

MAHIR AZIZOV



FACTS

Personal data:

1. Mahir Azizov (DOB: 24 August 1986) is an Azerbaijani citizen. At the time of his arrest, he was married, had two minor children, had completed higher education, and worked as a salesperson for “Optimal Elektroniks”. He had no previous convictions. At trial, Azizov stated that he had lived in Russia from the age of 11 and had studied law there.
2. Azizov was detained in the immediate aftermath of the 3 July 2018 attack on then Ganja City Executive Authority head Elmar Valiyev, which was carried out by Yunis Safarov. He was prosecuted as an alleged member of an organized group associated with Safarov and was convicted for numerous offences, including attempted aggravated murder, preparation for and commission of terrorism-related offences, illegal possession of weapons, attempted assassination of state or public officials, violent seizure of power, participation in an illegal armed formation and illegal border crossing. On 16 August 2021, the Baku Assize Court sentenced him to a final term of 20 years’ imprisonment.
3. Azizov consistently denied the prosecution’s account and maintained at trial that he was not guilty. He testified that officers of the Main Department for Combating Organised Crime beat him after his detention and forced him to sign statements saying that weapons had been found in his home and that he had known about Safarov’s plans. He further alleged that a grenade presented as evidence had been planted in a small wardrobe beside his three-year-old son’s bed and that he signed investigative documents only after physical abuse and threats against his wife and children.

The Ministry of Internal Affairs denied the torture allegations.¹ Independent human-rights reporting on the Ganja cases documented allegations of systematic torture, coerced confessions and serious fair-trial violations, and concluded that the authorities had failed to present credible evidence establishing the alleged broader Islamist conspiracy or implicating the other detainees in it.² Mahir Azizov is regarded as political prisoner.

Date of detention:

4. On 04.07.2018, one day after the armed attack on Ganja City Executive Authority head Elmar Valiyev, Mahir Azizov was detained by law-enforcement officers. On 05.07.2018, Sabail District Court of Baku ordered his placement in pre-trial detention. He remained in custody throughout the investigation and trial proceedings, which culminated in the judgment of the Baku Assize Court of 16.08.2021 sentencing him to 20 years' imprisonment.

Legal accusations:

5. Following his detention in July 2018, Mahir Azizov was prosecuted within the criminal case concerning Yunis Safarov's attack on the then Head of the Ganja City Executive Authority, Elmar Valiyev. According to the indictment, Azizov was formally charged under the following provisions of the Criminal Code of the Republic of Azerbaijan:
 - attempted intentional murder committed under aggravating circumstances, namely: by a group of persons, a group acting by prior conspiracy, an organized group or criminal association (Article 29 in conjunction with Article 120.2.1); in connection with the victim's performance of official duties or public duty (Articles 29 and 120.2.3); with particular cruelty or by a generally dangerous method (Articles 29 and 120.2.4); against two or more persons (Articles 29 and 120.2.7); and in connection with robbery, extortion, terrorism or banditry (Articles 29 and 120.2.11);
 - preparation for terrorism, allegedly committed by a group acting by prior conspiracy, an organized group or criminal association, with the use of firearms or objects used as weapons, and on grounds of religious hostility, religious radicalism or religious fanaticism (Article 28 in conjunction with Articles 214.2.1, 214.2.3 and 214.2.6);
 - terrorism, allegedly committed by a group acting by prior conspiracy, an organized group or criminal association, with the use of firearms or objects used as weapons, and on grounds of religious hostility, religious radicalism or religious fanaticism (Articles 214.2.1, 214.2.3 and 214.2.6);
 - public calls for terrorism, including public calls for the commission of terrorist offences or dissemination of materials containing such calls (Article 214-2);

- illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, ammunition, explosives or explosive devices by an organized group (Article 228.3);
- preparation for an attack on the life of a state or public figure (terrorist act) (Articles 28 and 277);
- an attack on the life of a state or public figure (terrorist act), committed for the purpose of terminating that person's official or political activity or in retaliation for such activity (Article 277);
- actions aimed at the forcible seizure or retention of state power or the forcible alteration of the constitutional order, under Article 278 in the version in force before 28 October 2016;
- actions aimed at forcibly changing the constitutional order, including its secular character, partitioning the territorial integrity of the Republic of Azerbaijan, or forcibly seizing power, where committed on grounds of religious hostility, religious radicalism or religious fanaticism (Article 278.2);
- participation in attacks carried out as part of an armed formation or armed group not provided for by law, where such acts resulted in deaths or other grave consequences (Article 279.3);
- public calls directed against the State, including calls for the forcible seizure or retention of power, forcible alteration of the constitutional order or partition of the territorial integrity of Azerbaijan, where committed on the instructions of foreign organizations or their representatives (Article 281.3);
- illegal crossing of the protected State border of the Republic of Azerbaijan, without the prescribed documents or outside an authorized border-control point, in the aggravated circumstances specified in Article 318.2;
- forgery or unlawful production of an identity document or other official document conferring rights or releasing a person from obligations, for the purpose of its use, or the sale of such a document (Article 320.1); and
- knowing use of a forged document of the kind specified in Article 320.1 (Article 320.2).

6. The prosecution presented these accusations as elements of a single, long-running organized conspiracy allegedly involving Azizov, Yunis Safarov and a number of other defendants. It alleged, inter alia, that Azizov had participated with Safarov in training in Russia in 2012, assisted members of the alleged group in travelling to Azerbaijan and maintaining their activities, participated in preparations involving weapons and explosives, maintained communications with Safarov and other alleged participants, transferred money and electronic materials, and shared the alleged objective of using violence and terrorism to overthrow the constitutional order and establish a State governed by Sharia law.
7. Azizov categorically rejected this account at trial. He pleaded not guilty, denied knowing about Safarov's alleged plans, and described the allegation that he was a radical religious activist as absurd.

Legal status of prisoner:

8. Mahir Azizov is a convicted prisoner serving a 20-year term of imprisonment. Azerbaijani human-rights defenders continue to list Azizov as imprisoned under the 20-year sentence and as a political prisoner in connection with the Ganja case.³

Legal proceedings:

9. Mahir Azizov was detained on 5 July 2018, two days after Yunis Safarov shot the then Head of the Ganja City Executive Authority, Elmar Valiyev, and his bodyguard. He was subsequently remanded in pre-trial detention and remained in custody throughout the investigation and trial.
10. The authorities prosecuted Azizov within a much broader criminal case in which Safarov's attack was presented not as an isolated act but as the culmination of a long-running organized conspiracy. According to the prosecution, Azizov and the other defendants had formed an organized group with Safarov, sought the forcible seizure of state power and alteration of Azerbaijan's secular constitutional order, prepared terrorist attacks against state officials, and accumulated weapons and other resources for these purposes. Azizov was attributed a range of alleged acts extending back to 2012, including travelling with Safarov from Russia to Azerbaijan, involvement in alleged preparations involving weapons, maintaining communications with Safarov and other persons, facilitating transfers of money, and transmitting electronic materials. The Baku Assize Court subsequently accepted the prosecution's general organized-group theory in its judgment.

