accused; this right "will be infringed where the burden of proof is shifted from the prosecution to the

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[180] Trial Monitor Notes, May 6, 2025, p. 5.
[181] *Id.*, May 6, 2025, pp. 4-5.
[182] *Id.*, May 16, 2025, pp. 3-22; *Id.*, June 10, 2025, pp. 1-7.

defence."[183] The HRC similarly provides that the right to a presumption of innocence "is fundamental to the protection of human rights," and "imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, ensures the accused has the benefit of the doubt, and requires that persons accused of a criminal act must be treated in accordance with this principle."[184] The ECtHR has recognized that the presumption "may be infringed not only by a judge or court but also by other public authorities."[185] The Human Rights Committee may also comment on a State party's evaluation of evidence where "the conduct of the trial or the evaluation of facts and evidence or interpretation of legislation was manifestly arbitrary or amounted to a denial of justice."[186]

The ECtHR has likewise held that Article 6(2) is violated where a court rejects relevant defense evidence without adequate reasoning.[187] Here the ECtHR considers the guarantees of Article 6(2) together with the overall fairness of the proceedings protected by Article 6(1), and looks specifically at whether inadequate reasoning evidences a lack of fairness and transparency, giving the impression of a preconceived notion of defendant guilt.[188] The ECtHR also examines whether the lack of adequate reasoning leaves material inconsistencies or gaps in the prosecution's case, such that it is clear that the prosecution has failed to discharge its burden of proof and any doubts have not been resolved in favor of the defense, in breach of the *in dubio pro reo* principle.[189]

An examination of the trial court proceedings confirms that in the present case, the court dismissed defense arguments and evidence without adequate justification and did not appear to consider inconsistencies and gaps in the prosecution's case (for example as discussed below). The trial and appeal courts instead resolved all doubts in the prosecution's favor. This report considers that the Defendants were unable to adduce evidence that the defense argued would have aided in their defense, and the

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[183] ECHR, Article 6(2). *See* European Court of Human Rights, *Melich and Beck v. Czech Republic*, App. No. 35450/04 (July 24, 2008), ¶ 49.
[184] Human Rights Committee, General Comment 32, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007), ¶ 30.
[185] European Court of Human Rights, *Allenet de Ribemont v. France*, App. No. 15175/89 (Aug. 7, 1996), ¶ 36.
[186] Human Rights Committee, *Ashurov v. Tajikistan*, U.N. Doc. CCPR/C/89/D/1348/2005 (Mar. 20, 2007), ¶ 6.7.
[187] European Court of Human Rights, *Melich and Beck v. Czech Republic*, App. No. 35450/04 (July 24, 2008), ¶¶ 49-55. *See also* European Court of Human Rights, *Ajdarić v. Croatia*, App. No. 20883/09 (Dec. 13, 2011), ¶¶ 46-52.
[188] European Court of Human Rights, *Melich and Beck v. Czech Republic*, App. No. 35450/04 (July 24, 2008), ¶¶ 50-53.
[189] European Court of Human Rights, *Ajdarić v. Croatia*, App. No. 20883/09 (Dec. 13, 2011), ¶ 51.

domestic courts failed to hold the prosecution to the requirement to discharge their burden of proof, all in breach of the presumption of innocence.[190]

The prosecution's treatment of the smuggling charge under Article 206.4 is illustrative. The prosecution was required to prove that the Defendants physically transported undeclared currency across a customs border.[191] Yet it produced no customs documentation, no seizure records, no customs officer testimony, and no identification of any specific instance in which a defendant carried undeclared cash across a border. As the defense pointed out, out of 184 alleged border crossings, not a single instance involved a Defendant being stopped by customs or found in possession of undeclared cash.[192] Rather than address these shortcomings in the prosecution's case, the judgment applied a "continuing crime" theory treating all border crossings over three years as a single offense and an "organized gang" theory allowing collective liability, overlooking the complete lack of evidence that verified the border crossings were in any way unlawful. The court convicted all the Defendants on the smuggling charge, including Mr. Babali, despite the fact that he had been legally barred from international travel since 2021 and thus it is considered that this could not plausibly have smuggled undeclared cash across the border during the time encompassed by the allegations.[193]

This same pattern is evident across the remaining charges. On the illegal entrepreneurship charge under Article 192.3.2, the defense argued that Abzas Media was a grant-funded non-profit, not a commercial enterprise; that the ECtHR had rejected identical charges against Azerbaijani civil society actors in *Rasul Jafarov v. Azerbaijan*, *Mammadli v. Azerbaijan*, and *Aliyev v. Azerbaijan*;[194] and that failure to register grants is an administrative offense punishable by fine, not a criminal one.[195] The Baku Court's judgment does not analyze whether journalism constitutes "entrepreneurship," does not address the administrative-versus-criminal distinction, does not respond to the ECtHR precedent, and states only that the elements were "determined by reliable evidence."[196] On the tax evasion charge, the defense cited Tax Code provisions establishing that grants to non-profits are exempt from income

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[190] European Court of Human Rights, *Melich and Beck v. Czech Republic*, App. No. 35450/04 (July 24, 2008), ¶¶ 49-55. *See also* European Court of Human Rights, *Ajdarić v. Croatia*, App. No. 20883/09 (Dec. 13, 2011), ¶¶ 46-52.
[191] Judgment, p. 239.
[192] Trial Monitor Notes, June 20, 2025, pp. 4-5.
[193] *Id.*, June 10, 2025, pp. 21-22.
[194] European Court of Human Rights, *Rasul Jafarov v. Azerbaijan*, App. No. 69981/14 (Mar. 17, 2016); *Mammadli v. Azerbaijan*, App. No. 47145/14 (Apr. 19, 2018); *Aliyev v. Azerbaijan*, App. Nos. 68762/14 and 71200/14 (Sept. 20, 2018).
[195] Code of Administrative Offenses of the Republic of Azerbaijan, Article 432.1.
[196] Judgment, p. 246.

tax and VAT.[197] The judgment does not address these provisions or explain why they do not apply.

The conviction under Articles 193-1.3.1 and 193-1.3.2 for legalization of property obtained through crime similarly rests on circular reasoning. The judgment holds that grant funds were obtained through "illegal entrepreneurial activity and smuggling" and then moved the money through bank deposits and ATM withdrawals. The total amount the defendants are alleged to have obtained through criminal means—545,278.46 manat—equals the total of all grant funds received.[198] Arguably, the prosecutions' theory thus effectively criminalizes all independent grant-funded media. The defense further argued that if the predicate offenses fail, the charge necessarily fails, and that using grant funds for their documented purpose is not concealment. The judgment does not address any of these arguments, which in our view allows the prosecution to bootstrap the basis for all convictions on what we consider to be the unfounded entrepreneurship argument.

