

MIRHAFIZ JAFARZADE



FACTS

Personal data:

1. Mirhafiz Jafarzade (DOB: 26 February 1986) is an Azerbaijani citizen from Lerik district, university-educated, trained as an orientalist, and also a Russian citizen since 2009. The judgment records that he had no prior convictions and had lived mainly in Russia for many years; both the case materials and independent reporting indicate that he remained active on social, cultural and political issues concerning the Talysh community. He is an ethnic Talysh activist who defended the Talysh linguistic rights and culture and advocated for the preparation of school textbooks in Talysh.
2. According to the case materials, he was first stopped and questioned by the State Security Service (SSS) in September 2021 when attempting to leave Azerbaijan and was later arrested on 11 November 2022. He was prosecuted under Articles 274 and 283.1 of the Criminal Code, namely high treason/espionage and incitement of national hatred, on allegations linked to purported contacts with an Iran-based intermediary and Facebook posts attributed to the “Rosta Merd” account. On 10 October 2024, the Baku Assize Court sentenced him to 16 years’ imprisonment.¹
3. His case is politically contested and connected to broader pressure on Talysh cultural and civic activism in Azerbaijan. Independent media and human-rights sources have linked his prosecution to his defense of Talysh linguistic rights, his alleged refusal to cooperate with the security services, and the Azerbaijani authorities’ long-standing sensitivity toward Talysh activism; rights monitors have also included him in political-prisoner reporting.

4. The allegations against M. Jafarzade 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 2022.²

Date of detention:

5. On 11.11.2022, Mirhafiz Jafarzade was detained as a suspect by the authorities. On 12.11.2022, by decision of the Sabail District Court, a measure of pre-trial detention was imposed on him. The case materials also indicate that he had previously been stopped and questioned by the SSS in September 2021 when attempting to leave Azerbaijan.

Legal accusations:

6. Following his detention on 11.11.2022, the case against Mirhafiz Jafarzade was handled by the SSS. He was formally charged on 02.06.2023 with the following accusations:

- high treason under Article 274 of the Criminal Code, on the allegation that, acting through an Iran-based intermediary, he sent via Telegram the location/GPS coordinates of a military site in the Lankaran district area to a person identified as Orkhan Mammadov;
- incitement of national hatred and hostility under Article 283.1 of the Criminal Code, on the allegation that posts attributed to the Facebook account “Rosta Merd” promoted Talysh political status/autonomy and incited national hostility.

7. His case is not as an ordinary national-security prosecution but as part of the broader pattern of pressure on Talysh activists and cultural figures in Azerbaijan. At the time of his arrest, the authorities publicly presented the case as part of an alleged Iran-linked spy network, while independent reporting and political-prisoner documentation have linked his prosecution to his Talysh civic activity and to the Azerbaijani authorities’ long-standing sensitivity toward Talysh rights and identity issues. His case is within a wider pattern in which Talysh activists and cultural figures are prosecuted on treason or related security charges.

Legal status of prisoner:

8. Mirhafiz Jafarzade is a convicted prisoner. On 10.10.2024, the Baku Assize Court found him guilty under Articles 274 and 283.1 of the Criminal Code and, by partial aggregation of penalties, sentenced him to 16 years’ imprisonment. The judgment provides that the sentence is to run from 11.11.2022, that it is to be served in a strict-regime penal institution, and that the preventive detention measure is to remain unchanged until the judgment enters into legal force.

Legal proceedings:

9. On 11.11.2022, Mirhafiz Jafarzade was detained by officers of the SSS, and on 12.11.2022, the Sabail District Court imposed a measure of pre-trial detention on him. The judgment states that, from that point onwards, he remained continuously in custody until the delivery of the first-instance verdict.
10. The first-instance proceedings ended on 10.10.2024, when the Baku Assize Court, sitting in closed session, found him guilty under Articles 274 and 283.1 of the Criminal Code and sentenced him to 16 years' imprisonment to be served in a strict-regime penal institution. The court also ordered that the custodial measure remain in force until the judgment entered into legal force.
11. The first-instance reasoning was anchored primarily in security-service-generated evidentiary material: the inspection record of the alleged Telegram correspondence and voice messages, the phonoscopic expert report attributing the recorded voice to Jafarzade, memoranda and linguistic expert opinions concerning posts from the "Rosta Merd" Facebook account, and witness statements about those posts. The court treated Jafarzade's own account as defensive in nature and accepted the prosecution version as sufficient for conviction.
12. At trial, Jafarzade denied guilt, described the charges as fabricated, maintained that he had never used the "Rosta Merd" profile, and argued that the authorities had first detained him and only afterwards constructed the case against him. At the same time, several witnesses indicated that they did not themselves know who "Rosta Merd" was and had been told by the SSS that it was Jafarzade. Despite those weaknesses in identification, and despite his challenge to the authenticity and reliability of the digital material, the court upheld the prosecution case and convicted him.

