

# GUNDUZ MIRZAYEV

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## FACTS

### Personal data:

1. Gunduz Mirzayev (DOB: 10 March 1986) is an Azerbaijani citizen and an opposition activist associated with the Azərbaycan Xalq Cəbhəsi Partiyası/Popular Front Party of Azerbaijan (AXCP/PFPA). He had already been prosecuted after the July 2020 pro-war rally in Baku and received a suspended sentence in 2021, showing that he had been on the authorities' radar well before the present case.
2. Mirzayev was detained on 7 March 2025 and charged under Article 281.2 of the Criminal Code in connection with alleged audio messages and discussions in WhatsApp groups, including "Azərbaycan Naminə Birlik". On 5 June 2025, the Baku Assize Court sentenced him to 5 years and 6 months' imprisonment and then combined that sentence with the earlier suspended sentence, converting the case into a further instrument of political incapacitation.<sup>1</sup>
3. Mirzayev's prosecution bears the clear hallmarks of a fabricated political case. He was pursued as an opposition activist in a period when numerous AXCP/PFPA members were already in detention, and the authorities criminalized oppositional speech in closed messaging groups rather than any concrete act of violence. Public reporting consistently presented his arrest as part of the broader repression of AXCP/PFPA activists.
4. The allegations against G. Mirzayev 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:**

5. On 07.03.2025, Gunduz Mirzayev was detained by law-enforcement authorities. On the same date, by decision of the Binagadi District Court, a pre-trial detention measure for a period of two months was imposed on him. The trial judgment expressly records that his detention was counted from 07.03.2025 and that he remained in custody pending the judgment's entry into force.

**Legal accusations:**

6. On 07.03.2025, following his detention earlier that day, the investigating authorities of the Prosecutor General's Office Investigation Department formally charged Gunduz Mirzayev with the following bogus accusation:

- public anti-state calls, allegedly committed repeatedly or by a group of persons, under Article 281.2 of the Criminal Code; in substance, the accusation was built around alleged statements and audio messages in the WhatsApp groups "Azərbaycan Naminə Birlik" and "AXCP-nin dostluq qrupu", which the authorities re-characterized as calls for the violent seizure or retention of power and the violent change of the constitutional order.

7. Mirzayev's case was publicly discussed not as an ordinary criminal matter, but as part of the broader crackdown on AXCP/PFPA activists. He is one of two AXCP/PFPA figures having been arrested together with Zaur Asgarov on 7 March 2025 on the same so-called charge of anti-state calls, while AXCP/PFPA stated that around fifteen of its members were already in detention. In other words, the authorities criminalized oppositional speech in messaging groups and dressed it up as a state-security offence, which is exactly why this prosecution is properly understood as fabricated.

**Legal status of prisoner:**

8. Gunduz Mirzayev is a convicted prisoner. On 5 June 2025, the Baku Assize Court found him guilty under Article 281.2 of the Criminal Code and sentenced him to 5 years and 6 months' imprisonment. The court then revoked the 3-year probation period imposed under the Sabail District Court's judgment of 22 June 2021 and, applying Article 67.1 of the Criminal Code, partially joined the earlier 4-year custodial sentence to the new sentence, fixing a total sentence of 6 years and 6 months' imprisonment. After crediting 10 months and 28 days previously spent in detention and house arrest, the court left standing a final term of 5 years, 7 months and 2 days' imprisonment.