Evidence of the forgery charges under Articles 320.1 and 320.2 relied upon forensic handwriting analysis that was conducted on photographs of receipts rather than original documents, and the defense's repeated requests for access to originals were denied.[199] The judgment does not address chain of custody issues with the prosecution's evidence and does not explain how internal salary receipts qualify as "official documents" under Article 320.[200]

The court repeatedly ignored significant gaps and flaws in the prosecution's evidence and legal theories, such as what appears to be a lack of evidence that the Defendants' conduct constituted entrepreneurial activity in the first place. The report finds that the consequence is the evisceration of the presumption of innocence, as that presumption can only be overcome when the prosecution presents competent evidence establishing each element of each offense beyond a reasonable doubt. As discussed in greater detail above, at various points throughout the trial, the court permitted the prosecution to present evidence without first meeting the proper evidentiary foundation. Rather than responding to defense challenges with a well-reasoned analysis and sound decision, the court repeatedly failed to scrutinize what

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[197] Tax Code of the Republic of Azerbaijan, Articles 106.1.2, 165, and 3.8.
[198] Judgment, pp. 240-241, 244, 253.
[199] Judgment, p. 248.
[200] Article 320.1 applies to the counterfeiting of "certificate[s] or other official document[s] giving the rights or releasing from duties." The prosecution did not explain how internal salary receipts fall within this definition, as such receipts neither confer legal rights nor release the holder from legal duties.

seems base don the monitoring to be unreliable evidence in accepting the prosecutions version of events.

Strikingly, neither the prosecution's case, nor the court's judgment, differentiated among the Defendants (mirroring the indictment in that way). All seven defendants were convicted on identical charges without individualized culpability analysis. Mr. Mehralizadeh testified that his name does not appear in any grant agreement and his signature is not on any relevant document.[201] Mr. Babali testified that there is no direct or indirect evidence confirming his participation.[202] Despite these clear failings in the prosecution's theories of liability, the judgment does not explain how group liability attaches absent individualized proof. In sum, the report finds that the court's wholesale acceptance of the prosecution's case and corresponding dismissal of the defense's arguments effectively shifted the burden of proof to the defense, in violation of the presumption of innocence.

An insufficiently reasoned judgment of conviction can also evidence a violation of Article 6(2). The ECtHR has held that "judgments of courts and tribunals should adequately state the reasons on which they are based,"[203] which includes an assessment of the reliability and accuracy of relevant evidence. In *Nechiporuk and Yonkalo v. Ukraine*, the Court examined a case where the convicting court did not adequately address the defendant's arguments that a key prosecution witness may have been coerced into his testimony.[204] In convicting the defendant on the basis of that testimony without explaining why it was credible and "ignoring a specific, pertinent and important point" raised by the defense,[205] the court violated the presumption of innocence and, more broadly, the accused's right to a fair trial.

The report considers that the trial court here also failed to properly address the Defendants' allegations of police misconduct in obtaining their pre-trial statements. Specifically, Mr. Kekalov explained that he was arrested and detained for over 48 hours without legal counsel and pressured by the police to make a statement, as a result, he offered fabricated information in a desperate attempt to be released from police custody.[206] Defense counsel moved to exclude the pre-trial statements of Mr.

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[201] Judgment, p. 221.
[202] *Id.*
[203] *See* European Court of Human Rights, *Nechiporuk and Yonkalo v. Ukraine*, App. No. 42310/04 (Apr. 21, 2011), ¶ 272.
[204] *See id.* at ¶¶ 277-281.
[205] *See id*. at ¶ 280. *See also* European Court of Human Rights, *Rostomashvili v. Georgia*, App. No. 13185/07 (Nov. 8, 2018), ¶¶ 59-60.
[206] Trial Monitor Notes, April 1, 2025, pp. 1-7.

Kekalov due to lacking evidentiary value under Azerbaijan law.[207] Despite Mr. Kekalov's retraction, the trial court failed to investigate his allegations of police coercion and accepted the pre-trial statement without addressing its credibility in light of Mr. Kekalov's trial testimony detailing abuse.

Further allegations of police misconduct were raised regarding the surveillance and search operation of the Abzas Media office. The integrity of the search could be argued as further compromised because the office door was left open, allowing unauthorized entry, and the office's only functioning security camera, which allegedly recorded the incident, was seized by police and the footage never presented in court.[208]

Additionally, throughout the trial, Mr. Mehralizadeh maintained his innocence and disputed his purported professional connection to Abzas Media. Multiple defendants and witnesses confirmed that Mr. Mehralizadeh had no professional involvement with Abzas Media, and his relationship with Abzas Media was purely personal and that there was no evidence of any collaboration or professional involvement.[209] Despite this, the Court found Mr. Mehralizadeh guilty.[210] Notably, his name did not appear in any of the documents presented by the prosecution until after his arrest on May 30, 2024, and yet the Court took no action to verify the prosecution's case that Mr. Mehralizadeh was in fact materially involved in the activities of Abzas Media and adequately address the defense arguments to the contrary.[211]

As in *Nechiporuk and Yonkalo*, the report considers that the Baku Court did not adequately address defense arguments that Mr. Kekalov's pretrial statement, which the prosecution relied upon heavily, was coerced, nor is it considered that the Court

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[207] *See* Art. 125.2 of the Azerbaijan Code of Criminal Procedure (Information, documents and other items shall not be accepted as evidence in a criminal case if they are obtained in the following circumstances: . . .125.2.2 through the use of violence, threats, deceit, torture or other cruel, inhuman or degrading acts; 125.2.3. through violation of the defence rights of the suspect or accused, or the rights of a person who does not know the language used in the criminal proceedings).
[208] Trial Monitor Notes, May 16, 2025, p. 2.
[209] Trial Monitor Notes, January 21, 2025, pp. 8-9; March 11, 2025, pp. 5, 8; April 1, 2025, pp. 1-4, 11-12; April 8, 2025, pp. 2-6, 10-13; April 22, 2025, pp. 2, 4-5; April 29, 2025, pp. 3-5; May 6, 2025, p. 3.
[210] *Id.*
[211] Trial Monitor Notes, January 21, 2025, pp. 8-9; March 11, 2025, pp. 5, 8; April 1, 2025, pp. 1-4, 11-12; April 8, 2025, pp. 2-6, 10-13; April 22, 2025, pp. 2, 4-5; April 29, 2025, pp. 3-5; May 6, 2025, p. 3.

adequately addressed the allegations of police misconduct or Mr. Mehralizadeh's testimony and lack of evidence of professional involvement with Abzas Media.[212]