11. Azizov denied guilt and rejected the prosecution's account. During the trial he stated that, after his arrest, officers of the Main Department for Combating Organized Crime subjected him to physical violence and compelled him to sign statements alleging that weapons had been found in his home and that he had been aware of Safarov's plans. He alleged that a grenade produced as evidence had been planted in a small wardrobe beside the bed of his three-year-old son and that threats were also made against his wife and children. The Ministry of Internal Affairs denied allegations that detainees in the Ganja cases had been tortured. These allegations arose against the background of wider, independently documented concerns regarding the investigation of the Ganja cases. An international fact-finding report concluded that there was a reasonable basis to believe that detainees had been subjected to torture and other ill-treatment to obtain self-incriminating statements and that the authorities failed to conduct effective investigations into such allegations.⁴
12. The trial of Azizov, Safarov and the other co-defendants began before the Baku Assize Court in January 2020. During the proceedings, the defense repeatedly challenged the evidentiary basis for extending criminal responsibility for Safarov's attack to the other defendants. At the final stage of the trial, defense lawyers argued that the prosecution had failed to establish a *corpus delicti* in the conduct of their clients and maintained that the case essentially concerned Safarov's individual actions. They sought the acquittal of all defendants other than Safarov. Defense lawyers also objected that the court had failed to conduct a sufficiently comprehensive investigation of the evidence.⁵
13. On 16 August 2021, the Baku Assize Court found Azizov guilty under numerous provisions of the Criminal Code relating, *inter alia*, to attempted aggravated murder, terrorism, preparation for terrorism, public calls for terrorism, illegal weapons, attacks on state or public figures, forcible seizure of power and participation in an unlawful armed formation. The court imposed individual sentences for the various counts and, by partially combining them under Article 66.3 of the Criminal Code, sentenced Azizov to a final term of 20 years' imprisonment, ordering that the first five years be served in prison and the remainder in a strict-regime penitentiary institution. Although the court also found him guilty under Articles 318.2, 320.1 and 320.2, it imposed no punishment for those offences because the statutory limitation period for criminal liability had expired.
14. Azizov appealed the conviction. At the preliminary hearing before the Baku Court of Appeal on 26 November 2021, defense lawyers requested that the appeal be examined with a partial judicial investigation, arguing that numerous defense motions had not been granted at first instance and that defense witnesses had not been heard. The Court of Appeal rejected those motions. At a subsequent appeal hearing, Azizov personally stated that he did not consider himself guilty and that the accusations against him were unfounded.

15. On 15 April 2022, the Baku Court of Appeal rejected the appeals and left the first-instance judgment unchanged, including Azizov's 20-year sentence. On 3 May 2024, the Supreme Court considered the cassation appeals lodged by Safarov and the other defendants in the same proceedings, rejected them, and again upheld the judgment without amendment. Azizov's conviction and 20-year prison sentence therefore became final within the domestic court system.

LEGAL ANALYSIS

Reasons why Mahir Azizov should be regarded as a political prisoner:

16. Assessment of whether M. Azizov 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)⁶⁷. The legal proceedings against and the conviction of M. Azizov satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((c) and (e)):

- (c) Azizov's 20-year sentence appears clearly disproportionate to the conduct individually and reliably established against him. He was not shown to have participated directly in Safarov's attack yet was held responsible for an extensive terrorist and anti-State conspiracy on the basis of association, communications and disputed evidence.
- e) Most importantly, Azizov's imprisonment resulted from proceedings affected by serious fair-trial deficiencies including allegations of torture and fabricated evidence, restrictions on effective defense, rejected defence motions, unresolved contradictions in the evidence and insufficient individualization of criminal responsibility, which appear connected with the authorities' political objective of sustaining the broader narrative of an organized Islamist and anti-State conspiracy.

17. 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.

Mahir Azizov's public profile:

18. Azizov's case illustrates a different form of politically instrumental prosecution from cases involving prominent government critics. He was an ordinary, politically non-public citizen who became useful to the prosecution's construction of the Ganja events as an organized terrorist conspiracy. Rather than treating Safarov's actions as individual conduct and assessing Azizov's responsibility based on specific acts attributable to him, the authorities used his association and correspondence with Safarov to place him within an alleged collective criminal enterprise and ultimately impose a 20-year prison sentence. This approach also served a broader deterrent function, demonstrating that even ordinary citizens with no public political profile could be subjected to severe punishment on the basis of personal associations, thereby fostering a climate of fear and discouraging any form of contact, communication, or perceived proximity to individuals accused of political or security-related offences.

