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

THIRD SECTION

DECISION

Application no. 26915/18
Afgan SADIGOV
against Azerbaijan

The European Court of Human Rights (Third Section), sitting on 5 May 2026 as a Committee composed of:

Canòlic Mingorance Cairat*, President*,
Lətif Hüseynov,
Vasilka Sancin*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 26915/18) 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 26 May 2018 by an Azerbaijani national, Mr Afgan Hatamkhan oglu Sadigov (*Əfqan Hətəmxan oğlu Sadıqov* – "the applicant"), who was born in 1976, and was represented by Mr E. Sadigov, a lawyer based in Baku;

the decision to give notice of the complaint concerning the alleged unfairness of domestic proceedings to the Azerbaijani Government ("the Government"), represented by their Agent, Mr Ç. Əsgərov, and to declare the remainder of the application inadmissible;

the Government's observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the alleged unfairness of criminal proceedings against the applicant, a journalist who was charged with deliberately inflicting moderate bodily harm with hooligan intent.

2. The facts of the case, as submitted by the parties, may be summarised as follows.

3. On 9 August 2016 the applicant was in a private meeting with A.A., the Head of the Jalilabad District Executive Authority ("the JDEA"), who had

allegedly invited him because of his articles criticising unlawful actions by officials in the district.

4. After leaving A.A.'s office, the applicant became involved in an altercation with A.R., who was in the waiting room awaiting her turn to meet with A.A. She reproached him for staying too long in the meeting and for allegedly making unpleasant remarks about her daughter to others.

5. According to the material in the case file, the applicant slapped her in the face, pushed her and struck her head against the door, causing her to lose consciousness and fall to the floor. The applicant acknowledged that A.R. had begun insulting him, but denied the allegations that he had assaulted her, stating that as soon as he had realised that the situation had, in his opinion, been staged by A.A., he left the building.

6. According to a forensic expert report dated 19 September 2016, A.R. had sustained a contusion of the soft tissue in the right temporal-parietal junction of the brain accompanied by a concussion, which was a typical result of strikes from blunt objects and might have resulted from the incident in question on that date.

7. On 31 October 2016 investigators formally declared the applicant a suspect and he signed and received the relevant decision. He was charged under Article 127.2.3 of the Criminal Code with deliberately inflicting moderate bodily harm with hooligan intent. As a preventive measure, he was ordered not to change his place of residence.

8. The applicant was summoned to a hearing before the Jalilabad District Court, scheduled for 21 November 2016, but he did not attend the hearing and did not inform the court of any reasons for his absence. The court issued an order requiring the applicant's forcible appearance before it.

9. On 22 November 2016 the applicant was stopped by the State Border Service at a check point while he was attempting to cross the border into Georgia, and he was taken to a police station.

10. On 23 November 2016 the applicant was brought to a preliminary hearing before the first-instance court, where he was represented by a State-appointed lawyer. After examining the initial evidence and carrying out the necessary procedural steps, the court scheduled the case for trial on 30 November 2016. The applicant did not object to that decision. The court also ordered his remand in custody.

11. As of 30 November 2016 the applicant was represented by a lawyer of his own choosing. During the hearings before the first-instance court, the applicant's representative made the following verbal requests: (i) to obtain A.R.'s medical history from the district hospital; (ii) to secure any available video-recordings from cameras that might have been installed in the waiting room; (iii) to summon A.A. as an additional witness; and (iv) to replace the remand in custody by a non-custodial preventive measure.

12. It appears from the record of the court hearing (*məhkəmə iclas protokolu*) dated 14 December 2016 that the court granted the request to

obtain A.R.'s medical history, which was subsequently collected and added to the case file. However, the case file contains no information regarding the applicant's other requests.

13. On 12 January 2017 the Jalilabad District Court, referring to witness statements, a judicial expert report, medical documents and other evidence in the case file, found the applicant guilty as charged and sentenced him to two years and six months' imprisonment.

14. The applicant appealed against that judgment. He raised, in particular, the following arguments: (i) the medical documents were inconsistent, notably regarding the victim's alleged unconsciousness upon admission to the hospital, and the first-instance court had failed to verify whether an ambulance had been called for the victim on the day of the incident; (ii) certain documents signed by the victim had to be excluded from the list of evidence; and (iii) no signs of a fight, such as blood on the door or strands of A.R.'s hair on the floor, were visible in the photographs of the scene of the incident or in the record on the inspection of scene (*hadisə yerinə baxış protokolu*) issued by the investigator after the incident. He further contended that, even assuming the charge was substantiated, the act had been incorrectly classified, as he had had no hooligan intent and had struck A.R. only in response to her insulting him.

15. During appeal hearings, the applicant's representative made the following requests: (i) that the relevant emergency unit be asked whether an ambulance had been called for the victim, at what time it had been called and when the victim had been taken to the hospital; and (ii) that A.A.'s meeting schedule and logbook be obtained and, if a video camera had been installed in the waiting room, that the recordings from the day of the incident be secured. Both requests were granted by the appellate court.

16. In one of the next hearings, certified copies of the relevant medical documents were submitted to the court and presented to the parties. The applicant's representative requested that the originals of those documents be obtained, but the court dismissed that request on the ground that the copies had already been duly certified.

17. On an unspecified date the JDEA sent a letter to the appellate court, in which it was stated that the video camera in the waiting room had no storage capacity, and that, therefore, no recordings were available.

18. The applicant lodged a cassation appeal, essentially reiterating his previous arguments. By a final decision of 7 November 2017, the Supreme Court partially quashed the appellate court's judgment. It excluded the element of hooligan intent, reclassified the offence under Article 127.1 of the Criminal Code and reduced the sentence to one year and six months' imprisonment.