Right to a Public Trial

Article 14(1) of the ICCPR states that everyone accused of a crime, "shall be entitled to a fair and public hearing." While it contemplates reasons to exclude the public or press from the courtroom, the delineated reasons suggest that there are specific bases that a court must consider. The HRC maintains that this right ensures that the media and public may only be excluded in "exceptional circumstances."[213] Similarly Article 6(1) of the ECHR guarantees defendants a "public hearing," also subject to an exhaustive list of reasons for which media and the public may be excluded. The ECtHR applies a strict necessity test when assessing justifications applied by domestic courts for restricting public access to criminal trials.[214]

Access to the proceedings in the present trial was, however, limited in several respects, and without adequate reasons from the court. The court barred individuals from using recording devices or audio-video equipment during the court proceedings.[215] Human rights defenders, journalists, and public figures were routinely unable to enter the courtroom due to space limitations, as a significant portion of the seating was occupied by government interns, security convoys, and guards. In effect, this may have amounted to the government limiting access to the courtroom, preventing journalists and independent observers' access to the courtroom to watch the live proceedings.[216] Despite the defense raising concerns as to courtroom access on multiple occasions and explicitly moving for journalists to attend and record proceedings, the court refused to meaningfully engage with their arguments or take corrective action to ensure a more balanced audience.[217]

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[212] Trial Monitor Notes, January 21, 2025, pp. 8-9; March 11, 2025, pp. 5, 8; April 1, 2025, pp. 1-4, 11-12; April 8, 2025, pp. 2-6, 10-13; April 22, 2025, pp. 2, 4-5; April 29, 2025, pp. 3-5; May 6, 2025, p. 3.
[213] Human Rights Committee, General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007), ¶ 29.
[214] European Court of Human Rights, *Mamaladze v. Georgia*, App. No. 9487/19 (Nov. 3, 2023), ¶ 98.
[215] Trial Monitor Notes, December 17, 2024, p. 2.
[216] All Trial Monitor Notes.
[217] Trial Monitor Notes, December 17, 2024, pp. 14, 19. *See also* European Court of Human Rights, *Riepan v. Austria*, App. No. 35115/97 (Nov. 14, 2000), ¶ 29 (State must take "compensatory measures" to ensure public and media "are granted effective access"); U.N. Human Rights Committee, General Comment No. 13 (1984), ¶ 6 (hearing "must not ... be limited only to a particular category of persons"); U.N. Human Rights Committee, General Comment No. 32 (2007), ¶ 28 (courts must "provide for adequate facilities for the attendance of interested members of the public").

Right to Adequate Time & Facilities to Prepare a Defense

Under Article 14(3)(b) of the ICCPR, accused persons must have adequate time and facilities for the preparation of their defense. The UN Human Rights Committee maintains this requires access to "all materials that the prosecution plans to offer in court against the accused or that are exculpatory."[218] The Committee has defined "exculpatory materials" not only as evidence demonstrating an accused's innocence but also as evidence that "could assist the defence."[219] Article 6(3)(b) of the ECHR provides an equivalent guarantee that the accused must have the opportunity to organize his defense "in an appropriate way and without restriction as to the ability to put all relevant defence arguments before the trial court and thus to influence the outcome of the proceedings."[220] The "facilities" guaranteed by Article 6(3)(b) include the opportunity "to acquaint himself, for the purposes of preparing his defence, with the results of investigations carried out throughout the proceedings."[221] Failure to disclose to the defense material evidence "containing items that could enable the accused to exonerate himself or have his sentence reduced" may constitute a refusal of the facilities necessary for the preparation of the defense, and therefore a violation of this requirement.[222]

Restricted disclosure is justified in limited circumstances, such as where necessary for national security or public safety, and even then, the decision must be made by a court rather than by prosecuting authorities.[223]

Here, the court repeatedly denied the Defendants' requests for access to evidence. The defense requested access to the various signed documents that the prosecution presented to support the allegations of forgery. Many of the documents and receipts presented at trial were copies. The defense also objected as they were denied the opportunity to review any of the documents and receipts the prosecution presented before trial, including the photographs that the handwriting expert allegedly relied upon. The defense was similarly denied a copy of the expert's report, fully undermining their ability to challenge the report in a meaningful way. This was particularly important because Mr. Hasanov never provided a handwriting sample,

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[218] 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/GG/32 (Aug. 23 2007), ¶ 33.
[219] *Id.*
[220] Eur. Comm'n H.R., *Can v. Austria*, App. No. 9300/81 (July 12, 1984), ¶ 53.
[221] European Court of Hman Rights, *Huseyn and Others v. Azerbaijan*, App. Nos. 35485/05, 45553/05, 35680/05 & 36085/05 (July 26, 2011), ¶ 175.
[222] *See* European Court of Human Rights, *Edwards v. United Kingdom*, App. No. 13071/87 (Dec. 16, 1992), ¶ 36.
[223] *See* European Court of Human Rights, *Rowe and Davis v. United Kingdom* [GC] (Feb. 16, 2000), App. No. 28901/95, ¶¶ 37, 63 .

so the question of what the expert was comparing would be a specific point of contention.

Mr. Hasanov submitted a motion requesting the surveillance footage from the search of the Abzas Media offices that police confiscated, but which he maintained would show the investigators planting the cash allegedly found in the office. The court denied the request.

Mr. Mehralizadeh testified that he was never at the Abzas Media office and requested satellite data from his confiscated phone to substantiate his claims that he had never been to the office, but the Baku Court refused to order that the prosecution turn over the data to the defense, nor did the Court even offer to examine the evidence.[224]

Both the Baku Court's repeated denials of challenges to the reliability of the prosecution's evidence and its refusal to grant the Defendants access to potentially exculpatory evidence within the government's control that could have allowed the Defendants to prepare a complete defense is considered to constitute significant and repeated violations of Article 14(3)(b).

Right to be Tried by an Independent and Impartial Court Established by Law

The conduct of the proceedings raises concerns about the impartiality of the tribunal. Among other things, the court's repeated and consistent rulings denying all but one of Defendants' trial motions—motions that had the effect of challenging any potential bias, the foundational reliability of evidence, Defendants' inability to confront the witnesses against them and to access evidence that supports their defense, unlawful searches and seizures, and courtroom access for non-governmental trial observers—gives rise to concerns that the court may not have been impartial.

