

# MALIK RZAYEV

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## FACTS

### Personal data:

1. Malik Rzayev (DOB: 09.02.1974) is an Azerbaijani citizen who moved to Germany in 2014 as a person seeking protection and describes himself as holding opposition political views. In his recorded statement, he explains that while in Germany, he expressed critical views about Azerbaijani officials, participated in rallies and anti-government demonstrations, and remained active on social networks; he further links his later targeting to this protest participation and his political stance.
2. Rzayev was detained on 25.10.2021 in Sumgayit and charged with large-quantity narcotics/psychotropic substances with intent to sell, based on allegations that he unlawfully acquired, carried, and possessed narcotics/psychotropic substances in large quantity.<sup>1</sup>
3. His case has been widely reported as politically motivated, and is discussed as part of a broader pattern in which individuals returned/deported from Germany, including opposition-affiliated persons and government critics active online or in diaspora actions, are accused of serious narcotics offences shortly after return to Azerbaijan; Rzayev has denied the charges and maintained that the case is retaliation for his political activity abroad. The allegations against M. Rzayev 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.<sup>2</sup>

### Date of detention:

4. On 25.10.2021, Malik Rzayev was detained as a suspect by Sumgayit City Police Department (SCPD) and taken to the 2nd Police Station; on 26.10.2021, pursuant to the Sumgayit City Court's decision, a pre-trial detention measure was imposed on him.

## **Legal accusations:**

5. On 26 October 2021, following his detention the previous day, the investigating authorities of the SCPD, including the 2nd Police Station, formally charged Malik Rzayev with the following bogus accusation:

a. illegal acquisition/possession/transportation of narcotic drugs or psychotropic substances with intent to sell, committed in large quantity under Article 234.4.3 of the Criminal Code;

6. His case has been publicly discussed as part of what is commonly described as the deported/readmitted from Germany drug-case pattern, in which individuals returned from Germany, often ordinary opposition-affiliated persons and social-media critics, are then prosecuted under Article 234.4.3 on trafficking/intent to sell allegations shortly after return. Human Rights Watch<sup>3</sup> explicitly describes spurious drug charges brought against several deportees from Germany in 2021 and names Malik Rzayev alongside Mutallim Orujov, Punhan Karimli, and Jafar Mirzayev as examples of this pattern.

## **Legal status of the remand prisoner:**

7. Malik Rzayev is a convicted prisoner. On 28 September 2022, the Sumgayit Assize Court found him guilty under Article 234.4.3 of the Criminal Code and sentenced him to 7 years' imprisonment.

8. He appealed, and on 21 February 2023, the Sumgayit Court of Appeal dismissed the appeal and upheld the first-instance judgment. Finally, on 24 October 2023, the Supreme Court of the Republic of Azerbaijan dismissed the cassation complaint and left the appellate decision unchanged, thereby keeping the 7-year sentence in force.

## **Legal proceedings:**

9. On 25.10.2021, Malik Rzayev was detained by law-enforcement authorities in Sumgayit and taken to the 2nd Police Station; on 26.10.2021, the Sumgayit City Court imposed pre-trial detention. His custody was subsequently extended during the investigation stage.

10. The first-instance proceedings concluded on 28.09.2022, when the Sumgayit Assize Court convicted Rzayev under Article 234.4.3 and sentenced him to 7 years' imprisonment.

11. Rzayev appealed and on 21.02.2023, the Sumgayit Court of Appeal dismissed the appeal and upheld the first-instance judgment. He then lodged a cassation complaint, and on 24.10.2023, the Supreme Court of the Republic of Azerbaijan dismissed the cassation and left the appellate decision unchanged, keeping the 7-year sentence in force.