The sequence of events:

19. Mahir Azizov's prosecution should be assessed against a continuous pattern of politically instrumental criminal justice in Azerbaijan that continued throughout the history of this regime being in power. The most structured and consolidated repression has developed through successive and overlapping waves since at least 2013–2014. The targets and criminal accusations have changed over time, from financial and tax offences against NGOs and human rights defenders, to terrorism and attempted-coup charges against religious groups, to organized-conspiracy cases following public disorder, and later to narcotics, smuggling, treason and other offences against journalists, activists and opposition politicians, but the underlying pattern has remained strikingly consistent. The European Court of Human Rights has itself identified a "troubling pattern" of arbitrary arrest and detention of government critics through retaliatory prosecutions and misuse of criminal law, while the Parliamentary Assembly of the Council of Europe has concluded that Azerbaijan systematically uses the criminal justice apparatus against opposition politicians, civil-society activists, journalists, human-rights defenders and other perceived dissidents.⁸

20. The first decisive stage of the contemporary crackdown took place in 2013–2014, when the authorities moved against the institutional infrastructure of independent civil society. Leading human-rights defenders, lawyers, election monitors and journalists, including Anar Mammadli, Leyla and Arif Yunus, Rasul Jafarov, Intigam Aliyev and Khadija Ismayilova, were arrested or prosecuted on charges such as tax evasion, illegal entrepreneurship, abuse of office, fraud and, in some cases, treason. NGO offices were searched and sealed, bank accounts were frozen and organizations were deprived of access to funding. At least 40 activists, journalists and human-rights defenders were arrested or convicted in politically motivated cases in 2014 alone.⁹ At the same time, successive amendments to legislation governing NGOs, grants and foreign funding made lawful independent civil-society activity increasingly difficult. The Venice Commission criticized these restrictions, including excessive state supervision and interference with NGO autonomy.¹⁰

21. The partial release of prominent prisoners in late 2015 and 2016 did not mark an end to that crackdown. Their convictions generally remained in force, travel and professional restrictions persisted, and many organizations could not resume their previous activities. Human Rights Watch documented that some activists left Azerbaijan altogether, while organizations whose leaders had been released remained unable to register, obtain funding or function normally. Thus, the 2014 campaign achieved a structural result that survived the release of individual prisoners: much of the previously formalized, institutionally funded human-rights and NGO sector had been dismantled or forced into inactivity.¹¹
22. The Nardaran case of 2015–2017 marked an important development in the methods of repression. Rather than relying principally on financial or regulatory charges, the authorities increasingly employed the language of terrorism, armed conspiracy and violent seizure of power. On 26 November 2015, security forces conducted a large armed operation in Nardaran and detained dozens of people, including Muslim Unity Movement leaders Taleh Bagirzade and Abbas Huseynov. Eighteen defendants in the principal case were subsequently sentenced to prison terms ranging from 10 to 20 years for offences including terrorism, attempted violent seizure of power, weapons offences and homicide. The proceedings were accompanied by extensive allegations of torture and coerced testimony. Amnesty International described the trial as failing to meet international standards, while PACE later noted allegations that witnesses withdrew incriminating statements because they had been obtained through torture and that the prosecution had failed to present sufficient individualized evidence against defendants.¹²
23. Repression continued through 2016 and 2017, demonstrating that there was no meaningful interval between the 2014 crackdown and the cases that followed. Ahead of the 2016 constitutional referendum, activists, opposition supporters and persons active on social media were prosecuted on drug-possession, illegal-business and administrative charges. In 2017, journalist Afgan Mukhtarli, who had continued reporting critically on Azerbaijan while living in Georgia, was abducted and brought to Azerbaijan and prosecuted for illegal border crossing, currency smuggling and violence against an official. PACE subsequently considered the weakness of the evidence and the surrounding circumstances sufficient to raise a presumption that his imprisonment was political.¹³
24. The Ganja events of July 2018 constituted the next major stage. After Yunis Safarov shot Ganja Executive Authority head Elmar Valiyev on 3 July 2018, and after a subsequent gathering in Ganja on 10 July ended in violence and the deaths of two police officers, the authorities constructed a much broader security narrative around the events. A special investigative group involving the Ministry of Internal Affairs, the State Security Service and the Prosecutor General's Office identified 29 persons as alleged militant co-conspirators in Safarov's attack, while another group of dozens of people detained in connection with the 10 July events was characterized as part of a radical religious and criminal conspiracy against the State. In total, scores of people were prosecuted and many more were detained.¹⁴