When charged with criminal conduct, Article 14(1) of the ICCPR guarantees the accused "a fair and public hearing by a competent, independent and impartial tribunal established by law." The HRC has explicitly stated that the competence, independence, and impartiality requirements represent "an absolute right that is not subject to any exception."[225] Similarly, Article 6(1) of the ECHR entitles defendants "to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law." Impartiality has two aspects. First, judges must not allow their judgement to be influenced by personal bias or prejudice, must not harbor

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[224] Trial Monitor Notes, April 8, 2025, p. 3-6.
[225] Human Rights Committee, General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (August 23, 2007), ¶ 19.

preconceptions about the particular case before them, and must not act in ways that improperly promote the interests of one of the parties to the detriment of the other.[226] Second, the tribunal must also appear to a reasonable observer to be impartial.[227] In interpreting this right, the European Court has emphasized that democratic societies demand courts which "inspire confidence in the public and above all, as far as criminal proceedings are concerned, in the accused."[228]

As documented throughout this report, the proceedings were conducted in a manner suggesting that the court was arguably biased against defense. This was demonstrated through the court's persistent and unreasoned refusal of defense requests to call relevant witnesses, its refusal of defense requests to obtain relevant evidence, and its convicting judgment, which dismisses all defense arguments and evidence and resolves all uncertainties and contradictions in the prosecution's favor. This behavior is also consistent with widespread reports concerning the Azerbaijani judiciary's lack of independence in political trials broadly, and in general with judges and prosecutors described in reports by the U.S. Department of State and Freedom House as allegedly taking orders and bribes from the government. These reports do not purport to make findings about the specific judges who presided over this trial.[229] Under ECtHR case law, such systemic concerns are relevant to the objective impartiality analysis, which may properly consider the wider context in which the court operates.[230]

The HRC has held that unreasoned decision making can evidence a violation of Article 14(1). In *Khostikoev v. Tajikistan*, the Committee found an Article 14(1) violation due to rulings that hindered the preparation of an effective defense, such as "ignor[ing] [counsel's] objections" and "refus[ing] to allow the possibility for the author

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226 *Id.* ¶ 21.
227 *Id.*
228 European Court of Human Rights*, Kyprianou v. Cyprus*, App. No. 73797/01 (Dec. 15, 2005), ¶ 118.
229 *See* U.S. Department of State, *2022 Country Reports on Human Rights Practices: Azerbaijan*, 2023, available at https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/ ("Credible reports indicated that judges and prosecurors took instructions from the Presidential Administration and the Justice Ministry, particuarly in politically sensitive cases. There were also credible allegations that judges routinely accepted bribes."). *See also* Freedom House, *Freedom in the World 2022: Azerbaijan, Developments in 2021*, 2022, available at https://freedomhouse.org/country/azerbaijan/freedom-world/2022 ("The judiciary is corrupt and subservient to the executive. Judges are appointed by the parliament on the proposal of the president. The courts' lack of political independence is especially evident in the many trumped-up or otherwise flawed cases brougth aginst opposition figures, activists, and critical journalists. Constitutional guarantees of due process are not upheld.")
230 *See* European Court of Human Rights *Incal v. Turkey*, App. No. 22678/93 [GC] (1998), ¶ 71; European Court of Human Rights, *Findlay v. United Kingdom*, App. No. 22107/93 (1997), ¶ 73.

to adduce relevant evidence."[231] Similarly, in *Toshev v. Tajikistan*, the Committee concluded that the court lacked impartiality where "several of the lawyers' requests were not given due consideration."[232] The Committee has likewise found violations of the guarantee of impartiality under Article 14(1) of the ICCPR where trial courts have disregarded key defense contentions and motions.[233] Objective and adequate judicial reasoning is also held to be a fundamental tenet of the right to a fair trial under Article 6(1) of the ECHR, evidencing that the parties have been heard, that defense rights have been respected, and allowing defendants to effectively exercise their right to appeal where needed.[234]

While denial of motions does not in and of itself establish a bias on the part of the court, denial of all motions without proper justification or individualized reasoning implicates the Article 6(1) ECHR guarantees of equality of arms and reasoned decisions, and deprives the accused of a fair opportunity to present their case, which in turn suggests bias or prejudice that may compromise the overall fairness of the proceedings.[235] Further, as discussed above, the failure to provide adequate individualized justification for denial of defense motions regarding various substantive and procedural right violations arguably demonstrates a gross denial of the Defendants' right to be presumed innocent under Article 6(2) of the ECHR.[236] It is the court's job to ensure that the evidence presented actually establishes each element of the crime, that the charges before it are substantiated, and that the evidence presented is competent and the proper foundation is laid. The defense

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[231] U.N. Human Rights Comm., *Khostikoev v. Tajikistan*, U.N. Doc. CCPR/C/97/D/1519/2006 (Dec. 3, 2009), ¶¶ 7.2, 7.3.

[232] U.N. Human Rights Comm., *Toshev v. Tajikistan*, U.N. Doc. CCPR/C/101/D/1499/2006 (Apr. 28, 2011), ¶ 6.6.

[233] Human Rights Committee, *Khostikoev v. Tajikistan*, U.N. Doc. CCPR/C/97/D/1519/2006 (Dec. 3, 2009), ¶¶ 7.2-7.3. *See also* Human Rights Committee, *Khomidova v. Tajikistan*, U.N. Doc. CCPR/C/81/D/1117/2002 (July 29, 2004), ¶ 6.5; Human Rights Committee, *Saidova v. Tajikistan*, U.N. Doc. CCPR/C/81/D/964/2001 (July 8, 2004), ¶ 6.7; Human Rights Committee, *Toshev v. Tajikistan*, U.N. Doc. CCPR/C/101/D/1499/2006 (Apr. 28, 2011), ¶ 6.6.

[234] *See* European Court of Human Rights, Moreira Ferreira v. Portugal (no. 2) [GC], App. No. 19867/12 (July 11, 2017), ¶ 84.

[235] *See* European Court of Human Rights, *Dombo Beheer B.V. v. Netherlands*, App. No. 14448/88 (Oct. 27, 1993), ¶ 33 ("equality of arms implies that each party must be afforded a reasonable opportunity to present his case--including his evidence--under conditions that do not place him at a substantial disadvantage vis-à-vis his opponent"); European Court of Human Rights (Grand Chamber), *Navalnyy v. Russia*, App. Nos. 29580/12 & others (Nov. 15, 2018), ¶¶ 83-84 (endorsing reasoning and assessment by Chamber "that by dismissing all evidence in the defendant's favour without justification the domestic courts had places an extreme and unattainable burden of proof of the application, contrary to the basic requirement that the prosecution has to provide its case and to one of the fundamental principles of criminal law, namely, *in dubio pro reo*" and finding violations of Article 6(1)).

