



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

THIRD SECTION

CASE OF MIRGADIROV v. AZERBAIJAN

(Application no. 16077/18)

JUDGMENT

STRASBOURG

6 October 2026

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

In the case of Mirgadirov v. Azerbaijan,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Mateja Đurović, *President*,

Lətif Hüseynov,

Canòlic Mingorance Cairat, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 16077/18) against the Republic of Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 2 April 2018 by an Azerbaijani national, Mr Rauf Habibula oğlu Mirgadirov (*Rauf Həbibula oğlu Mirqədirov* – “the applicant”), who was born in 1961, lives in Thalwil (Switzerland) and was represented by Mr F. Agayev, a lawyer based in Azerbaijan;

the decision to give notice of the complaints under Article 6 §§ 1 and 3 (d) of the Convention to the Azerbaijani Government (“the Government”), represented by their Agent, Mr Ç. Əsgərov, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 15 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The case concerns criminal proceedings against the applicant, a well-known journalist and political analyst, in which he was convicted of high treason under Article 274 of the Criminal Code. At the material time, the applicant was working for the Turkish branch of the newspaper *Zerkalo*.

2. Background information about his activity as a journalist and the circumstances of his arrest and detention have been summarised in *Mirgadirov v. Azerbaijan and Turkey* (no. 62775/14, §§ 7-28, 17 September 2020).

I. THE CRIMINAL INVESTIGATION AGAINST THE APPLICANT

3. On 21 April 2014 the applicant was charged under Article 274 of the Criminal Code. According to the relevant decision, the applicant was recruited by Armenian intelligence agents, secretly collaborated with them from 2008 onward and passed sensitive information to them.

4. On 8 October 2015 the prosecuting authorities charged the applicant again with the same offence on the basis of additional information that had become available to them. According to the charge, the applicant had been involved in espionage activities through L.Y. and A.Y. – members of an

Azerbaijani non-governmental organisation. The bill of indictment stated that the applicant had met with D.S., L.B., and A.S. – all of whom were allegedly affiliates or employees of Armenian intelligence services – in Türkiye, Georgia and Armenia, where he had been instructed to, among other things, collect strategic information about Azerbaijan (military equipment, energy, industrial sites and so on). The applicant was also accused of (i) collaborating with Armenian agents under the guise of “citizen diplomacy”; (ii) engaging in covert cooperation detrimental to Azerbaijan’s national security during trips he had taken to Armenia in 2008, 2009, 2012 and 2013; (iii) receiving instructions from Armenian agents aimed at undermining Azerbaijan’s State security; (iv) transmitting sensitive military information, including about the location of military units and strategic sites (such as Baku International Airport, the Zigh motorway and so on) to Armenian agents; and (v) meeting with personnel of the Armenian National Security Service in Tbilisi on 2 February 2009, discussing espionage activities and agreeing to gather and transmit information about Azerbaijan’s plans concerning the resolution of the Nagorno-Karabakh conflict, in exchange for rewards.

5. The list of evidence produced by the prosecuting authorities included the following:

(i) Two compact discs provided by an Armenian national named S. to two Azerbaijani nationals in Georgia, who had been asked to deliver them to the law-enforcement authorities of Azerbaijan. These compact discs contained video-recordings, captured by an unknown person, of the applicant’s meeting with L.B. and A.S. in a restaurant in Tbilisi in February 2009.

(ii) Letters sent by the then Ministry of National Security (“the MNS”) containing information and details, obtained through operational measures in 2010 and 2014, about the applicant’s alleged involvement in espionage activity.

(iii) Records of the inspection (*baxış protokolları*) of the applicant’s computer devices, which specified that he had, through his work email address, sent L.B. sensitive information, images and technical drawings, some of which were deemed to be State secrets.

(iv) Witness statements, various forensic examination reports (facial identification, audio and photo-technical), and so on.

6. The applicant’s request to the investigator for the exclusion of the expert reports, the two compact discs and the record of the inspection of his email correspondence from the list of evidence was rejected as unsubstantiated. In the request, it was claimed that the objective elements of the criminal offence under Article 274 had not been established with any evidence, because he had not been in possession of any State secrets and had never shared any sensitive information with Armenian agents in exchange for payment. He also asserted, *inter alia*, that the images, which he had allegedly sent to Armenian agents via email, were publicly accessible on the internet and therefore could not be considered State secrets.