## Legal proceedings:

9. On 07.03.2025, Gunduz Mirzayev was detained by law-enforcement authorities, and by decision of the Binagadi District Court of the same date, a pre-trial detention measure for a period of two months was imposed on him. He remained in custody throughout the proceedings until the first-instance judgment.
10. The first-instance trial concluded on 05.06.2025, when the Baku Assize Court found Mirzayev guilty under Article 281.2 of the Criminal Code and sentenced him to 5 years and 6 months' imprisonment. The court then revoked the earlier suspended probation period imposed by the Sabail District Court's judgment of 22.06.2021, partially joined the earlier 4-year custodial sentence to the new sentence, and fixed a combined sentence of 6 years and 6 months' imprisonment; after crediting the previous period spent in detention and house arrest, it left a final sentence of 5 years, 7 months and 2 days. The court also ordered that the custodial measure remain in place until the judgment entered into legal force.
11. The courts' reasoning in Mirzayev's case was built around a narrow, prosecution-shaped evidentiary package: attributed WhatsApp audio recordings, expert reports dated 29.08.2024 and 01.04.2025, the DVD disk recognized as material evidence, and selected witness statements. In substance, the authorities criminalized opposition speech in closed messaging groups and recast it as a grave offence against the constitutional order.
12. The handling of the evidence was plainly one-sided. The file itself records exculpatory material that cut directly against the prosecution theory: Elshan Karimov, the administrator of the "Azərbaycan Naminə Birlik" group, stated that there had been no discussions about overthrowing the state and that neither Mirzayev nor Asgarov had spoken about seizing power; other witnesses likewise said that they had not seen Mirzayev make anti-government calls in the group. Yet the court brushed past those points and treated the incriminating material as decisive. The court did not undertake a genuine judicial inquiry into whether a crime had occurred, instead it chose a conviction built by selectively elevating hostile material and neutralizing exculpatory evidence.

## LEGAL ANALYSIS

### Reasons why Gunduz Mirzayev should be regarded as a political prisoner:

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

(a) Gunduz'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.

14. 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 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.

#### **Gunduz Mirzayev's public profile:**

15. The circumstances leave no real doubt that Gunduz Mirzayev was an opposition-aligned AXCP/PFPA activist who had already come to the authorities' attention before the present prosecution. The trial materials record that he joined the ADR party in 2019, moved to the AXCP/PFPA Binagadi branch in 2020, actively followed AXCP-related content on Facebook, Tik Tok and WhatsApp, and had already been prosecuted after participating in the July 2020 protest in Baku, for which he received a suspended sentence in June 2021. Public reporting likewise identified him as an AXCP activist/member arrested together with Zaur Asgarov in March 2025. The case files and Mirzayev's public profile indicate that he was not an apolitical bystander who happened to fall into a criminal file, but a visible opposition supporter with a prior history of politically sensitive prosecution.

16. From the outset, Mirzayev's case fit a broader repression pattern in which the authorities target not only senior opposition leaders, but also ordinary AXCP/PFPA activists whose political participation is visible enough to be inconvenient. Public reporting at the time of his arrest stated that around fifteen AXCP/PFPA members were already in detention, while ODIHR had already documented detentions of AXCP/PFPA members and a restrictive environment for opposition activity in Azerbaijan. Against that background, the decision to convert Mirzayev's opposition alignment and participation in closed WhatsApp groups into a grave offence under Article 281.2 was plainly punitive and deterrent in character. The case was used to discipline a rank-and-file opposition supporter, to reinforce fear inside AXCP/PFPA structures, and to send the message that even low-level activism and political speech can be transformed into a lengthy prison sentence.

## The sequence of events:

17. Gunduz Mirzayev'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, as well as finance/tax related crimes and crimes against the state and national security. This uniformity, and the way charges and detention measures have been applied across multiple similar cases, strongly suggests a state-driven strategy to criminalize 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.
18. 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 PFPA/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.
19. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.<sup>4</sup> In June 2023, protests 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>5</sup>
20. In July 2023, politician and economist Gubad Ibadoglu was detained.<sup>6</sup> In August 2023, pro-government media organized a smear campaign against peace activists protesting military operations in Nagorno-Karabakh<sup>7</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 organization.<sup>8</sup>
21. 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>9</sup> 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.
22. In April 2024, Imran Aliyev, the head of the Meclis.info portal monitoring the parliament, was detained.<sup>10</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>11</sup>. These arrests demonstrate that a new wave of repression had already begun. The objective of this wave was to paralyze 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>12</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>13</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.