[236] *See* European Court of Human Rights, *Ilgar Mammadov v. Azerbaijan*, App. No. 15172/13 (Oct.13, 2014), ¶ 76.

raised motion after motion challenging the prosecution's failure to present evidence that substantiated anything more than Administrative Code violations and its failure to present evidence that was reliable.[237] Nevertheless, the motions heard at trial were largely considered and ruled upon in a matter of minutes without providing any justification for denial, supporting a finding that the Court could not have meaningfully considered the various defense motions presented on the Defendants' procedural and substantive rights and in any event, could not be perceived by the accused to have done so.[238]

The court's consistent denial of all defense counsel motions, minimal time spent considering each motion, denial of defense requests to call certain witnesses, cross-examine an absent witness, and access exculpatory evidence to present at trial, along with the court's resolution of all trial issues in favor of the prosecution, would give rise to justifiable concerns from the perspective of a reasonable observer that the Defendants were denied the right to an impartial court.

D. ANALYSIS OF JUDGMENT

Right to a Duly Reasoned Judgment

Article 14(5) of the ICCPR establishes the right to appeal, which necessitates a "duly reasoned" written judgment. In *Van Hulst v. The Netherlands*, the Human Rights Committee noted that courts must give "reasons" for dismissing defense arguments.[239] As underlined above, Article 6(1) of the ECHR likewise requires that judicial decisions be adequately reasoned. The ECtHR has held that judgments of courts and tribunals "should adequately state the reasons on which they are based."[240] While courts are not obliged to give a detailed answer to every argument raised, "it must be clear from the decision that the essential issues of the case have been addressed."[241] Critically, national courts "must indicate with sufficient clarity the

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[237] Trial Monitor Notes, December 17, 2024, pp. 13-14, and June 10, 2025, pp. 2, 4, 15-16, 22.
[238] Trial Monitor Notes, March 13, 2026, p. 3.
[239] Human Rights Committee, General Comment No. 32, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007), ¶ 49; Van Hulst v. Netherlands, U.N. Doc. CCPR/C/82/D/903/1999 (Nov. 1, 2004), ¶¶ 6.4-6.5.
[240] European Court of Human Rights, *Papon v. France* (dec.), App. No. 54210/00 (Nov. 15, 2001).
[241] European Court of Human Rights, *Van de Hurk v. the Netherlands*, App. No. 16034/90 (Apr. 19, 1994), ¶ 61; European Court of Human Rights *Boldea v. Romania*, App. No. 19997/02 (Feb. 15, 2007), ¶ 30.

grounds on which they based their decision" so as to allow a litigant "usefully to exercise any available right of appeal."[242]

The report considers that the trial judgment falls short of this standard. As detailed above, it does not engage with the defense's principal legal arguments: the Tax Code grant exemptions, the ECtHR decisions rejecting identical charges, the distinction between administrative and criminal charges, and the resulting disproportionality of multi-year prison sentences for conduct that, at most, would appear to constitute an administrative violation punishable by fine. It states conclusions without providing reasoning that connects the evidence to the legal elements of each offense. The judgment employs formulations such as: "The court considers that the evidence forming the basis of the charges … was obtained without exception in compliance with the requirements of the relevant articles of the Criminal Procedure Code … and therefore the claim of groundlessness of the criminal prosecution against them is a defensive argument that was regarded as a mere allegation unsupported by any evidence."[243] This is a conclusion, not an analysis as there is no discussion of the actual evidence that would substantiate each element of the various offenses.

The judgment's treatment of ill-treatment allegations and alleged flaws in evidence handling is equally deficient. Multiple defendants described being subjected to violence during and after arrest.[244] Mr. Hasanov claimed that he was beaten twice, including for refusing to provide phone passwords.[245] Mr. Mehralizadeh alleged that he was subjected to violence for approximately 15 to 20 minutes and taken to an undisclosed location.[246] The Prosecutor General's Office conducted an internal review and concluded in each case that "no criminal event" occurred.[247] The court took note of these rejections but did not conduct its own assessment. Instead, it relied entirely on findings and conclusions by the same prosecutorial system accused of ill-treatment. Credible allegations of ill-treatment require an effective investigation independent of the accused authorities.[248]

Separately, the defense argued that €40,000 in cash allegedly seized during an office search had been planted, alleging that a working security camera captured

[242] European Court of Human Rights, *Hadjianastassiou v. Greece*, App. No. 12945/87 (Dec. 16, 1992), ¶ 33; *Boldea v. Romania*, ¶ 30.
[243] Judgment, p. 246.
[244] Trial Monitor Notes, December 17, 2024, p. 11; December 28, 2024, p. 6; January 21, 2025, pp. 3, 7-8.
[245] Judgment, pp. 214-215.
[246] Judgment, pp. 223-224.
[247] Judgment, pp. 247-249.
[248] European Court of Human Rights, *El-Masri v. the former Yugoslav Republic of Macedonia*, App. No. 39630/09 (Dec. 13, 2012); European Court of Human Rights, *Gäfgen v. Germany*, App. No. 22978/05 (June 1, 2010).

how the bag was placed on the cabinet but the police confiscated the camera and refused to produce the resulting video footage.[249] Defense requests for fingerprint analysis of the cash and retrieval of the footage also were denied. The judgment does not address these allegations.

The judicial reasoning in the judgment is difficult to ascertain, obscuring the basis for the findings of guilt and impairing the Defendants' ability to mount an effective appeal in violation of Article 14(5) of the ICCPR.

Breach of Principle of Legality

Article 7 of the ECHR embodies the *nullum crimen, nulla poena sine lege* principle, which entails that criminal law must clearly define the offences and the applicable sanctions, such as to be accessible and foreseeable in its effects.[250] In assessing compliance with Article 7, the ECtHR considers whether the defendant's conduct at the time of commission of the alleged offence constituted an offence defined with sufficient accessibility and foreseeability by domestic or international law.[251] In the case of an independent journalist prosecuted and convicted of "illegal entrepreneurship" in the prior crackdown in Azerbaijan, the ECtHR critiqued the lack of a clear legal basis for the domestic courts' finding that accreditation with the Ministry of Foreign Affairs was a requirement for foreign journalists. Despite this gap in judicial reasoning, all three levels of domestic courts relied on this purported finding as the basis for the defendant's conviction of "entrepreneurial activity without State registration."[252] Citing the lack of clear legal reasoning of the trial and appeal courts, and the inadequate reasoning of the Supreme Court on this point, the ECtHR held that the offence and the relevant media law governing state accreditation, had therefore been "extensively and unforeseeably construed" to the defendant's detriment in breach of Article 7.[253]

As a safeguard against arbitrary prosecution, conviction and punishment, Article 7 also protects the right of any individual not to be punished without their personal

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[249] Judgment, p. 215.
[250] *See, e.g.* European Court of Human Rights, *Khadija Ismayilova v. Azerbaijan*, App. Nos. 71556/16, 74112/17 (Jan. 27, 2026), ¶¶ 43-44.
[251] *Id.*, ¶ 48.
[252] *Id.*, ¶¶ 54-57.
[253] *Id.*, ¶ 56.

liability having been duly established.[254] This notion of individualized liability precludes criminal liability based on guilt by association. [255]

The report considers that the findings of the trial court fail to meet either of these limbs of the legality standard under Article 7 of the ECHR. First, if “illegal entrepreneurship” requires commercial activity (as discussed above), the application of that statute to nonprofit journalism was not foreseeable and arguably arbitrary, in breach of Article 7 in respect of each of the Defendants. Second, the conviction of Mr. Mehralizadeh, in the absence of any evidence of his material and sustained engagement in the activities of Abzas Media at the relevant time, constituted an effective conviction based on guilt by tangential association. The analysis suggests that the conviction of the other six Defendants also breaches this standard, by failing to identify the basis for their individual liability on each of the offences.