7. On an unspecified date, the bill of indictment was filed with the Baku Court of Serious Crimes for trial.

II. THE APPLICANT'S TRIAL AND CONVICTION

8. The applicant lodged a request with the trial court, asking it to drop the charges on the grounds that it had not been sufficiently established by the prosecuting authorities that he had committed the offence in question. He reiterated the arguments summarised in paragraph 6 above. The applicant further noted that the investigative authorities had arbitrarily defined L.B., D.S., and others as employees of the Armenian intelligence services and that this had not been corroborated by any material in the case file. He asked the court to summon those individuals as witnesses and obtain their testimony.

9. The trial court refused to examine the request, stating that the examination of the evidence was not the subject of the preliminary hearing, and dismissed the applicant's request to summon additional witnesses as unsubstantiated. It briefly questioned the value and reliability of potential testimony from those witnesses, adding that the state of relations between Armenia and Azerbaijan would make verifying the information provided by them unduly time-consuming, thereby risking a delay in the proceedings. The case was sent to trial.

10. During the trial, relying on the relevant provisions of the Minsk Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of Member States of the Commonwealth of Independent States, the applicant asked the court to obtain testimony from L.B. and D.S. He submitted that L.B. and D.S. could clarify the nature of their relationship with him, the remuneration he received from international organisations, whether they had instructed him to collect sensitive information, and whether he had provided them with any such information.

11. He further submitted that, contrary to the prosecuting authorities' argument, the images of Baku Airport, the Zigh motorway, and the military sites were publicly accessible on the internet, and that there was no reliable evidence demonstrating that he had sent any images or technical drawings of strategic sites to L.B. In support of his argument, the applicant provided images obtained from the internet. The court refused to accept those images as evidence, briefly noting that their source was unknown and that the ones included in the case file, as verified by the Ministry of Defence, contained State secrets.

12. By a judgment of 28 December 2015, the Baku Court of Serious Crimes found the applicant guilty as charged and sentenced him to six years' imprisonment. The court relied, to a decisive degree, on evidence provided by the prosecuting authorities.

13. The court, in its judgment, reproduced the forensic audio examination report, which contained a transcript of the applicant's conversation with L.B.

and A.S. in a restaurant in Tbilisi in 2009. It appears from the judgment that the transcript was largely made up of incomplete and incoherent sentences. In the few parts where the applicant's speech was understandable, he talked briefly about historical events and general political issues concerning Azerbaijan and Armenia.

14. Reproducing the material provided by the MNS, the court also held that L.B., D.S. and A.S. were employees of the Armenian intelligence services, and that they had sought the involvement of well-known Azerbaijanis, including the applicant, in international projects and later recruited them as agents, obtaining sensitive information through them and disguising their activity as citizen diplomacy. According to the material, the applicant had met with them in Georgia, Türkiye and Armenia, and had visited Armenia on several occasions. The material also specified that L.B. was the chairperson of an organisation called the Region Research Centre, which the MNS considered to have been established by the Armenian intelligence services, and had gathered information on the socio-political and military situation in Azerbaijan. The court determined that in October 2008 the applicant had established contact with L.B. and had transmitted sensitive information. In February 2009 he had allegedly met L.B. and A.S. in a restaurant in Tbilisi to receive further instructions, during which A.S. had paid him for his espionage activities. The applicant had also carried out espionage activities by authoring articles in *Zerkalo*.

15. The trial court further stated that the applicant had met D.S., a former head of the National Security Service of Armenia, in Türkiye. The applicant had later sent L.B. via email sensitive information about the construction of the motorway for military purposes, the alleged establishment of an American military base near Baku and transmitted images and technical drawings of those sites.

16. The court also referred to a letter from the Ministry of Defence, in which it was specified that the images and technical drawings of deployment areas of the Air Defence Forces, Baku International Airport, the Zigh motorway and the bridges over it contained State secrets concerning the security and defence capabilities of the Republic.

17. The trial court also examined the statements of more than 15 witnesses, including the applicant's colleagues and individuals who had participated in international projects with him. Their testimony contained information about the applicant's professional activities and his visits to Armenia in the context of various projects. In their testimony, most of the witnesses denied having read any articles written by the applicant that could undermine the security of Azerbaijan or be used to the benefit of Armenia.