25. The significance of the Ganja prosecutions lies not only in their scale but also in the manner in which criminal responsibility was expanded outward from the persons who had actually committed violent acts. Independent investigators documented detainees who had not participated in the 10 July gathering, allegations of detention without access to lawyers, torture and other ill-treatment, and claims that detainees were forced to sign pre-written confessions. The international fact-finding report on the Ganja cases concluded that there was reasonable basis to believe that detainees had been physically abused in order to obtain false self-incriminating statements and considered the vast majority, if not all, of those arrested in relation to the events to have been arbitrarily detained. A subsequent PACE report similarly noted serious problems concerning the sufficiency and credibility of prosecution evidence and concluded that many of those prosecuted following the Ganja events could be presumed to be political prisoners.¹⁵
26. Mahir Azizov's prosecution belongs specifically to this stage of the repression. Unlike prominent opposition politicians, human-rights defenders or religious leaders targeted in earlier cases, Azizov was not a public political actor. He became implicated principally through his previous acquaintance and communications with Yunis Safarov. The prosecution nevertheless incorporated him into an extensive alleged organized terrorist conspiracy extending over many years and ultimately secured a 20-year sentence. The Ganja case therefore demonstrates an important expansion of the repressive model: severe political and national-security prosecutions were no longer confined to publicly active critics or organized movements but could encompass ordinary citizens whose personal relationships or communications allowed them to be incorporated into a broader state narrative of conspiracy.
27. The following years demonstrate further continuity. In October 2019, police violently dispersed peaceful opposition and civic demonstrations in central Baku, detained dozens of participants and subjected opposition activists to administrative imprisonment. Human Rights Watch reported that at least 35 senior Popular Front Party figures received sentences of up to 60 days on spurious charges. The use of short-term administrative detention operated alongside criminal prosecution as a mechanism for preventing and punishing collective political activity.¹⁶
28. In 2020, the same machinery was intensified during the Covid-19 pandemic and following the July pro-army demonstration in Baku. President Ilham Aliyev publicly characterized the opposition as a "fifth column", and numerous opposition figures were subsequently detained. After a small number of participants in the 14 July rally entered the parliament building, the authorities presented the incident as an opposition-organized attempt to overthrow the government. Human Rights Watch documented the arrest of numerous Popular Front members, including people who had not entered parliament and, in some cases, had not attended the rally at all. Senior party figures were additionally accused of attempting to overthrow the government. The similarity to the Nardaran and Ganja model is important: an identifiable incident involving violence or disorder was used to construct a substantially wider political conspiracy and extend criminal responsibility to a broader circle of individuals.