19. The applicant complained under Article 6 §§ 1 and 3 (c) of the Convention that his trial had been unfair, that the domestic courts had refused his requests, which had allegedly breached the principle of equality of arms

and deprived him of the opportunity to provide exculpatory evidence, and that they had failed to provide reasoning for their decisions. He further submitted that on 23 November 2016, when he had been brought before the court, he had had no opportunity to consult confidentially with the State-appointed lawyer before the case had been advanced to trial.

THE COURT'S ASSESSMENT

20. The Government submitted that the domestic courts had examined in detail the evidence in the case file, granted the requests by the applicant where relevant and provided reasoning for their decisions. They further submitted that the applicant's conviction had been based on reliable evidence, in particular, witness statements, a medical report and other supporting material. The Government asserted that all of the applicant's submissions and arguments had been thoroughly examined. As regards the complaint under Article 6 § 3 (c), the Government contested the applicant's argument.

21. The applicant did not submit any observations in reply to those of the Government.

22. The applicable general principles as regards equality of arms, the reasoning of decisions of the domestic courts and the right to legal assistance have been summarised, *inter alia*, in *Fatullayev v. Azerbaijan (no. 2)* (no. 32734/11, §§ 79-80 and 83, 7 April 2022), and *Zayidov v. Azerbaijan (no. 3)* (no. 60824/08, §§ 87-94, 19 January 2023), with further references.

23. Turning to the present case, the Court observes that the applicant's submissions before the domestic courts concerned both the factual circumstances and the legal characterisation of the incident. He maintained that he had not struck A.R. and that even if he had, he had acted without hooligan intent, claiming that A.R. had insulted him first. The Court further notes that the domestic courts examined the case in hearings at which the applicant and his representative were present and were afforded the opportunity to make submissions. According to the records of the hearings, the applicant's representative made several oral requests (see paragraphs 10 and 15 above) before both the first-instance and the appellate courts. Most of those requests concerned the obtaining of material evidence, and the majority were granted, either fully or in part.

24. In particular, as regards the requests made before the first-instance court (see paragraph 10 above), the Court notes that the domestic court obtained A.R.'s medical history and certain other medical documents (such as an extract from the emergency-call register) from the hospital. These documents were added to the case file, and it does not appear that either the applicant or his representative challenged that decision.

25. In so far as the request concerned summoning A.A. as an additional witness, the applicant did not provide substantiation in that regard, nor did he explain the relevance of A.A.'s potential testimony, given that A.A. had not

been among the key witnesses present in the waiting room at the time of the altercation. In any event, he failed to show that the request was sufficiently reasoned or relevant to the subject matter of the accusation or that it could arguably have strengthened the position of the defence or have even led to the applicant's acquittal (see *Murtazaliyeva v. Russia* [GC], no. 36658/05, § 144, 18 December 2018).

26. As regards the request to obtain video-recordings, the case file shows that the appellate court granted that request, and subsequently received a letter from the JDEA stating that the video camera in the waiting room had had no storage capacity and that no recordings were therefore available.

27. As regards the other requests made during the hearings before the appellate court (see paragraph 15 above), it appears from copies of the records of the hearings that the court granted those requests. According to a document provided by the emergency unit, an ambulance had been called for A.R. at 11.58 a.m. on the day of the incident, and the additional documents obtained also contained information concerning the injuries sustained by A.R.

28. The Court notes that both the first-instance court and the appellate court, by granting most of the applicant's requests, afforded him an effective opportunity to adduce evidence in support of his arguments, and that all the material obtained was presented at the hearings. As to the legal classification of the act, this argument was examined and ultimately remedied by the Supreme Court (contrast, *mutatis mutandis, Haziyev v. Azerbaijan* [Committee], no. 65893/16, § 26, 24 October 2024) which excluded the hooligan intent from the charge on the basis of the fact that A.R. had initiated the altercation. Moreover, it appears that the courts provided sufficient reasoning for their decisions in respect of the applicant's arguments.

29. Consequently, it does not appear that the domestic courts ignored specific, pertinent and important points made by the accused (contrast, *mutatis mutandis*, *Zayidov (no. 3)*, cited above, §§ 108-09).

30. As regards the applicant's complaint about the allegedly ineffective assistance of the State-appointed lawyer at the preliminary hearing, the Court notes that the State-appointed lawyer represented him only once at that stage. At the following hearing on 30 November 2016, the applicant expressly, in writing, waived the assistance of the State-appointed lawyer and was thereafter represented by a lawyer of his own choosing. In any event, it does not appear from the case file that the applicant raised any such concern before the court at either the preliminary or subsequent hearings. Nor has any manifest inability to secure effective representation by the State-appointed lawyer been demonstrated (contrast *Huseyn and Others v. Azerbaijan*, nos. 35485/05 and 3 others, § 181, 26 July 2011). There is nothing in the case file to suggest that this situation significantly affected the overall fairness of the proceedings as a whole (see *Dvorski v. Croatia* [GC], no. 25703/11, § 81, ECHR 2015).

31. Having regard to all the considerations above, the Court considers that the domestic courts examined all the relevant circumstances of the case, and, relying on numerous items of evidence to convict the applicant, did not act in breach of his right to a fair trial. The Court sees no grounds which would allow it to conclude that the domestic courts' findings were arbitrary, inadequately reasoned or that the proceedings were otherwise contrary to Article 6 of the Convention.

32. Accordingly, these complaints must be rejected as manifestly ill-founded and declared inadmissible pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 May 2026.

Olga Chernishova
Deputy Registrar

Canòlic Mingorance Cairat
President