

SHAMSAD AGHA



FACTS

Personal data:

1. Shamsad Aghayev (Agha), (DOB: 01.09.1982) is the editor-in-chief of the independent news website Arqument.az and a contributor working with Meydan TV. Since his arrest¹ in February 2025, Shamsad Aghayev was regarded as a political prisoner by local and international observers and human rights organizations. His arrest is part of a broader crackdown on civil society and independent media that escalated in the autumn of 2023.²

Date of detention:

2. Shamsad Aghayev was detained on 5 February 2025 by Baku Metropolitan General Police Department (BMGPD) in connection with the criminal case known publicly as the “Meydan TV case”.

Legal accusations:

3. On 5 February 2025, Shamsad Aghayev was charged under Article 206.3.2 of the Criminal Code (conspiracy to commit bulk cash smuggling) and remanded in custody by the Khatai District Court. Her case is being prosecuted under what has become known as the “Meydan TV case.”
4. On 28 August 2025, the investigative authorities re-qualified the accusations and announced following additional charges:

- Conspiracy to commit illegal entrepreneurship in the form of an organized criminal group and an aggravated and significant amount (Article 192.3.2 of the Azerbaijani Criminal Code),
- Conspiracy to commit money laundering in the form of an organized criminal group and a substantial amount (Articles 193-1.3.1 and 193-1.3.2 of the Azerbaijani Criminal Code),
- Conspiracy to commit bulk cash smuggling in the form of an organized criminal group (Article 206.4 of the Azerbaijani Criminal Code),
- Conspiracy to commit tax evasion in the form of an organized criminal group (Article 213.2.1 of the Azerbaijani Criminal Code),
- Forgery and the use of forged documents (Articles 320.1 and 320.2 of the Azerbaijani Criminal Code).

Legal status of the remand prisoner:

5. Shamshad Aghayev is in pre-trial detention and a remand prisoner. Despite numerous appeals to release him during the trial period, the Court kept him in custody. At the time of writing, his case is pending before the Baku Assize Court together with other defendants in the “Meydan TV case”.

Legal proceedings:

6. On 5 February 2025, Shamshad Aghayev was detained by officers of the BMGPD. The indictment records him as being brought in under suspicion related to currency smuggling following the earlier arrests of other Meydan TV journalists in December 2024.
7. On the same day, police searched his residence and seized personal electronic devices. According to independent media and rights observers, the search was carried out without the presence of legal counsel and before a formal warrant was presented, raising questions about procedural legality. Reports published by CPJ and local rights monitors noted that Aghayev was denied immediate access to a lawyer and held for questioning under coercive conditions.
8. On 6 February 2025, the Khatai District Court ordered Shamshad Aghayev’s pre-trial detention for three months, citing the so-called gravity of the charge and risk of interference with the investigation.
9. On 24 June 2025, the Khatai District Court extended his detention until 6 October 2025, together with the other defendants in the Meydan TV case.
10. On 16 September 2025, the court further extended the pre-trial detention until 6 January 2026, following the requalification of charges announced in August 2025.
11. On 12 December 2025, the trial in the “Meydan TV case” commenced before the Baku Assize Court, with Shamshad Aghayev appearing among the twelve defendants charged in the consolidated proceedings.

LEGAL ANALYSIS

Reasons why Shamshad Aghayev should be regarded as a political prisoner:

12. Assessment of whether Shamshad Aghayev 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). The legal proceedings against and conviction of Shamshad Aghayev satisfy two criteria established by paragraph 3 of the Resolution for defining political prisoners ((a) and (e)):

(a) His 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.

(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.

13. 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 the 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.

Shamshad Aghayev’s public profile:

14. The circumstances reveal that Shamshad Aghayev is a well-known independent journalist in Azerbaijan, recognized primarily for his work as editor-in-chief of Arqument.az and as a contributor to Meydan TV. He is publicly associated with critical journalism addressing politically sensitive issues, including governance, civil liberties, and state accountability. Through his editorial work and reporting, he has been part of the independent media environment that provides analysis and commentary outside state-controlled narratives, and his publications have been referenced in broader public and advocacy discourse concerning freedom of expression in Azerbaijan.

15. From the outset and in light of the circumstances of the criminal case, including the broader official narrative surrounding the “Meydan TV case,” the prosecution appears consistent with a pattern of targeting independent journalism by reframing journalistic activity and professional media networks as alleged financial or foreign-funding criminality. In this context, Shamshad Aghayev’s public profile provides reasonable grounds to believe that he was targeted not for genuine criminal conduct, but because of his role as an independent journalist and editor operating within a media ecosystem that has been subjected to intensified pressure and repression, particularly since 2023.