29. 2021-2022 did not represent liberalization but further consolidation. Peaceful demonstrations continued to be dispersed and activists detained or ill-treated. At the same time, the authorities increasingly supplemented direct repression with legislation restricting the remaining institutional channels for independent public activity. The new Law on Media, drafted in late 2021 and signed in February 2022, introduced a substantially more controlled regulatory framework for journalists and media entities. The Venice Commission found numerous problems with the law, including restrictions on media activity, financing and registration and insufficient independence of the regulatory authority.¹⁷
30. During the same period, a further pattern emerged involving Azerbaijani political emigrants returned from Europe. Several activists deported from Germany after unsuccessful asylum applications were arrested after returning to Azerbaijan, frequently on serious narcotics charges. Human Rights Watch documented, among others, Punhan Karimli and Jafar Mirzayev, deported in November 2021 and arrested in January 2022, as well as Malik Rzayev and Mutallim Orujov. This demonstrated that physical departure from Azerbaijan did not necessarily end exposure to politically motivated prosecution and that drug charges remained a recurrent instrument against persons perceived as politically disloyal.¹⁸
31. By late 2022, the transition into the current phase was visible. Civic activist Bakhtiyar Hajiyev was arrested in December 2022 after earlier intimidation and threats associated with his criticism of the authorities. His initial prosecution subsequently expanded into numerous financial and economic charges. In parallel, a new Law on Political Parties was adopted in December 2022 and entered into force in January 2023. The Venice Commission and OSCE/ODIHR concluded that regulation had become substantially stricter in key areas including party registration, state control, financing and dissolution, against the background of Azerbaijan's already extensive record of violations of freedom of association.¹⁹
32. The repression then intensified sharply in 2023. In June, police violently suppressed residents protesting the environmental consequences of mining in Soyudlu and subsequently restricted access to the village and obstructed journalists. In July, economist and opposition politician Gubad Ibadoglu was arrested. During the summer and autumn, labor organizers, government critics and other activists were subjected to criminal or administrative prosecution, including drug and violence-related accusations. These developments did not introduce a fundamentally new method; rather, they applied long-established methods of politically instrumental prosecution to the informal civic initiatives that had emerged after the destruction of much of the traditional NGO sector.²⁰

33. From November 2023 onward, repression moved toward the systematic dismantling of the remaining independent media and informal civil-society networks. Journalists associated with Abzas Media were arrested, followed in 2024 by the raid on Toplum TV and arrests of journalists and civic activists associated with it. Human-rights defender and election monitor Anar Mammadli was again arrested in April 2024. Repression simultaneously expanded into academic research, peace advocacy and minority-related work, including the prosecutions of Iqbal Abilov and Bahruz Samadov. Human Rights Watch described this period as an escalating crackdown involving politically motivated charges against journalists, activists, researchers and human-rights defenders, while noting that fear and arrests had driven increasing numbers of independent civil-society actors out of the country and forced some organisations and media initiatives to close.²¹
34. The progression from the NGO restrictions and prosecutions of 2013–2014, through Nardaran in 2015, Ganja in 2018, the suppression of opposition mobilisation in 2019–2020, and the restrictive Media and Political Parties laws of 2021–2022, to the mass arrests beginning in late 2022 and 2023 should therefore be understood as cumulative rather than episodic. Each phase narrowed another sphere in which autonomous political or social activity could exist: first established NGOs and human-rights organizations; then independent religious mobilization; then informal networks and personal associations framed as security threats; then street opposition and protest; then independent media and formal political parties. The arrests beginning in 2023 represented the culmination of this process by targeting many of the remaining informal organizations, media outlets and grassroots initiatives that had survived or emerged after the 2014 crackdown.
35. The current repression is consequently not a new phenomenon detached from the Ganja case. It is the most intensive stage of a system that had been progressively constructed and tested over the preceding decade. Mahir Azizov's prosecution is particularly relevant within this continuum because it illustrates how the authorities' use of collective-conspiracy narratives could reach beyond organized political actors and punish an ordinary citizen on the basis of association with a principal accused. By 2023–2025, the same logic of expansive criminalization had been extended across virtually every remaining independent sphere: media, NGOs, labor activism, political parties, academic research, minority advocacy and peace activism, resulting in the de facto near-closure of autonomous civic and political space inside Azerbaijan.²²