Appellate Review

The Baku Court of Appeal’s decision does not cure and arguably only compounds the trial court’s deficiencies. Most strikingly, the appellate court stated that the Defendants “could not prove [their] innocence,”[256] improperly shifting the prosecution’s burden to prove the charges beyond a reasonable doubt onto the defense and eliminating the presumption of innocence that the Defendants are guaranteed by Article 63 of the Azerbaijan Constitution and Article 6(2) of the ECHR and Article 14(2) of the ICCPR. It stated that the defense “failed to put forward a reasonable argument” and “did not present new evidence,”[257] ignoring the specific statutory arguments the defense had raised.

On the Article 3 ECHR ill-treatment claims, the appellate court cited *Jannatov v. Azerbaijan* for the proposition that ill-treatment allegations require evidence meeting a “beyond a reasonable doubt” standard, and finding that the Defendants failed to submit medical documentation in support of their ill-treatment allegations.[258] However, the appellate court omitted the full context of the passage it cited, in which the ECtHR stated that where events lie within the exclusive knowledge of the authorities, “strong presumptions of fact will arise in respect of injuries occurring during such detention” and “the burden of proof may be regarded as resting on the authorities.” Moreover, in *Jannatov* the ECtHR found a procedural violation of Article

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[254] *See, e.g*. European Court of Human Rights, *Yasak v. Türkiye* [GC], App. No. 17389/20 (May 5, 2026), ¶ 193.
[255] *Id*.
[256] Court of Appeal Decision, p. 299.
[257] Court of Appeal Decision, p. 298.
[258] European Court of Human Rights, *Jannatov v. Azerbaijan*, App. No. 32132/07 (July 31, 2024), ¶¶ 50-54, 58-59, 82-84.

3 because Azerbaijan's domestic authorities failed to effectively investigate the complaints, and ultimately found a violation of Article 6, concluding that the domestic courts' failure to address objections regarding tainted evidence rendered the proceedings as a whole unfair. The appellate court's decision therefore appears to be, or is reasonably susceptible of being perceived as, a rubber-stamp review that reinforces rather than remedies the trial court's errors.

As detailed above, the Defendants' cassation appeals to the Supreme Court ended in the same perfunctory approval of the lower courts' decisions. Additionally, the Supreme Court handled the appeals in parts denying Defendants the opportunity to make arguments together and in each other's presence.[259] The Court disregarded the Defendants' explanation about how their prosecution was motivated to silence their journalism. Despite reviewing the appeals of a seven-defendant trial that lasted six months, the Supreme Court deliberated in their review for only ten minutes, further signifying the lack of meaningful consideration and review afforded to the Defendants.[260]

E. ULTERIOR MOTIVES

Article 18 of the ECHR prohibits the abuse of state power—including criminal prosecutions and detention—to intimidate, discriminate against, or punish individuals for the exercise of their fundamental rights.[261] The context of Article 18 of the ECHR presents the reality that "[e]very State that violates human rights … always has an excuse: morality, order, public safety, and above all, the rights of democracy."[262] The threshold for establishing the State's bad faith therefore remains high, and this provision has long been applied selectively: by mid-2025, the ECtHR had found only 31 violations, the first dating back to 2004.[263] However, the ECtHR's approach has

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[259] Trial Monitor Notes, March 13, 2026, p. 2.
[260] Trial Monitor Notes, April 3, 2026, p. 5.
[261] The ECtHR maintains that Article 18 may not be invoked with Article 7 due to the non-derogable nature of the latter (see *Ukraine v. Russia (Re Crimea),* App. Nos. 20958/14 and 38334/18 (June 24, 2024), ¶ 1340). In such cases as the present (and in the context of the ongoing repression of independent voices in Azerbaijan), it bears emphasizing that the non-derogable nature of Article 7 has not prevented its abuse, as demonstrated above, and the failure of the domestic courts to adhere to the Article 7 protections is arguably part of the machinery that enabled the state to prosecute and convict the Defendants for an ulterior purpose.
[262] *Report on the Preparatory Work of the European Convention on Human Rights*, Vol. IV (Martinus Nijhoff 1977), pp. 179–181, cited in European Court of Human Rights [GC], *Navalnyy v. Russia*, App. No. 29580/12 (Nov. 15, 2018), ¶ 51.
[263] European Court of Human Rights, *Gusinsky v. Russia*, App. No. 70276/01) (May 19, 2004), ¶¶ 73–78.

evolved significantly over the past decade. In the 2017 *Merabishvili v. Georgia* Grand Chamber judgment, the Court relaxed the standard of proof applied in this context by introducing the criterion of "decisive ulterior motive."[264] It is now established, pursuant to *Merabishvili*, that a violation of Article 18 may be found even where the prosecution pursues both proper and improper motives, if the improper motive predominates.[265]

The factors relevant to this assessment are the political context in which the prosecution was brought, including patterns of similar arrests and prosecutions; whether there was reasonable suspicion to support the charges; how the criminal proceedings were conducted; and whether the ultimate decision was well reasoned and grounded in law.[266]

While Article 6 addresses whether a trial was procedurally fair, Article 18 addresses whether the prosecution itself was brought for a legitimate purpose. Article 6 thus compliments Article 18 as accepted by the European Court in several recent judgments finding violations of Article 18 together with Article 6:[267] unlawful restrictions on defense rights identified under Article 6 (e.g., a court's systematic rejection of defense evidence, its refusal to engage with exculpatory arguments, and its predetermined conclusions) may themselves serve as circumstantial evidence of the type of ulterior purpose prohibited by Article 18, together with contextual factors such as a broader climate of repression of critical voices and documented patterns of unlawful arrests and detention of government critics.[268]

Political Context of the Prosecution

The prosecution occurred within a broader political environment in Azerbaijan characterized by reported repeated legal actions against independent journalists, civil society actors, and anti-corruption investigators. Abzas Media was known for publishing investigative reporting on government corruption and state institutions, placing its staff in direct opposition to political authorities.[269] The charges against the