23. Repression further continued against independent media through the Meydan TV case<sup>14</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>15</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.
24. This process was preceded by restrictive legislation: the Law on Media (2021)<sup>16</sup> and the Law on Political Parties (2022)<sup>17</sup> . 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.
25. 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:**

26. The investigation and trial in Gunduz Mirzayev’s case were not conducted as a genuine inquiry into a real threat to the constitutional order. The prosecution theory itself shows overreach, namely, it treated participation in WhatsApp groups and the circulation of politically charged audio messages as proof of a long-running group plan to seize or retain power by force, even though the materials identify no concrete operational step beyond speech and dissemination. In substance, the authorities converted oppositional rhetoric into a state-security offence.
27. The evidentiary handling was manifestly selective. The case rested primarily on investigator-selected audio extracts, two expert reports classifying those materials as open calls, and a DVD recognized as material evidence. Yet key witness evidence pointed the other way: Elshan Karimov, the administrator of the “Azərbaycan Naminə Birlik” group, stated that there had been no discussions in the group about overthrowing the state and that neither Mirzayev nor Asgarov had spoken about seizing power; another witness, Vafadar Aliyev similarly stated that he had not seen Mirzayev make anti-government calls in the group. Despite these contradictions, the court did not resolve them in any meaningful way but simply convicted Mirzayev and Asgarov.
28. That approach is legally deficient. Article 281.2 is not engaged by mere hostility to the authorities or by intemperate political language; it requires proof of open calls directed to the violent seizure or retention of power or the violent change of the constitutional order. In Mirzayev’s case, the courts accepted the prosecution’s characterization of the recordings without demonstrating why the legal threshold of that offence was actually crossed, and without identifying a concrete nexus between his speech and any real plan for violent action. The proceedings therefore dispensed with the core judicial task: testing whether the constituent elements of the offence had in fact been proved.

29. Taken as a whole, the proceedings reveal bad faith rather than neutral adjudication. Exculpatory testimony was neutralized, the prosecution's interpretation of political speech was treated as decisive, and the trial ended with custody simply maintained until the judgment entered into force. The proceedings did not amount to a real judicial assessment of criminal liability; they were conducted in a way that served to confirm a politically motivated accusation.

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

30. The authorities did not handle Gunduz Mirzayev's case as a genuine criminal matter. They elevated speech in WhatsApp groups into a state-security prosecution under Article 281.2, maintained his detention until the judgment became final, and then used the case to reactivate and partially join an earlier suspended sentence, thereby turning the proceedings into a mechanism of incapacitation. Just as importantly, the courts brushed aside exculpatory evidence: the administrator of the "Azərbaycan Naminə Birlik" group stated that there had been no discussions in the group about overthrowing the state and that neither Mirzayev nor Asgarov had spoken about seizing power, while another witness said he had not seen Mirzayev make anti-government calls in the group. Those elements should have created serious doubt. Instead, the authorities adhered to the prosecution theory and secured a conviction on a politically useful charge.

### **CONCLUSION**

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

### **RECOMMENDATION**

32. Based on this conclusion, Gunduz Mirzayev should be released unconditionally and immediately. Furthermore, he should be compensated *restitutio in integrum*.

<sup>1</sup> AzadlıqRadiosu, 'Daha iki cəbhəçi dövlət əleyhinə çağırış ittihamı ilə həbs edilib' (14 March 2025) <https://www.azadliq.org/a/axcp-hebs/33347535.html> accessed 13 March 2026.

<sup>2</sup> European Parliament, 'Resolution on the crackdown on independent media in Azerbaijan, notably the case of Abzas Media' (2024) P9\_TA(2024)0074 [https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074_EN.html) accessed 29 May 2025.