LEGAL ANALYSIS

Reasons why Mirhafiz Jafarzade should be regarded as a political prisoner:

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

(a) Mirhafiz'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.

Mirhafiz Jafarzade's public profile:

15. Mirhafiz Jafarzade was not an ordinary criminal suspect but a publicly engaged Talysh civic figure whose activity centered on identity, language and community issues. In the judgment, he described himself as a university-educated orientalist, politically engaged since student years, and active on Facebook from 2009, where he commented on political, economic, national, cultural, religious and historical matters and had more than 5,000 followers. The same judgment records that the prosecution linked him to posts from the "Rosta Merd" account concerning Talysh political status, while Jafarzade maintained that the authorities' interest in him was driven by his views, his online activity, and his links with Talysh activists in Azerbaijan and Russia. Public reporting likewise identifies him as an ethnic Talysh activist who advocated for the creation of Talysh-language school textbooks in Azerbaijan.

16. From the outset, his public profile appears to have been inseparable from protected expression on minority identity and civic organization. As reproduced in the judgment, Jafarzade stated that, before his formal arrest, SSS officers repeatedly questioned him about Talysh activists, his Facebook posts about Talysh issues, and his contacts in Russia; he further alleged that they tried to recruit him to gather information on Talysh activists and proposed that he organise or help build structures around Talysh community activity, threatening imprisonment if he refused. Whether or not one accepts his account in full, the case materials themselves show that his Talysh-related expression and associations were central to the authorities' focus. Publicly, his prosecution has been discussed in the wider context of Azerbaijan's long-standing sensitivity toward Talysh rights and repeated use of treason or related security charges against Talysh activists and cultural figures, which places his case within a broader pattern of pressure on minority civic activism rather than an isolated ordinary-security matter.

The sequence of events:

17. Mirhafiz Jafarzade'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 arrested⁴. 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.⁵
20. In July 2023, politician and economist Gubad Ibadoglu was detained.⁶ In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh⁷. 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.⁸
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.⁹ 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 detained¹⁰. 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)¹¹. 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 Abilov¹², 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 Samadov¹³ 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:¹⁴ 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 Karimli¹⁵, 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)¹⁶ and the Law on Political Parties (2022)¹⁷. 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 was not conducted as a neutral inquiry into objectively verifiable facts. As reflected in the judgment, the security services had focused on Mirhafiz Jafarzade well before his formal arrest, questioning him about Talysh activists, his Facebook activity, and his contacts, and, on his account, attempting to draw him into cooperation. Whether or not every element of that account is accepted, the court did not seriously address the central defense argument that the case grew out of prior security-service interest in his views and associations rather than out of clearly established criminal conduct. That omission is significant, because it goes to the origin and good faith of the prosecution.

