

MAHAMMAD KEKALOV



FACTS

Personal data:

1. Mahammad Kekalov (DOB: 06.02.2001) is an Azerbaijani social entrepreneur, civic activist, and AbzasMedia project coordinator/collaborator from the younger post-2014 generation of civil society actors¹. Before his arrest, he was known especially for social entrepreneurship and disability-rights initiatives, including projects addressing accessibility and the everyday exclusion of people with disabilities in Azerbaijan.
2. In the autumn of 2023, the Azerbaijani authorities launched a wide-reaching crackdown on civil society and independent media.² Among the first detained were AbzasMedia's director, Ulvi Hasanli, editor-in-chief, Sevinj Vagifqizi and project coordinator/collaborator – Mahammad Kekalov.³ On 20 November 2023, Kekalov was forcibly detained at his home in Baku by police officers in civilian clothes; his whereabouts remained unknown for two days before the authorities confirmed that he was being investigated in the same criminal case as Hasanli and Vagifqizi. He was accused of smuggling in prior collusion with them. The allegations lacked credibility and were widely regarded by human rights organisations as politically driven and connected to the broader campaign against AbzasMedia and independent journalism.

Date of detention:

3. On 20.11.2023, M. Kekalov was detained by police authorities. He was taken from his residence by plainclothes police officers, and his whereabouts were not officially confirmed for more than two days. On 23.11.2023, the Khatai District Court ordered his pre-trial detention.

Legal accusation:

4. On 23 November 2023, the Khatai District Court remanded M. Kekalov in custody on charges of conspiracy to commit bulk cash smuggling under Article 206.3.2 of the Azerbaijani Criminal Code.
5. His case is being prosecuted under what has become known as the “AbzasMedia case.” In the summer of 2024, the charges against him were significantly escalated. On 16 August 2024, new charges were brought against M. Kekalov under several aggravated provisions of the Azerbaijani Criminal Code. According to the final charges in the AbzasMedia case, the following conspiracy charges were submitted against M. Kekalov:
 - Conspiracy to commit illegal entrepreneurship in the form of an organised 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 organised 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 organised criminal group (Article 206.4 of the Azerbaijani Criminal Code),
 - Conspiracy to commit tax evasion in the form of an organised 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 prisoner:

6. M. Kekalov is a prisoner. On 20 June 2025, the Baku Assize Court found him guilty and sentenced him to 7 years and 6 months’ imprisonment for the above-mentioned criminal offences. The appeal against the judgment was rejected on 9 September 2025, and on 3 April 2026, the Supreme Court dismissed the cassation appeals in the AbzasMedia case. As a result, the sentence against M. Kekalov remains in force.

Legal proceedings:

7. On 20 November 2023, M. Kekalov was detained by police officers. For more than two days, his whereabouts were not officially confirmed. On 23 November 2023, the Khatai District Court remanded M. Kekalov in custody for four months on charges of smuggling foreign currency as part of a group. Subsequently, his pre-trial detention was extended several times during the preliminary investigation until trial.
8. On 17 December 2024, the trial started before the Baku Assize Court, together with the other defendants in the “AbzasMedia case”.

9. On 20 June 2025, the Baku Assize Court convicted M. Kekalov based on the above-mentioned conspiracy charges and sentenced him to 7 years and 6 months' imprisonment. The reasoning of the Assize Court was based on legally doubtful evidence allegedly discovered in the office of AbzasMedia concerning the smuggling charge, and on vague legal analysis of illegal entrepreneurship, tax evasion, money laundering and related charges. The prosecution's approach resembles the pattern of earlier Azerbaijani civil-society cases in which the European Court of Human Rights criticised the use of criminal-law mechanisms, including charges linked to NGO funding, entrepreneurship, tax liability and grant-registration rules, for improper political purposes.

LEGAL ANALYSIS

Reasons why Mahammad Kekalov should be regarded as a political prisoner

10. Assessment of whether M. Kekalov 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 M. Kekalov satisfy two criteria established by the 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.

11. 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 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.

Mahammad Kekalov's public profile:

12. The set of circumstances reveals that M. Kekalov is a young Azerbaijani civic actor, social entrepreneur, disability-rights activist, and AbzasMedia project coordinator. Unlike some of the other defendants in the AbzasMedia case, his public profile was not limited to journalism narrowly understood. He was publicly known for social entrepreneurship, accessibility work, and initiatives involving people with disabilities. In his final courtroom statement, M. Kekalov emphasised that he had mainly been involved in social entrepreneurship and had performed only limited translation-related assistance for AbzasMedia.⁴ AbzasMedia itself described him as a social entrepreneur arrested in connection with the AbzasMedia case, while the Committee to Protect Journalists identified him as AbzasMedia's project coordinator.

13. Nevertheless, M. Kekalov was targeted in this crackdown because of his connection with AbzasMedia and because his civic profile placed him within the same post-2014 informal network of independent media, civic initiatives, and human-rights-oriented public activity. As can be seen from the outset and the circumstances of the criminal case, the authorities treated AbzasMedia not merely as a media outlet, but as part of a wider, allegedly Western-funded civil-society infrastructure. Pro-government media supported the crackdown by accusing Western countries of creating a “wide network of agents” in Azerbaijan and of using AbzasMedia and other independent platforms as instruments of destabilisation.⁵ In this context, M. Kekalov’s relatively limited operational role at AbzasMedia does not weaken the political character of the case. On the contrary, it reinforces the conclusion that the authorities were not pursuing concrete individual wrongdoing, but rather sought to criminalise the wider civic and media network around AbzasMedia.