Sequence of events and contextual factors:

16. Shamshad Aghayev’s arrest is part of a larger, coordinated campaign against independent journalism in Azerbaijan, in which journalists and media workers have been detained on a strikingly repetitive set of financial accusations (notably currency smuggling and related offences). This uniformity, and the way charges and detention measures have been applied across different media cases, strongly suggests a state-driven strategy to criminalize independent journalism 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.
17. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.³ 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.⁴
18. In July 2023, politician and economist Gubad Ibadoglu was detained.⁵ In August 2023, pro-government media organized a smear campaign against peace activists protesting military operations in Nagorno-Karabakh.⁶ 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.⁷

19. 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.⁸ 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.
20. In April 2024, Imran Aliyev, the head of the Meclis.info portal monitoring the parliament, was detained.⁹ 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).¹⁰ 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 Abilov¹¹, 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 Samadov¹² 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.
21. Repression further continued against independent media through the Meydan TV case.¹³ 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 (including Shamshad Aghayev in February 2025) feeding into a consolidated trial that began in December 2025. Finally, repression widened to formal opposition politics in late 2025, when Ali Karimli¹⁴, 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.
22. This process was preceded by restrictive legislation: the Law on Media (2021)¹⁵ and the Law on Political Parties (2022)¹⁶. 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.

23. 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.

Manner in which the investigation and detention measures were carried out:

24. The case files indicate that the investigative authorities relied on a method of case-building that weakens adversarial safeguards: the proceedings were initiated and sustained through broadly described operational inputs, followed by police-controlled measures (home searches, seizure of devices, and custody-driven questioning), and then consolidated into a group-based narrative of criminality in which journalistic work is treated as an indicium of involvement in a financial scheme rather than assessed through individualized proof.

25. The indictment narrative is anchored in the premise that persons allegedly linked to Meydan TV constituted an organized mechanism for bringing undeclared foreign currency into Azerbaijan and handling these funds domestically. However, public-facing descriptions of the triggering basis for arrests (including Shamshad Aghayev’s) repeatedly refer to operational information without transparent particulars that would enable meaningful scrutiny of origin, method, or reliability. This is legally important: where the precipitating operational basis is not meaningfully disclosed, the defense’s capacity to challenge the lawfulness and credibility of the foundational suspicion is structurally undermined.

26. In Shamshad Aghayev’s case, the first visible investigative acts described in public sources were intrusive and evidence-generating: the night-time detention and the search of his home, followed by seizure of electronic devices and data-storage media. While such measures can be lawful in principle, in politically sensitive press cases, they also function as coercive tools, disrupting journalistic work, extracting communications and source-related material, and amplifying dependence on police-controlled seizure narratives rather than independently verifiable transaction trails.

27. The prosecution posture, as reflected in reporting on the “Meydan TV case,” is notably associative: Shamshad Aghayev is presented as a journalist/editor who collaborated with Meydan TV and was arrested after the December 2024 wave against the outlet’s staff, with the case later consolidated into a single trial. This sequencing supports the inference that the investigation’s logic was not primarily to isolate individual wrongdoing, but to expand a pre-existing case outward to encompass a widening circle of independent media actors.

28. The detention practice reinforces that inference. Courts maintained pre-trial detention through extensions in 2025, including an additional three-month extension ordered on 16 September 2025. In cases of this nature, repeated detention extensions are especially concerning where the publicly articulated reasons remain generic and where the evidentiary basis remains anchored in operational-search assertions and police-led seizures rather than objectively testable financial records.
29. The August 2025 escalation of charges is also consistent with a detention-driven, consolidation strategy. Such expansions, particularly when applied collectively, risk converting ordinary media operations and funding/work relationships into a presumptive so-called criminal enterprise framework, shifting the practical burden onto defendants to disprove criminal characterization rather than requiring the prosecution to establish individualized elements through clear transaction evidence.
30. Taken together, (i) a case initiation and escalation structure heavily dependent on non-transparent operational premises, (ii) immediate reliance on police-controlled searches and device seizures as core evidentiary acts, (iii) repeated use of pre-trial detention extensions, and (iv) subsequent charge expansion into a standardized package of financial/document offences, there are serious grounds to question the good faith of the investigative approach and the adequacy of individualized reasonable suspicion as applied to Shamshad Aghayev in the “Meydan TV case”.

Authorities’ conduct:

31. The relevant authorities, at first, denied Shamshad Aghayev procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

Additional considerations:

32. Finally, international human rights observers, including Amnesty International and Human Rights Watch, have denounced the charges against Shamshad Aghayev and others from Meydan TV as politically motivated (see cited footnotes above).

CONCLUSION

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

RECOMMENDATION

34. Based on this conclusion, Shamshad Aghayev should be released unconditionally and should be compensated *restitutio in integrum*.

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