18. The applicant appealed. He argued, in particular, that he had never denied visiting Armenia or being in contact with members of Armenian or international civil society, with whom he had worked on international projects, and about which he had written articles in *Zerkalo*.

19. He maintained that his visits to Armenia had not been a threat to Azerbaijan's national security and that his position on the Nagorno-Karabakh conflict had always been aligned with the Azerbaijani government's position.

20. The applicant reiterated his earlier arguments and the requests mentioned in paragraphs 6, 8 and 10 above. He maintained that he had not sent images or technical drawings to L.B., adding that the images had been publicly accessible on the Google Earth website since 2004, and asked the court to consult the website so as to verify that claim.

21. The appellate court dismissed the requests as unjustified, noting that the facts of the case and the evidence adduced by the parties had been examined sufficiently by the trial court, which had drawn relevant inferences, and that there was therefore no need to obtain additional evidence.

22. By a judgment of 17 March 2016, the appellate court dismissed the appeal but quashed the part of the judgment in respect of the sentence imposed. It substituted the term of imprisonment with a five-year probationary period.

23. The applicant lodged a cassation appeal, maintaining his arguments. By a final decision of 3 October 2017, the Supreme Court upheld the appellate court's judgment.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

24. The applicant complained under Article 6 § 1 of the Convention that he had not had a fair hearing. He argued that the domestic courts' judgments had been ill-reasoned and that his right to equality of arms had been breached, in that the domestic courts had not duly examined his objections and requests concerning the admission of evidence. He also complained under Article 6 § 3 (d) of the Convention that his request to call particular witnesses had been refused. This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

25. The general principles concerning the right to a fair trial were set out, among others, in *Ilgar Mammadov v. Azerbaijan* (no. 2) (no. 919/15, §§ 205-10, 16 November 2017), and *Dursun Aliyev v. Azerbaijan* (no. 20216/14, §§ 115-23, 27 April 2023), with further references.

26. In the present application, the applicant never denied meeting with L.B., D.A., and S.A. or travelling to Armenia. During the investigation phase, he gave detailed statements to investigators about his meetings with those individuals and his visits to Armenia. He also firmly denied having had any contact with Armenian intelligence services that could have harmed Azerbaijan's interests, or possessing and passing any State secrets to others.

27. The applicant consistently tried to challenge the reliability of certain direct evidence on which his conviction rested (see paragraph 5 above). For reasons specified below, the Court considers that there were serious shortcomings in the manner in which the courts examined evidence and dealt with the defence's objections in this regard (compare *Ilgar Mammadov* (no. 2), cited above, §§ 211 et seq.).

28. Throughout the investigation phase and the court proceedings, the applicant consistently argued that there was nothing in the video-recordings or in their transcripts demonstrating that he had committed high treason or passed any State secrets to his interlocutors (see paragraphs 6, 8 and 20 above). In this connection, the Court notes that, indeed, the transcript of the applicant's conversation with L.B. and A.S. appears to be so fragmented and unclear that one could not reasonably be expected to use it to claim that the applicant had revealed any sensitive information capable of threatening Azerbaijan's security. However, the domestic courts remained completely silent in respect of the applicant's arguments, and they simply accepted the compact discs and reports as reliable evidence proving the applicant's espionage activities, without any further reasoning. Accordingly, the applicant was deprived of a genuine opportunity to challenge the evidence against him and its use for his conviction.

29. As to the material provided by the MNS in its letters (see paragraph 14 above), the applicant repeatedly objected to its use as evidence, arguing that it was not clear what that material was based on. However, the domestic courts did not address the applicant's arguments. They accepted the factual statements in the letters at face value and relied on them as established facts, without independently examining any documentary or other type of material that might have been in the MNS's possession and served as the basis for the factual assertions made in its letters. The fact that the letters were written by the MNS was, in itself, of no significance, as it is the task of a court of law, vested with the competence to determine the question of guilt in criminal cases, to examine the relevant original evidence and to establish the facts (see *Ilgar Mammadov* (no. 2), cited above, § 229).