<sup>3</sup> Parliamentary Assembly of the Council of Europe (PACE), 'Resolution 1900 (2012): The definition of political prisoner' (3 October 2012) <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150> accessed 29 May 2025

<sup>4</sup> Eurasianet, Prominent activist detained following U.S. sanctions on Azerbaijani official <https://eurasianet.org/prominent-activist-detained-following-us-sanctions-on-azerbaijani-official> accessed 28 August 2025

<sup>5</sup> Reporters Without Borders, Police prevent coverage of protests about environmental scandal in Azerbaijan <https://rsf.org/en/police-prevent-coverage-protests-about-environmental-scandal-azerbaijan> accessed 28 August 2025

<sup>6</sup> Human Rights Watch, Azerbaijan: Free Academic Facing Bogus Charges <https://www.hrw.org/news/2024/07/23/azerbaijan-free-academic-facing-bogus-charges> accessed 28 August 2025

<sup>7</sup> Musavat, “No-Warçılarının dosyesi: onlar harada və necə yetişiblər” [https://musavat.com/news/no-war-cilarin-dosyesi-onlar-harada-ve-necə-yetisibler\\_1001622.html](https://musavat.com/news/no-war-cilarin-dosyesi-onlar-harada-ve-necə-yetisibler_1001622.html) accessed 28 August 2025

<sup>8</sup> Eurasianet, Azerbaijan authorities smash unionization efforts for gig workers <https://eurasianet.org/azerbaijan-authorities-smash-unionization-efforts-for-gig-workers> accessed 28 August 2025

<sup>9</sup> Amnesty International, Azerbaijan: Seven journalists sentenced in latest shocking crackdown on free speech <https://www.amnesty.org/en/latest/news/2025/06/azerbaijan-seven-journalists-sentenced-in-latest-shocking-crackdown-on-free-speech/> accessed 28 August 2025

<sup>10</sup> Council of Europe, Safety Of Journalists — FOM Alert <https://fom.coe.int/en/alerte/detail/107640886> accessed 28 August 2025

<sup>11</sup> Council of Europe Commissioner for Human Rights, Azerbaijan: authorities should release imprisoned human rights defenders, journalists and civil society activists <https://www.coe.int/en/web/commissioner/-/azerbaijan-authorities-should-release-imprisoned-human-rights-defenders-journalists-and-civil-society-activists> accessed 28 August 2025

<sup>12</sup> Scholars at Risk, ‘Release academic Igbal Abilov, wrongfully imprisoned for one year’ (22 July 2025) <https://www.scholarsatrisk.org/2025/07/release-academic-igbal-abilov-wrongfully-imprisoned-for-one-year/> accessed 7 January 2026

<sup>13</sup> Human Rights Watch, ‘Azerbaijan: Escalating Crackdown on Critics’ (30 August 2024) <https://www.hrw.org/news/2024/08/30/azerbaijan-escalating-crackdown-critics> accessed 7 January 2026.

<sup>14</sup> Arzu Geybullayeva, ‘Another Courageous Journalist Jailed in Azerbaijan’ (Human Rights Watch, 16 May 2025) <https://www.hrw.org/news/2025/05/16/another-courageous-journalist-jailed-azerbaijan> accessed 7 January 2026.

<sup>15</sup> Amnesty International, ‘Azerbaijan: Arrest of opposition leader is further evidence of consolidation of authoritarian practices’ (1 December 2025) <https://www.amnesty.org/en/latest/news/2025/12/azerbaijan-arrest-of-opposition-leader-is-further-evidence-of-consolidation-of-authoritarian-practices/> accessed 7 January 2026.

<sup>16</sup> Venice Commission. ‘Opinion on On The Law On Media in Azerbaijan.’ Council of Europe, Opinion No. 1078/2022, 2022, available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)009-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)009-e)

<sup>17</sup> Venice Commission and OSCE/ODIHR. Joint Opinion On The Law On Political Parties, 2023 available at <https://www.osce.org/files/f/documents/1/4/543922.pdf>