12. The courts' reasoning, as reiterated in the cassation decision, was anchored predominantly in police-led procedural records and prosecution evidence, notably the so-called operational information said to have been received about Rzayev's alleged drug-related conduct, the personal search and seizure protocol (conducted after he was taken to the police station and recorded on video), and state expert materials confirming the nature and quantities of the seized substances (heroin, methamphetamine, and methadone tablets). The courts treated this state-produced evidentiary package as inherently reliable, without demonstrating robust sceptical scrutiny of the circumstances under which it was generated.
13. Rzayev denied guilt and, according to the cassation materials, the defence raised allegations that he had been subjected to ill-treatment / degrading treatment during the investigation. However, the Supreme Court's account indicates that these allegations were largely answered by pointing to the timing of when they were raised and by relying on official denials and the statements of police officers involved in the operation, rather than by recording any meaningful independent verification capable of testing the integrity of the search-and-seizure narrative or resolving the coercion allegations in an adversarial manner.

## LEGAL ANALYSIS

### **Reasons why Malik Rzayev should be regarded as a political prisoner:**

14. Assessment of whether M. Rzayev 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)<sup>4</sup>. The legal proceedings against and conviction of M. Rzayev satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((a) and (e)):

(a) Malik'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 the quadripartite test should be emphasised 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.

**Malik Rzayev's public profile:**

16. The circumstances indicate that Malik Rzayev is an opposition-aligned Azerbaijani citizen whose political engagement was expressed through diaspora participation and online criticism, and whose case has become associated with a broader pattern of repression affecting similarly situated individuals. The case materials record that he moved to Germany in 2014 as a refugee, held political views, and, while in Germany, expressed critical views about ministers/officials and participated in rallies and anti-government actions, remaining active on social networks; he further linked his targeting to that protest participation and political stance.

17. He is a Musavat Party member who was returned/deported from Germany under the readmission framework and then detained soon after, with his prosecution discussed alongside other returned/deported diaspora participants charged under serious narcotics provisions, reinforcing an observable enforcement pattern in which individuals do not need to be high-profile leaders or formally recognised public figures to be targeted; party affiliation, visible dissent, or sustained criticism may suffice.

18. From the outset and in the broader context surrounding drug-prosecutions of opposition-leaning returnees, Rzayev's criminal case appears consistent with a pattern in which political expression and opposition-linked networks are reframed as serious criminality through standardised narcotics allegations. In Rzayev's case, he consistently denied any connection to narcotics and alleged that he was beaten and subjected to physical/psychological pressure, maintaining that his detention was retaliation for his participation in anti-government actions while abroad.

19. The recurring use of severe intent to sell/large quantity narcotics charges in comparable returnee cases, supports a reasonable inference that the proceedings served a deterrent and punitive political purpose: to chill diaspora mobilisation, penalise online dissent, and signal that even ordinary opposition party membership or visible criticism can attract harsh criminal consequences.

### **The sequence of events:**

20. Malik Rzayev'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. This uniformity, and the way charges and detention measures have been applied across multiple similar cases, strongly suggests a state-driven strategy to criminalise 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.

21. 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 PFFPA/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.

22. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.<sup>5</sup> 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.<sup>6</sup>

23. In July 2023, politician and economist Gubad Ibadoglu was detained.<sup>7</sup> In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh.<sup>8</sup> 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 organisation.<sup>9</sup>

24. 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.<sup>10</sup> These arrests continued in early March 2024 with a police raid against the detainee's affiliated organisation and the arrest of several individuals represented in those institutions.
25. In April 2024, Imran Aliyev, the head of the Meclis.info portal monitoring the parliament, was detained.<sup>11</sup> 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).<sup>12</sup> 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 Abilov<sup>13</sup>, 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 Samadov<sup>14</sup> 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.
26. Repression further continued against independent media through the Meydan TV case.<sup>15</sup> 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 Karimli<sup>16</sup>, 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.
27. This process was preceded by restrictive legislation: the Law on Media (2021)<sup>17</sup> and the Law on Political Parties (2022)<sup>18</sup>. Both laws were criticised 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.
28. 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:

29. The investigative authorities acted in bad faith in Malik Rzayev's case and, in substance, treated the outcome as predetermined, relying on a standardised drug-case evidentiary package while insulating the key investigative steps from meaningful adversarial scrutiny. As reflected in the case materials, the two core foundations of the prosecution, so-called operational information and the subsequent police-controlled search and seizure, display serious procedural vulnerabilities and a selective, prosecution-centric approach to evidentiary assessment.
30. According to the case narrative accepted by the courts, the investigation was triggered by so-called operational information/data alleging that a person named Malik was unlawfully possessing, selling, and using narcotics in large quantity. The same narrative records that an operational-search measure decision dated 25 October 2021 was issued and later deemed lawful by a 29 October 2021 court decision. However, the provenance of the underlying intelligence remains opaque: the file excerpts do not identify whether it derived from surveillance, informants, prior investigative activity, or any other source capable of being tested by the defence. This vagueness, coupled with the weight placed on the so-called operational information as the trigger for coercive measures, materially impaired the defence's ability to challenge the lawfulness and reliability of the operation ab initio.
31. The subsequent investigative measures were dominated by law enforcement. Rzayev was detained and taken to the Sumgait City Police Department's 2nd Police Station, where the personal search and seizure were conducted inside police premises, under police control. The prosecution narrative then relies on a protocol and video record in which officers announce a personal search, propose that any prohibited items be produced, and describe Rzayev as handing over narcotics from his jacket pocket. However, this evidentiary account remains structurally police-controlled: the search occurs only after removal to a police facility, and the key factual narrative is driven by police/operational personnel rather than independent civilian witnesses. These are the features that objectively heighten the risk that integrity concerns will not be dispelled by formal documentation alone.
32. The case materials further show that the prosecution and courts attached decisive weight to police-linked testimony attributing incriminating admissions to Rzayev, alongside state forensic materials. The forensic-chemical examination is treated as confirming the nature and quantities of the substances (including methamphetamine and heroin, and tablets described as methadone), but, by its nature, such expert evidence establishes only the chemical identity/weight of the seized items, not the lawfulness of the seizure, the absence of planting, or the voluntariness of any statements. The judicial reasoning nonetheless treats this state-produced evidentiary bundle as inherently reliable, without demonstrating robust sceptical scrutiny of how it was generated.

33. Finally, the handling of detention and ill-treatment allegations reinforces the inference of procedural bad faith. The Supreme Court records that the defence alleged torture/inhuman or degrading treatment, but dismisses this largely on the basis that the claim was raised later and that no credible proof was provided; it also notes that during confrontations Rzayev stated that the operational officers had not pressured him and that he did not know who had beaten him, an approach that effectively collapses the inquiry into official denials and internally generated file materials. Separately, the courts' custody reasoning is presented as formulaic and gravity-driven: the initial detention measure is justified by the seriousness of the charge and risk considerations, custody is extended during the investigation, and requests to replace detention with house arrest are rejected as not demonstrating a violation of the right to liberty. Taken together, reliance on opaque operational intelligence, police-controlled search dynamics, heavy dependence on police testimony and state forensic outputs, and a highly formalistic approach to custody and ill-treatment complaints support the conclusion that the investigation and detention measures were implemented to secure and maintain incarceration, rather than to establish the truth through a genuinely adversarial and safeguarded process.

#### **The authorities' conduct:**

34. The relevant authorities, at the outset, failed to ensure effective procedural safeguards in Malik Rzayev's case. The domestic courts adopted a formalistic approach to criminal procedure, endorsing investigative and detention measures without meaningful scrutiny and rejecting defence motions without substantive reasoning. Allegations of pressure and ill-treatment raised by Rzayev were dismissed through reference to official denials rather than through any demonstrably independent or effective inquiry.

#### **Additional considerations:**

35. Finally, international human rights observers such as Human Rights Watch<sup>19</sup> have denounced the charges against Malik Rzayev as politically motivated.

## **CONCLUSION**

36. The personal factors (Malik Rzayev'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 Malik Rzayev should be considered a political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

## RECOMMENDATION

37. Based on this conclusion, Malik Rzayev should be released unconditionally and immediately. Furthermore, he should be compensated *restitutio in integrum*.

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