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[264] European Court of Human Rights [GC], *Merabishvili v. Georgia*, App. No. 72508/13 (Nov. 28, 2017), ¶ 292
[265] *Id.* ¶305.
[266] *Id.* ¶¶ 316-322; *Navalnyy v. Russia*, App. No. 29580/12, ¶ 171.
[267] European Court of Human Rights [GC], *Ukraine v. Russia (re Crimea)*, App. No. 20958/14 (June 26, 2024), ¶¶ 1329 et seq; *Sytnyk v. Ukraine*, App. No. 16497/20 (July 24, 2025), ¶¶ 146, 156-57 and 159.
[268] *See Merabishvili*, ¶ 317 (proof of illegitimate purpose may be shown by circumstantial evidence where there is a "coexistence of sufficiently strong, clear and concordant inferences"); European Court of Human Rights, *Rasul Jafarov v. Azerbaijan*, App. No. 69981/14 (July 4, 2016); European Court of Human Rights, *Mammadli v. Azerbaijan*, App. No. 47145/14 (Apr. 19, 2018); European Court of Human Rights, *Aliyev v. Azerbaijan*, App. Nos. 68762/14 & 71200/14 (Sept. 20, 2018).
[269] Trial Monitor Notes, January 21, 2025, pp. 3-4.

Defendants—illegal entrepreneurship, smuggling, legalization, and tax evasion—closely resemble charges historically used against Azerbaijani journalists and NGO leaders, including charges later condemned by the ECtHR, such as in *Rasul Jafarov v. Azerbaijan*, *Mammadli v. Azerbaijan*, and *Aliyev v. Azerbaijan*.[270] The ECtHR has held that the broader political context and patterns of prosecutions may be relevant in determining whether proceedings pursue an ulterior purpose under Article 18.[271] In this case, the prosecution of nearly the entire editorial staff of a single investigative outlet—alongside contemporaneous prosecutions of journalists from other independent media organization, including Toplum TV, Meydan TV, and Kanal 13[272]—suggests that the case may form part of a broader, coordinated pattern of actions against independent media.

Independence of the Court

Concerns were raised throughout the proceedings regarding the independence and impartiality of the judiciary.[273] The defense objected to the composition of the trial court, arguing that one judge had previously issued rulings in politically sensitive cases criticized by the ECtHR and that another judge had prior ties to state security structures. The court rejected the objection after a short deliberation lasting approximately one minute and without substantive legal reasoning.[274] Further, the court repeatedly dismissed defense motions without engaging with the arguments presented. The ECtHR has held that the independence of judicial authorities is a relevant factor when assessing whether proceedings may have pursued an improper purpose under Article 18.[275] The summary rejection of motions and the absence of detailed judicial reasoning raise concerns regarding the court's independence from the executive branch.

Protected Nature of the Underlying Conduct

The activities forming the basis of the charges were closely connected to journalistic work and civil society activity protected under Articles 10 and 11 of the ECHR. The Defendants were journalists, editors, and analysts working for an investigative media

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270 *See, e.g.*, European Court of Human Rights, *Rasul Jafarov v. Azerbaijan*, App. No. 69981/14 (July 4, 2016); European Court of Human Rights, *Mammadli v. Azerbaijan*, App. No. 47145/14 (Apr. 19, 2018); European Court of Human Rights, *Aliyev v. Azerbaijan*, App. Nos. 68762/14 & 71200/14, (Sept. 20, 2018).
271 European Court of Human Rights, *Merabishvili v. Georgia*, App. No. 72508/13 (Nov. 28, 2017); European Court of Human Rights, *Mammadov v. Azerbaijan*, App. No. 15172/13 (May 29, 2019).
272 Trial Monitor Notes, December 28, 2024, p. 16.
273 Trial Monitor Notes, December 28, 2024, p. 2, 17; June 20, 2025, pp. 7-10.
274 Trial Monitor Notes, December 28, 2024, p. 4.
275 European Court of Human Rights, *Merabishvili v. Georgia*, App. No. 72508/13 (Nov. 28, 2017).

outlet funded through international grants.[276] Their work involved reporting, coordinating editorial projects, and communicating with international partners. Independent journalism and cooperation with international organizations fall squarely within the protections of freedom of expression and association. The ECtHR has emphasized that where criminal proceedings are based on activities protected by the Convention, this may be relevant to determining whether a restriction was applied for an ulterior purpose.[277] Criminalizing journalistic activity—particularly reporting on corruption—therefore raises significant concerns under Article 18.[278]

Reasonable Suspicion for the Charges

The existence of reasonable suspicion supporting the charges appears contested and weak in several respects. Many of the alleged offenses, particularly illegal entrepreneurship, legalization, and tax evasion, depend on showing that the Defendants engaged in profit-making commercial activity or handled criminally obtained funds. The defense argued that Abzas Media operated as a grant-funded journalism project rather than a profit-generating enterprise and that grant funding is tax-exempt under Azerbaijani law.[279] Additionally, key prosecution evidence relied heavily on the pre-trial statement of Mr. Kekalov, which he later retracted in court, claiming it had been obtained under coercion and that he had no actual knowledge of the funding for Abzas Media.[280] Other evidence, such as photocopied receipts, digital files of uncertain origin, and witness testimony denying employment relationships, raises doubts about whether the authorities possessed sufficiently reliable evidence to establish reasonable suspicion for serious criminal charges.[281]

Conduct of the Criminal Proceedings

The proceedings themselves were marked by numerous procedural and evidentiary violations. Defense motions seeking access to evidence, witness examination, and forensic analysis were repeatedly denied without detailed reasoning. The court permitted the reading of witness statements from individuals abroad without allowing

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276 Trial Monitor Notes, December 17, 2024, pp. 14, 18.
277 European Court of Human Rights, *Kavala v. Turkey*, App. No. 28749/18 (Dec. 10, 2019).
278 Criminalizing critical journalistic activity raises significant concerns under Article 18. The European Court of Human Rights recently underscored this point in *Khadija Ismayilova v. Azerbaijan*, finding that Azerbaijan violated Article 18 by prosecuting an investigative journalist on charges including illegal entrepreneurship and tax evasion “to silence and punish her for her journalistic activities.” App. No. 30778/15 (Jan. 27, 2026).
279 Trial Monitor Notes, June 10, 2025, pp. 2-4, 13, 16, 22-23.
280 Under Article 95.5 of Azerbaijan’s Criminal Procedure and the ECHR standards, only free given testimony should be relied on in court. *See also* Trial Monitor Notes, April 1, 2025, pp. 1-3, 5-7, 9; *Id.*, May 13, 2025, pp. 2-3; *Id.*, May 16, 2025, pp. 20-21; *Id.*, June 10, 2025, pp. 7-11, 23.
281 Trial Monitor Notes, December 17, 2024, p. 16; June 10, 2025, p. 2.

cross-examination, despite defense requests for remote testimony.[282] Allegations of ill-treatment, coercion, and unlawful detention were dismissed without meaningful judicial inquiry.[283] Observers and journalists reportedly faced restricted courtroom access, while technical issues such as malfunctioning microphones impaired the ability of the Defendants to hear testimony.[284] These procedural deficiencies undermine confidence in the fairness of the trial process.