30. Accordingly, the Court considers that, by relying on the MNS's letters to convict the applicant and ignoring his well-founded objections, the courts breached the applicant's right to have all the evidence produced in his presence at a hearing with a view to adversarial argument.

31. As regards the images and technical drawings which the applicant had allegedly sent to L.B., the Ministry of Defence categorised them as sensitive information containing State secrets (see paragraph 16 above). In this connection, the Court draws attention to the fact that the protection of and access to such categories of information are strictly regulated by a specific domestic law. The applicant had repeatedly asked the courts to visit the Google Earth website so as to determine whether those images were in fact accessible to anyone with internet access.

32. The Court considers that, given that the domestic courts found the applicant guilty of high treason and concluded, *inter alia*, that he had shared images containing State secrets with Armenian agents, the examination of the website during the trial could have shed light on the question whether the disputed images were publicly accessible (see, *mutatis mutandis*, *Abdullayev v. Azerbaijan*, no. 6005/08, § 63, 7 March 2019). Such accessibility would be incompatible with their classification as State secrets and would have called into question the plausibility of the evidence used against the applicant. However, the courts rejected the applicant's request without providing any reasoning, depriving him of an opportunity to adduce evidence in his favour and to challenge the evidence used against him.

33. As regards the witness statements (see paragraph 17 above), the Court notes that they were of a general character and contain nothing from which the applicant's guilt in respect of the serious charges brought against him could reasonably be inferred.

34. In the light of the above considerations, the Court notes that the applicant raised before the domestic courts strong, pertinent and well-founded objections that the acts attributed to him had not fallen within the scope of the offence of high treason. An adequate examination of those objections would have been decisive for the outcome of the case and, therefore, those arguments required a specific and express reply from the domestic courts (compare *Khadija Ismayilova v. Azerbaijan (no. 4)*, nos. 71556/16 and 74112/17, § 67, 27 January 2026). However, the domestic courts failed to carry out an adequate review of the applicant's objections relating to the reliability and probative value of the prosecution evidence, and to provide adequate reasons for refusing the applicant's requests and objections or reply to his specific and pertinent arguments, thereby depriving him of an effective opportunity to challenge them before the courts (see *Dursun Aliyev*, cited above, § 144).

35. The foregoing considerations are sufficient to enable the Court to conclude that the criminal proceedings against the applicant, taken as a whole, did not comply with the guarantees of a fair trial.

36. There has accordingly been a violation of Article 6 § 1 of the Convention.

37. In view of the above findings, the Court considers that there is no need to examine separately the applicant's complaint that he had not been able to obtain the attendance of witnesses on his behalf under the same conditions as witnesses against him (see *Rustamzade v. Azerbaijan (no. 2)*, no. 22323/16, § 44, 23 February 2023).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

38. The applicant claimed 100,000 euros (EUR) in respect of pecuniary damage, submitting that he would have earned that amount if he had not been

convicted. He also claimed EUR 100,000 in respect of non-pecuniary damage. As to the costs and expenses, he claimed 5,000 Azerbaijani manats (AZN – approximately EUR 2,800 on 13 November 2024, when the claim was submitted) in respect of legal costs incurred before the domestic courts and the Court, and AZN 100 (approximately EUR 55) in respect of expenses.

39. The Government asked the Court to dismiss the claims as unsubstantiated.

40. The applicant's claim in respect of pecuniary damage is not substantiated with any material and is of a speculative nature. It must therefore be rejected.

41. The Court considers, however, that the applicant has suffered non-pecuniary damage which cannot be compensated for solely by the finding of a violation. Making its assessment on an equitable basis, as required by Article 41 of the Convention, it awards the applicant the sum of EUR 3,600 under this head, plus any tax that may be chargeable on this amount.

42. As regards the costs and expenses, the applicant failed to produce any contract concerning his representation by Mr F. Agayev or any other relevant documents showing that he had paid or was under a legal obligation to pay the fees charged by his representative (see, for example, *Nasirov and Others v. Azerbaijan*, no. 58717/10, § 89, 20 February 2020). Similarly, the applicant did not itemise his postal expenses. Accordingly, the Court dismisses the claim for costs and expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Holds* that there is no need to examine separately the applicant's remaining complaint under Article 6;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 6 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Mateja Đurović
President