

TOFIG YAGUBLU



FACTS

Personal data:

1. Tofig Yagublu (DOB: 06 February 1961) is an Azerbaijani citizen, a long-standing opposition politician and former journalist/columnist. He is a member of the Musavat Party and a senior politician in the National Council of Democratic Forces (Milli Şura).
2. According to the case files, Tofig Yagublu was detained on 14 December 2023 and charged under Articles 178.3.2, 320.1 and 320.2 of the Azerbaijani Criminal Code, namely fraud causing substantial damage and forgery/use of forged official documents, arising from allegations that he and a co-accused took money on the pretext of arranging residence/citizenship-related documents for Germany.¹
3. His case has been widely reported as politically motivated. Amnesty International characterized him as a prominent opposition figure and persistent government critic arrested on spurious fraud and forgery charges, while Human Rights Watch linked his arrest to Azerbaijan's broader crackdown on critics and noted that he had previously been arrested repeatedly in politically sensitive cases.

4. The allegations against T. Yagublu lack credibility and are widely regarded as politically driven and part of a wider crackdown on civil society and independent media launched by the Azerbaijani authorities starting from 2022.²

Date of detention:

5. On 14.12.2023, Tofiq Yagublu was detained as a suspect by law-enforcement authorities and, on 15.12.2023, the Narimanov District Court imposed a pre-trial detention measure on him, calculated from 14.12.2023.

Legal accusations:

6. On 15 December 2023, following his detention the previous day, the investigating authorities formally charged Tofiq Yagublu with the following accusations:

- fraud causing substantial damage, under Article 178.3.2 of the Criminal Code;
- forgery/unlawful preparation of official documents granting rights, under Article 320.1 of the Criminal Code;
- informed use of forged official documents, under Article 320.2 of the Criminal Code.

7. According to the prosecution version set out in the case file, the allegations concerned an asserted scheme in which Yagublu and a co-accused allegedly obtained 25,000 euros and 10,000 manat from someone called Elshan Huseynov on the false promise of arranging Germany-related residence/citizenship documentation, and allegedly prepared and used fabricated papers in support of that scheme. Amnesty International described both the conviction and the appeal proceedings as a sham process based on fabricated charges, while UN Special Procedures recorded allegations that the fraud/counterfeiting prosecution may have been brought in retaliation for Yagublu's outspoken criticism of the government.

Legal status of prisoner:

8. Tofiq Yagublu is a convicted prisoner. On 10.03.2025, the Baku Assize Court found him guilty under Articles 178.3.2, 320.1 and 320.2 of the Criminal Code, fixed the sentence for the new conviction at 8 years' imprisonment, then revoked the suspended sentence imposed by the Baku Court of Appeal on 15.07.2021 and, by partial accumulation, determined a final sentence of 9 years' imprisonment. On 20.05.2025, the Baku Court of Appeal dismissed the defence appeals and upheld the first-instance judgment unchanged; the appellate decision entered into force immediately.

Legal proceedings:

9. On 14 December 2023, Tofiq Yagublu was detained by law-enforcement authorities as a suspect, and on 15 December 2023, the Narimanov District Court imposed a pre-trial detention measure, calculated from 14 December 2023. He remained in custody throughout the first-instance proceedings, and the trial court later ordered that the custodial measure remain in force until the judgment entered into legal force.
10. The first-instance trial concluded on 10 March 2025, when the Baku Assize Court found Yagublu guilty under Articles 178.3.2, 320.1 and 320.2 of the Criminal Code. The court imposed individual sentences of 7 years, 1 year, and 6 months respectively, aggregated them to 8 years' imprisonment, then revoked the suspended sentence previously imposed on 15 July 2021 and, by partial accumulation, fixed a final sentence of 9 years' imprisonment. The court also upheld the civil claim and ordered Yagublu and the co-accused jointly to pay 25,000 euros and 10,000 manat in compensation.
11. Yagublu and his defense appealed, seeking quashing of the conviction and acquittal. On 20 May 2025, the Baku Court of Appeal dismissed the defense appeals and upheld the first-instance judgment unchanged.
12. As reflected in the first-instance judgment and expressly endorsed on appeal, the conviction was built primarily on the complainant's account, the partially incriminating statements of co-accused Elnur Mammadov, extracts from WhatsApp communications and phone records, cell-site/antenna location data, the 14 December 2023 search-and-seizure materials from Yagublu's home, and expert reports, including fingerprint findings on part of the seized cash. The appellate court accepted that this evidentiary package is sufficient to sustain the fraud and document-forgery charges.
13. Yagublu consistently denied guilt, described the case as fabricated, challenged the provenance of the money found in his home, and maintained that on 8 December 2023 he was at a National Council (Milli Şura) meeting in Pirshagi rather than meeting the co-accused. The courts rejected both his account and the defense evidence supporting it, including the testimony of his wife Maya Yagublu and other defense witnesses, characterizing those statements as self-protective or given for defense purposes. The courts instead relied on antenna-location data and minor discrepancies concerning the meeting's end time and even the weather in order to discredit the alibi; the appellate court also expressly rejected the argument that the prosecution was connected to Yagublu's political activity, treating his political profile as legally irrelevant to the criminal assessment.