Whether the Final Decision Was Well-Reasoned and Based on Law

The final judgment largely repeated the prosecution's allegations and relied heavily on the same documentary and testimonial evidence presented in the indictment.[285] Although the court summarized the evidence in detail, it did not meaningfully address several key defense arguments, including claims that grant funding is tax-exempt, that alleged violations should be administrative rather than criminal, and that key evidence was or may have been obtained through coercion or lacked proper authentication. The court also dismissed allegations of political motivation without substantial analysis and instead suggested that the argument was the Defendants' attempt to avoid liability for their actions.[286] This limited engagement with central defense claims raises questions about whether the decision was fully reasoned and grounded in an impartial legal evaluation.

Further, the ECtHR has repeatedly found that Azerbaijan has violated Article 18 by bringing these same charges—illegal entrepreneurship, tax evasion—against journalists and other human rights defenders in the absence of evidence that they engaged in commercial activity.[287] The prosecution's decision to proceed on identical theories despite the absence of evidence supporting the statutory elements, and the courts' acceptance of this narrative, in the face of binding ECtHR precedent holding such prosecutions to be pretextual, supports the conclusion that the authorities knew or should have known their conduct was inconsistent with international standards and supports the inference of ulterior purpose.

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[282] Trial Monitor Notes, April 29, 2025, pp. 6-7; May 6, 2025, pp. 5-6

[283] Trial Monitor Notes, December 17, 2024, p. 11; December 28, 2024, p. 6; January 21, 2025, pp. 3, 7-8.

[284] Trial Monitor Notes, December 17, 2024, p. 6; January 21, 2025, pp. 1, 14; May 13, 2025, p. 1.

[285] Judgment, p. 246

[286] Judgment, p. 247.

[287] *See, e.g.*, *Aliyev v. Azerbaijan* (2018) (finding charges of illegal entrepreneurship, tax evasion, and abuse of power against a prominent human rights lawyer were pretextual and aimed at silencing him for his advocacy activities); *Rasul Jafarov v. Azerbaijan* (2016); *Khadija Ismayilova v. Azerbaijan* (2019) (finding Article 18 violation where human rights defender was charged with illegal entrepreneurship and tax evasion in connection with his civil society work).

Overall Assessment

The report finds that there is substantial risk (and perhaps likelihood) that the prosecution and conviction may have been motivated predominantly by improper purposes. The Defendants[288] were journalists engaged in investigative reporting critical of government institutions (whether through AbzasMedia or other independent media platforms such as Radio Free Europe/Radio Liberty) and their prosecution occurred in a broader pattern of cases targeting independent media and civil society in Azerbaijan. The underlying conduct involved activities protected by freedom of expression and association, and many of the charges appear to rely on contested legal interpretations previously criticized by the ECtHR. In addition, the proceedings were marked by procedural irregularities, limited judicial scrutiny of prosecution claims, refusal to consider defenses raised, and testimony suggesting the use of coercion during police investigations. While the authorities framed the case as financial crime enforcement, the surrounding context and the manner in which the case was conducted provide substantial grounds for arguing that the prosecution pursued political objectives inconsistent with Article 18 of the ECHR.

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[288] Excepting Mahammad Kekalov, who was said to solely work as a translator for Ulvi Hasanov.

CONCLUSION

On the basis of the case materials analyzed and the evidence of the conduct of the proceedings, it is this report's conclusion that the trial against the seven defendants constitutes a gross abuse of process. The core of the trial is to circumvent the alleged violations of fundamental rights by raising what, in the Expert's assessment, appear to be offenses constructed without adequate evidential basis. This not an isolated incident but consistent with repeated findings by the European Court, constituting what appears to be a form of deliberate targeting and even mistreatment of the defendants.

Throughout the judicial proceedings in this case—from the arrest, pre-trial detention, preliminary phase, trial, and appeals (before the Baku Court of Appeals and the Supreme Court of Azerbaijan)—the record demonstrates a lack of independence on the part of the judicial authorities, rendering any challenge to the charges by the defendants ineffective. The most obvious sign of this is the absence of any serious, reasonable justification for the measures taken.

Further, throughout the trial, there is a complete perversion of the principles governing evidence, demonstrated by the systematic rejection of the defense's motions without any justification, insufficient evidence presented by the prosecution, and denial of the right to present exculpatory evidence.

The prosecution and the "collective" judgment against the seven defendants, without distinguishing between them and without justifying any form of joint criminal liability or complicity, constitutes a serious violation of the fundamental principle of criminal justice, which must be individual. The requirement to provide reasons, which serves to ensure the independence and impartiality of the judge, is seriously compromised, and jeopardizes the courts' respect for the equality of arms guarantee and the overall fairness of the proceedings as a whole. The report finds that the Supreme Court's decision finding the seven defendants guilty by a "totality of evidence" and which "was reviewed in accordance with the provisions of the Code of Criminal Procedure" is a striking example of the rule *by* law, as opposed to the rule *of* law.

For the past decade, the ECtHR has ruled against Azerbaijan in similar situations.[289] This constitutes consistent and well-established case law. More than ten years on from these judgments, the Council of Europe Committee of Ministers continues to call for their effective implementation, which to date the Azerbaijani authorities have

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[289] See for examples the references to *Rasul Jafarov v. Azerbaijan*, *Intigam Aliyev v. Azerbaijan* and *Anar Mammadli v. Azerbaijan*, cited above.

failed to do. As recently as June 2026 the Committee again condemned the "troubling pattern of arbitrary arrests 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" evidenced in these judgments, and reiterated their call for the authorities to "develop a solid and consistent judicial practice providing for a strong message of intolerance" of these retaliatory tactics.[290] It is therefore reasonable to conclude that the case against Abzas Media evidences systemic violations of the ECHR, which aggravates these abuses.

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[290] Committee of Ministers, H46-5 *Mammadli group v. Azerbaijan* (Application No. 47145/14), 1563rd meeting, June 9-11, 2026 (DH), Decision, available at https://search.coe.int/cm#{%22CoEIdentifier%22:[%2209125948802c174c%22],%22sort%22:[%22CoEValidationDate%20Descending%22]}.