



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

Published on 19 October 2026

THIRD SECTION

Application no. 23633/23
Nijat NAJAFZADEH
against Azerbaijan
lodged on 23 May 2023
communicated on 2 October 2026

SUBJECT MATTER OF THE CASE

The application concerns the alleged unfairness of the criminal proceedings brought against the applicant for drug dealing.

On 15 May 2020 the applicant and his acquaintance, E.N., were arrested by the police on the street and taken to the Organised Crime Department of the Ministry of Internal Affairs (“the OCD”). A search found drugs and an electronic scale on them. The applicant and E.N. were charged with a criminal offence under Articles 234.4.1 and 234.4.3 (illegal possession, as an organised group, of a large quantity of narcotic substances with intent to sell).

By a judgment of 7 July 2021, the Baku Court of Serious Crimes found the applicant and E.N. guilty as charged and sentenced the applicant to five years’ imprisonment. The court relied on the applicant’s admission of guilt, an expert report establishing that he was a drug addict, the search and seizure records and other evidence.

During the trial and in his appeal submissions, the applicant consistently denied the charge and stated that he had been convicted on the basis of planted evidence, asserting that he had no drugs on him at the time of his arrest. He maintained that he had never obtained drugs with the intent to sell. He further submitted that he had made self-incriminating statements as a result of police ill-treatment, and that search and seizure had not been carried out immediately after his arrest but only the following day. The applicant argued that he had not been provided with legal assistance from the moment of his

arrest. By a judgment of 16 December 2021, the Baku Court of Appeal upheld the judgment of the lower court, endorsing its reasoning, and without expressly addressing the applicant's arguments.

By a final decision of 26 January 2023, the Supreme Court reclassified the charge against the applicant to Article 234.1 (illegal acquisition or possession of narcotic substances without intent to sell) of the Criminal Code and reduced the sentence to two years and nine months' imprisonment.

Relying on Article 6 § 1 of the Convention, the applicant complains about the alleged unfairness of the proceedings. In particular, he argues that he was convicted on the basis of planted evidence, and that the courts did not provide reasoning for their conclusions.

QUESTIONS TO THE PARTIES

Did the applicant have a fair hearing in the determination of the criminal charge against him, in accordance with Article 6 § 1 of the Convention? In particular:

(a) was the applicant provided with legal assistance from the moment of his arrest? If so, was a lawyer present during the search conducted on the applicant's person? When exactly was the search on the applicant's person conducted?

(b) was the principle of equality of arms respected? Was the applicant afforded an adequate opportunity to challenge the authenticity of the evidence against him and to oppose its use? Was the applicant's right to a reasoned judgment respected (see *Layijov v. Azerbaijan*, no. 22062/07, §§ 62-76, 10 April 2014, and *Sakit Zahidov v. Azerbaijan*, no. 51164/07, §§ 46-58, 12 November 2015)?

The parties are requested to submit evidence in support of their submissions (copies of documents related to the applicant's arrest, search and seizure records, indictment bill, expert reports, video recording of search, applicant's requests to the courts, and so on).