LEGAL ANALYSIS

Reasons why Tofig Yagublu should be regarded as a political prisoner:

14. Assessment of whether T. Yagublu should be regarded as a political prisoner is based on the Resolution 1900 (2012) ‘The Definition of Political Prisoner’ of the Parliamentary Assembly of the Council of Europe and the criteria established in the Resolution (paragraph 3)³. The legal proceedings against and conviction of T. Yagublu satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((a) and (e)):

(a) Tofig’s detention and imprisonment violate his fundamental rights under the European Convention on Human Rights, particularly freedom of expression and the right to freedom of association, as well as the right to a fair trial and to liberty and security.

(e) The political motives (ulterior motives) were sole and predominant in pursuing and conducting unfair criminal proceedings against him, which caused preliminary detention and imprisonment.

15. The European Court of Human Rights’ jurisprudence on Article 18 of the ECHR, which prohibits restrictions on rights for improper purposes, reinforces this analysis. The following considerations based on quadripartite test should be emphasized in this totality assessment in the general contextual evaluation of a distinct state of affairs (mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan, 2020, §§ 113-131):

- 1) The prisoner’s public profile;
- 2) The sequence of the events;
- 3) The manner in which the investigations and trial were carried out;
- 4) The authorities’ conduct.

Tofig Yagublu’s public profile:

16. The circumstances indicate that Tofig Yagublu is not a peripheral or low-visibility defendant, but a long-standing and prominent Azerbaijani opposition politician whose public profile is inseparable from sustained criticism of the authorities. He is a member of the Musavat Party, a senior figure in the National Council of Democratic Forces, a former journalist, and a recurring target of politically motivated prosecutions. The appeal materials are to the same effect: they state that his public political activity has repeatedly exposed both him and his family to persecution and deprivation, and that the legality of earlier prosecutions and detention linked to that activity has been challenged before the European Court of Human Rights. The file further shows that, immediately before this case, he remained visibly active in opposition-associated public life, including attendance at court hearings concerning Gubad Ibadoghlu and public commentary on the risk of arrests, exile and repression of opposition members, civic activists, independent critics and journalists.

17. Against that background, the present proceedings appear consistent with a broader pattern in which well-known opposition figures are neutralized through ordinary-crime accusations presented as apolitical law-enforcement. From the outset, the defense and Yagublu himself characterized the case as political, and public reporting has likewise treated it as part of Azerbaijan's wider crackdown on political opposition, independent media and civil society. In Yagublu's case, the combination of his established opposition status, his continuing visibility in politically sensitive settings shortly before arrest, his history of repeated detention, and the state's recurrent resort to criminal proceedings against him supports a reasonable inference that the prosecution served not merely a punitive function in the individual case, but also a broader deterrent one: to discredit a prominent government critic, stigmatize opposition activity through criminalization, and signal that persistent dissent may attract severe custodial consequences.

The sequence of events:

18. Tofig Yagublu's arrest is part of a larger, coordinated pattern of repression in Azerbaijan, in which opposition-aligned individuals and government critics have been detained on a strikingly repetitive set of allegations, most commonly serious narcotics-related accusations framed as large quantity and/or intent to sell, as well as finance/tax related crimes and crimes against the state and national security. This uniformity, and the way charges and detention measures have been applied across multiple similar cases, strongly suggests a state-driven strategy to criminalize dissenting political affiliation and criticism rather than a legitimate process aimed at individual wrongdoing. The relevant sequence of events should therefore be assessed synthetically, as a single wave of repression with a clear policy logic and continuity.

19. Already in 2022, a discernible pattern of repression was emerging through a series of arrests that disproportionately affected persons deported/returned from abroad (notably Germany), individuals perceived as affiliated with the PFPA/AXCP, Musavat and certain minority figures. This early hunt functioned as a clear precursor to, and warning sign of, the wider crackdown that would later expand across independent media, NGOs, and other segments of civil society.

20. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.⁴ In June 2023, protests against the gold mine in the village of Soyudlu, Gadabay, and their coverage by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After suppressing these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events.⁵

21. In July 2023, politician and economist Gubad Ibadoglu was detained.⁶ In August 2023, pro-government media organized a smear campaign against peace activists protesting military operations in Nagorno-Karabakh⁷. In September 2023, four activists were administratively detained for one month. Around the same time, arrests were carried out against Labor Desk (İşçi Masası) activists, who sought to establish the country's only alternative trade union organization.⁸
22. The main follow-up campaign began in November 2023. First, the pro-government media published smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, the AbzasMedia arrests began.⁹ These arrests continued in early March 2024 with a police raid against the detainee's affiliated organization and the arrest of several individuals represented in those institutions.
23. In April 2024, Imran Aliyev, the head of the Meclis.info portal monitoring the parliament, was detained.¹⁰ In May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (he had also been arrested in the previous round of repression)¹¹. These arrests demonstrate that a new wave of repression had already begun. The objective of this wave was to paralyse the activities of post-2014 informally networked NGOs and critical media. But it also expanded beyond NGOs and media into academia and peace advocacy: Igbal Abilov¹², a Talysh historian/ethnographer, was detained in July 2024 and later sentenced to 18 years' imprisonment in May 2025 on treason-related accusations and political scientist Bahruz Samadov¹³ was detained in August 2024 on treason charges similarly and later sentenced to a 15 years' prison term. Both of their arrests are widely condemned as politically motivated.
24. Repression further continued against independent media through the Meydan TV case¹⁴: Human Rights Watch reported that the investigation targeted the outlet and that its newsroom staff were held in pre-trial detention from December 2024, with subsequent arrests feeding into a consolidated trial that began in December 2025. Finally, repression widened to formal opposition politics in late 2025, when Ali Karimli¹⁵, the long-standing leader of the Popular Front Party, was detained (29 November 2025) and remanded into pre-trial custody, amid a broader escalation against the party documented by human rights monitors.
25. This process was preceded by restrictive legislation: the Law on Media (2021)¹⁶ and the Law on Political Parties (2022)¹⁷. Both laws were criticized by the Venice Commission of the Council of Europe for being restrictive. Nevertheless, they remain valid and enforceable. A similar process took place during the repression of 2013–2014: restrictive laws were first adopted, and arrests followed.
26. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023–2025. The main objective of this campaign of political arrests is to dismantle the informal, networked NGOs and critical media that revived and assumed a new format in the post-2014 era. Political arrests in this context serve an instrumental purpose.

The manner in which the investigations and trial were carried out:

27. The investigation displayed serious indicia of bad faith from the outset. As reflected in the appeal materials, the authorities proceeded on the basis of a fixed fraud-and-forgery narrative and the courts did not subject that premise to genuinely critical scrutiny.
28. The prosecution case rested on a narrow and mutually reinforcing body of prosecution-controlled material: the complainant's allegations, the co-accused's incriminating version, WhatsApp and call extracts, selected antenna-location data, and the search of Yagublu's home. Rather than testing the weaknesses within that evidentiary package, the courts treated it as sufficiently corroborative in itself.
29. The handling of the defense evidence was particularly revealing. Yagublu's alibi, the testimony of defense witnesses, his own phone records and the materials he produced were not analyzed as potentially exculpatory evidence capable of generating reasonable doubt; they were largely dismissed as self-serving, unreliable or immaterial. The court even relied on minor discrepancies, including differences as to the end time of the meeting and the weather, to discredit the alibi.
30. The search of Yagublu's home was likewise not examined with the rigor required by the circumstances. Yagublu and his wife maintained that the money had been planted, that the search was selective and not video-recorded, and that the record had later been regularized; yet the courts resolved the matter simply by preferring the official search protocol and the fingerprint findings, without independently testing the integrity of the search process itself.
31. Overall, the courts' reasoning lacked the skeptical distance expected in a politically sensitive prosecution. Decisive weight was given to state-generated records and incriminating accounts, while contradictions in the chronology, communications evidence and location data were treated as non-fatal; the process therefore appears to have been directed more at confirming the prosecution narrative than at rigorously examining whether guilt had been proved beyond reasonable doubt.

The authorities' conduct:

32. The authorities failed to secure effective safeguards and equality of arms from the outset. The appeal materials record that substantial defense motions were not granted, custody was maintained throughout, and the appellate court dismissed the argument that the prosecution was linked to Yagublu's political activity on the basis that his political views and party affiliation were legally irrelevant. In substance, the authorities treated the case as an ordinary fraud prosecution detached from its obvious political context, thereby emptying the defense's complaint of politically motivated selective prosecution of any real examination.

Additional considerations:

33. Finally, international human rights observers such as Amnesty International¹⁸ and Human Rights Watch¹⁹ have denounced the charges against T. Yagublu as politically motivated.

CONCLUSION

34. The personal factors (Tofig Yagublu's public profile, absence of convincing evidence, and constant violation of procedural rights) and contextual factors (new wave of political repression) cumulatively indicate reasonable grounds to believe that Tofig Yagublu should be considered a political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

RECOMMENDATION

35. Based on this conclusion, Tofig Yagublu should be released unconditionally and immediately. Furthermore, he should be compensated *restitutio in integrum*.