14. AbzasMedia, as an anti-corruption and critical online media outlet, played a vital role in exposing alleged corruption and state misconduct. International press-freedom organisations have described the AbzasMedia proceedings as retaliation against independent journalism and linked the prosecution to the outlet’s corruption investigations. The fact that M. Kekalov, a social entrepreneur and disability-rights activist, was prosecuted together with AbzasMedia’s director, editor-in-chief, journalists, and contributors indicates that the purpose of the case was not only to punish individual reporters, but also to dismantle the broader ecosystem of independent media and civic activity connected to them. Consequently, M. Kekalov’s public profile asserts reasonable grounds to believe that he was detained and convicted because of his civic activity, his association with AbzasMedia, and his place within the broader network of independent civil society targeted in the 2023–2025 crackdown.

The sequence of events:

15. M. Kekalov’s arrest is part of a larger, coordinated campaign against Abzas Media, in which multiple journalists and contributors have been detained on nearly identical charges. This uniformity and the simultaneous escalation of charges across cases suggest a state-orchestrated effort to criminalise journalism, not a legitimate legal process targeting individual wrongdoing. Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. These arrests continued in early March 2024 with a police raid on Toplum TV and related organisations. These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with the passing of the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier, restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

The manner in which the investigations and trial were carried out:

16. The investigative authorities acted in bad faith regarding M. Kekalov's case and circumvented procedural safeguards. The case against M. Kekalov has been marred by serious procedural failings: lack of access to materials for independent examination, reliance on allegedly unreliable witness testimony, and the construction of criminal liability through association with AbzasMedia rather than through individualised evidence. Human rights organisations and exiled media reported that access to case materials for independent examination was denied and that witness testimonies relied upon by the prosecution were allegedly obtained under pressure and later retracted.⁶ The denial of a fair trial is therefore not incidental but a feature of the broader repression.
17. The smuggling charge is rooted in the discovery of EUR 40,000 in the office of AbzasMedia. Yet there is no credible evidence that M. Kekalov transported, concealed, controlled, owned, or even knew of this money. The defence argued that no surveillance data, customs records, border declarations, or forensic evidence linked the defendants to the alleged smuggling. The lawyers emphasised the absence of evidence that the journalists transported, hid, or knew about the EUR 40,000 found in the AbzasMedia newsroom, and that the case relied on alleged professional ties instead of concrete evidence. Also all defendants denied the smuggling charges and that Ulvi Hasanli stated in court that investigators had planted the money and refused to examine the banknotes for fingerprints.
18. Consequently, the prosecution's case against M. Kekalov rests on speculation and guilt by association, which is incompatible with the principle of individual criminal responsibility. The mere presence of cash in a shared media office cannot establish M. Kekalov's control, ownership, knowledge, or participation in cross-border currency smuggling. No documentary, testimonial, customs, surveillance, or forensic evidence has been publicly identified that connects him directly to the alleged EUR 40,000. No fraudulent documents have been shown to have been created, possessed, or used by M. Kekalov in furtherance of smuggling.
19. The additional charges of illegal entrepreneurship, tax evasion, money laundering, forgery, and use of forged documents also suffer from major evidentiary and legal gaps. The prosecution's logic appears to convert ordinary media, donor-related, and organisational activity into criminal conduct. This is particularly problematic in Azerbaijan, where access to lawful foreign funding has been severely restricted for civil society actors since the 2014 amendments to NGO legislation. The current foreign-funding rules seriously limit NGOs' access to resources and require foreign donors and recipients to pass through burdensome approval and registration requirements. In such a context, the criminalisation of alleged donor-related activity resembles the earlier pattern of politically motivated civil-society prosecutions criticised by the European Court of Human Rights in cases such as *Rasul Jafarov v Azerbaijan*, *Mammadli v Azerbaijan*, and *Aliyev v Azerbaijan*.

The authorities' conduct:

20. The relevant authorities, at first, denied Mahammad Kekalov 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:

21. Finally, international human rights observers, including Reporters Without Borders, have denounced the charges against M. Kekalov and others from Abzas Media as politically motivated (see cited footnotes above).

CONCLUSION

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

RECOMMENDATION

23. Based on this conclusion, Mahammad Kekalov should be released unconditionally and immediately. Furthermore, Mahammad Kekalov should be compensated restitutio in integrum.

¹ Reporters Without Borders, ‘Journalists Jailed Instead of Corrupt Elites in Azerbaijan’ (RSF, 24 November 2023) <https://rsf.org/en/journalists-jailed-instead-corrupt-elites-azerbaijan> accessed 4 May 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 Reporters Without Borders, ‘Journalists jailed instead of corrupt elites in Azerbaijan’ (RSF, 28 November 2023) <https://rsf.org/en/journalists-jailed-instead-corrupt-elites-azerbaijan> accessed 29 May 2025.

⁴ AbzasMedia, ‘Mahammad Kekalov: “These handcuffs are temporary, sooner or later, they will be removed”’ (AbzasMedia, 24 June 2025) <https://abzas.org/en/2025/6/mahammad-kekalov96b73d3d-9/> accessed 4 May 2026.

⁵ Yevgeniya Markova, ‘In Azerbaijan, independent media face growing repression of press freedom’ (International Journalists’ Network, 16 April 2024) <https://ijnnet.org/en/story/azerbaijan-independent-media-face-growing-repression-press-freedom> accessed 4 May 2026.

⁶ Reporters Without Borders, ‘Corruption Reigns in Azerbaijan as Supreme Court Upholds Abzas Journalists’ Unjust Prison Sentences’ (RSF, 9 April 2026) <https://rsf.org/en/corruption-reigns-azerbaijan-supreme-court-upholds-abzas-journalists-unjust-prison-sentences> accessed 4 May 2026.