27. The treason charge rested on digital material whose provenance and reliability were not convincingly established. The judgment refers to a viewing protocol for alleged Telegram communications said to have been obtained through operational-search measures, yet it does not clearly explain how those materials were accessed, what forensic steps preserved their integrity, or what metadata conclusively linked the account in question to Jafarzade. The problem is sharpened by an internal inconsistency in the prosecution case itself: the cyber-security report cited in the judgment listed various applications and accounts found on his phone, but, according to the defense, did not establish the presence of Telegram in the way the prosecution narrative required. Instead of resolving that contradiction with particular care, the court accepted the prosecution package as a whole. The phonoscopic report could, at most, support a conclusion about voice similarity on the recordings; it could not by itself establish authorship of the account, the authenticity of the exchange, or the full context in which the recordings were created and transmitted.
28. The handling of the Article 283.1 charge showed the same structural weakness. The decisive issue was not merely what had been written on the “Rosta Merd” account, but whether that account had been reliably attributed to Jafarzade. On that point, the witnesses recorded in the judgment were strikingly weak. Several stated that they did not know who “Rosta Merd” was and that they had been told by the SSS that the account belonged to Jafarzade. Others described reacting to posts online without being able to identify the user behind them from personal knowledge. That is not robust identification evidence; it is, in substance, derivative attribution filtered through the investigating authority itself. The linguistic expert's opinion might assist with characterizing the text, but it could not cure the prior defect in authorship. The court nevertheless treated this combination of SSS-led attribution, witness repetition, and expert characterization as sufficient proof.
29. The court also failed to subject the prosecution theory to the degree of scrutiny required in a case of this gravity. On the treason count, the record itself suggests an alternative reading of the alleged conversation: discussion of a location described as an old military storage area known from earlier periods and from local history, rather than proof of transmission of current secret military coordinates with a treasonous purpose. Yet the judgment does not show any careful analysis of whether the information was genuinely secret, whether the site retained the operational character alleged by the prosecution, or whether the necessary intent to assist a foreign power was established by evidence independent of the prosecution's assumptions. On the incitement count, the court similarly collapsed advocacy touching on Talysh political status and minority rights into national hatred without a rigorous examination of context, meaning, intent, or any concrete risk of hostility or violence. In both respects, the legal characterization appears to have been accepted at a high level of abstraction, without the disciplined evidential analysis that such charges require.

30. The procedural framework of the trial compounded these problems rather than correcting them. The case was heard in closed session; part of the evidentiary record consisted of materials generated or channeled by the security services; and some witness evidence was effectively derivative of what the authorities had already told those witnesses. In those circumstances, the trial court was under a heightened duty to test the prosecution case with particular caution, to resolve material contradictions expressly, and to engage seriously with the defense challenge to authenticity, attribution, and motive. The judgment instead shows a markedly deferential approach to the investigative narrative. It reproduced and endorsed the security-service version of events, while treating the defense case as insufficient without first confronting the gaps in proof that lay at the heart of the prosecution. Taken together, these features support the conclusion that the proceedings were not conducted with the rigor expected in a fair criminal trial, especially in a politically sensitive case built around disputed digital evidence and protected expression.

The authorities' conduct:

31. The authorities did not act with the neutrality required in a fair criminal process. The SSS had focused on Jafarzade before the formal charges, remained dominant over the core evidence, and shaped the evidentiary framework of the case. The court did not meaningfully address his allegations concerning earlier pressure and unofficial contacts, several witnesses relied on what they had been told by the SSS rather than on direct knowledge, and the proceedings were held in closed session. The court also maintained detention in a formulaic manner until the judgment became final. At the same time, the SSS publicly presented his arrest as part of an Iranian spy network, and pro-government media reproduced that narrative before any final conviction. Taken together, this conduct reinforced the prosecution case from the outset and undermined the appearance, and substance, of an impartial process.

CONCLUSION

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

RECOMMENDATION

33. Based on this conclusion, Mirhafiz Jafarzade should be released unconditionally and immediately. Furthermore, he should be compensated restitutio in integrum.

- ¹ OC Media, ‘Azerbaijan Sentences Talysh Activist to 16 Years in Prison for Treason’ (11 October 2024) <https://oc-media.org/azerbaijan-sentences-talysh-activist-to-16-years-in-prison-for-treason/> accessed 13 March 2026.
- ² 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 accessed 29 May 2025.
- ³ 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.
- ⁴ 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
- ⁵ 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
- ⁶ 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
- ⁷ Musavat, “No-Warçılarının dosyesi: onlar harada və necə yetişiblər” https://musavat.com/news/no-war-cilarin-dosyesi-onlar-harada-ve-nece-yetisibler_1001622.html accessed 28 August 2025
- ⁸ Eurasianet, Azerbaijan authorities smash unionization efforts for gig workers <https://eurasianet.org/azerbaijan-authorities-smash-unionization-efforts-for-gig-workers> accessed 28 August 2025
- ⁹ 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
- ¹⁰ Council of Europe, Safety Of Journalists — FOM Alert <https://fom.coe.int/en/alerte/detail/107640886> accessed 28 August 2025
- ¹¹ 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
- ¹² Scholars at Risk, ‘Release academic Iqbal 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

¹³ 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.

¹⁴ Arzu Geybulla, '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.

¹⁵ 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.

¹⁶ 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)

¹⁷ 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>