- ¹ Amnesty International, Azerbaijan: Further information: Free prominent opposition leader: Tofiq Yagublu (31 May 2024) EUR 55/8097/2024 <https://www.amnesty.org/en/documents/eur55/8097/2024/en/> accessed 14 March 2026.
- ² European Parliament, ‘Resolution on the crackdown on independent media in Azerbaijan, notably the case of Abzas Media’ (2024) P9_TA(2024)0074 https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074_EN.html accessed 29 May 2025
- ³ Parliamentary Assembly of the Council of Europe (PACE), ‘Resolution 1900 (2012): The definition of political prisoner’ (3 October 2012) <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150> accessed 29 May 2025.
- ⁴ Eurasianet, Prominent activist detained following U.S. sanctions on Azerbaijani official <https://eurasianet.org/prominent-activist-detained-following-us-sanctions-on-azerbaijani-official> accessed 28 August 2025
- ⁵ Reporters Without Borders, Police prevent coverage of protests about environmental scandal in Azerbaijan <https://rsf.org/en/police-prevent-coverage-protests-about-environmental-scandal-azerbaijan> accessed 28 August 2025
- ⁶ Human Rights Watch, Azerbaijan: Free Academic Facing Bogus Charges <https://www.hrw.org/news/2024/07/23/azerbaijan-free-academic-facing-bogus-charges> accessed 28 August 2025
- ⁷ Musavat, “No-Warçılarının dosyesi: onlar harada və necə yetişiblər” https://musavat.com/news/no-war-cilarin-dosyesi-onlar-harada-ve-necə-yetisibler_1001622.html accessed 28 August 2025
- ⁸ Eurasianet, Azerbaijan authorities smash unionization efforts for gig workers <https://eurasianet.org/azerbaijan-authorities-smash-unionization-efforts-for-gig-workers> accessed 28 August 2025
- ⁹ Amnesty International, Azerbaijan: Seven journalists sentenced in latest shocking crackdown on free speech <https://www.amnesty.org/en/latest/news/2025/06/azerbaijan-seven-journalists-sentenced-in-latest-shocking-crackdown-on-free-speech/> accessed 28 August 2025
- ¹⁰ Council of Europe, Safety Of Journalists — FOM Alert <https://fom.coe.int/en/alerte/detail/107640886> accessed 28 August 2025
- ¹¹ Council of Europe Commissioner for Human Rights, Azerbaijan: authorities should release imprisoned human rights defenders, journalists and civil society activists <https://www.coe.int/en/web/commissioner/-/azerbaijan-authorities-should-release-imprisoned-human-rights-defenders-journalists-and-civil-society-activists> accessed 28 August 2025
- ¹² Scholars at Risk, ‘Release academic Iqbal Abilov, wrongfully imprisoned for one year’ (22 July 2025) <https://www.scholarsatrisk.org/2025/07/release-academic-igbal-abilov-wrongfully-imprisoned-for-one-year/> accessed 7 January 2026
- ¹³ Human Rights Watch, ‘Azerbaijan: Escalating Crackdown on Critics’ (30 August 2024) <https://www.hrw.org/news/2024/08/30/azerbaijan-escalating-crackdown-critics> accessed 7 January 2026.
- ¹⁴ Arzu Geybullayeva, ‘Another Courageous Journalist Jailed in Azerbaijan’ (Human Rights Watch, 16 May 2025) <https://www.hrw.org/news/2025/05/16/another-courageous-journalist-jailed-azerbaijan> accessed 7 January 2026.

¹⁵ Amnesty International, 'Azerbaijan: Arrest of opposition leader is further evidence of consolidation of authoritarian practices' (1 December 2025) <https://www.amnesty.org/en/latest/news/2025/12/azerbaijan-arrest-of-opposition-leader-is-further-evidence-of-consolidation-of-authoritarian-practices/> accessed 7 January 2026.

¹⁶ Venice Commission. 'Opinion on On The Law On Media in Azerbaijan.' Council of Europe, Opinion No. 1078/2022, 2022, available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)009-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)009-e)

¹⁷ Venice Commission and OSCE/ODIHR. Joint Opinion On The Law On Political Parties, 2023 available at <https://www.osce.org/files/f/documents/1/4/543922.pdf>

¹⁸ Amnesty International, Azerbaijan: Further information: Free prominent opposition leader: Tofiq Yagublu (31 May 2024) EUR 55/8097/2024 <https://www.amnesty.org/en/documents/eur55/8097/2024/en/> accessed 14 March 2026.

¹⁹ Human Rights Watch, 'Azerbaijan' (World Report 2023) (2023) <<https://www.hrw.org/world-report/2023/country-chapters/azerbaijan>> accessed 25 January 2026.