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

36. The investigation against Mahir Azizov was accompanied from its earliest stage by serious allegations of coercion and violations of basic defense rights. Azizov testified before the Baku Assize Court that he was detained at his workplace by plain-clothes officers, handcuffed without explanation, insulted and beaten while being transported to the Main Department for Combating Organized Crime, and then beaten there while handcuffed. According to Azizov, the violence continued until he agreed to give the statement demanded by the officers. He stated that he was subsequently taken to his home, where a search was conducted in the presence of his wife, children and mother-in-law, and alleged that officers planted a grenade in a small wardrobe adjoining the bed of his three-year-old son. When he initially refused to sign the investigative documents, he had no lawyer present and was threatened that his wife would be brought to the police station; fearing for his family, he signed the statements. Azizov expressly told the court that his signature had been obtained through physical violence and threats.²³
37. These allegations directly concern the reliability of evidence used to construct the case against Azizov. He maintained that the incriminating statements concerning weapons in his home and his alleged knowledge of Yunis Safarov's plans were not voluntary. He also stated that he had been held for 27 days at the Main Department for Combating Organized Crime before being transferred to the Baku Pre-Trial Detention Facility, and alleged further degrading treatment during that transfer and upon arrival. The allegations were not isolated from the wider context of the Ganja investigations. An international investigation documented a pattern in which persons detained in connection with the Ganja events were interrogated without effective legal assistance, subjected to physical and psychological abuse and allegedly forced to sign false self-incriminating statements. The report expressly identifies Mahir Azizov among the persons detained as alleged co-conspirators in the wider Ganja case.²⁴
38. Azizov's ability to organize an effective defense was further impaired at the beginning of the trial. His family had retained lawyer Asif Allahverdiyev to represent him, but the lawyer was not permitted to participate in the proceedings on the basis of an earlier decision of the Prosecutor's Office. Azizov objected to the state-appointed lawyer and expressly requested representation by Allahverdiyev. Nevertheless, on 8 January 2020 the court refused to admit his chosen lawyer. At the same preliminary stage, the court also rejected numerous defense motions, including requests to return the case for further investigation, examine additional witnesses, address the defendants' health conditions and permit audio and video recording of the proceedings.²⁵ These circumstances substantially weakened the defense at precisely the stage at which the legality of the investigation and the evidentiary basis of the charges should have been subjected to effective adversarial scrutiny.

39. The prosecution case against Azizov was exceptionally broad and retrospective. Although he was not alleged to have participated in the shooting of Elmar Valiyev on 3 July 2018, the authorities attributed to him responsibility for a purported organized terrorist conspiracy extending back many years. The judgment relies on his personal acquaintance with Safarov, travel and contacts dating to their years in Russia, electronic correspondence, alleged assistance to Safarov and other co-defendants, and contested physical evidence to place Azizov within a collective criminal enterprise whose alleged objectives included terrorism, assassination of state officials and the forcible establishment of an Islamic State. The judgment repeatedly embeds Azizov's alleged conduct within an almost identical common narrative concerning the intentions and activities of the supposed organized group, rather than clearly separating which specific criminal acts were independently proved against Azizov himself.
40. Serious contradictions in the prosecution theory emerged during the trial. Most importantly, Safarov himself expressly denied that he had discussed any plan to overthrow the government or create a State governed by Sharia law with Mahir Azizov, Jafar Zalov or anyone else. Other incriminating evidence was also disputed. For example, a former classmate of Azizov had allegedly stated during the investigation that Azizov told him of Safarov's plans to establish a Sharia-based State; when that statement was considered at trial, Azizov maintained that the witness had signed it under torture. Other witnesses in the proceedings likewise repudiated incriminating statements attributed to them during the investigation.²⁶ Despite these contradictions, the court ultimately accepted the prosecution's overarching organized-group theory and convicted Azizov of an extensive range of terrorism, attempted murder and crimes-against-the-State offences, imposing a final sentence of 20 years' imprisonment.
41. The deficiencies were not cured on appeal. Defense lawyers asked the Baku Court of Appeal to conduct a partial judicial investigation, specifically arguing that numerous defense motions had been rejected by the first-instance court and that defense witnesses had not been heard. The appellate court rejected all of those motions and proceeded without reopening the evidentiary inquiry requested by the defense. The result was that the central issues raised by Azizov, the alleged coercion of his investigative statements, the reliability of physical evidence, contradictions between pre-trial statements and courtroom testimony, and the degree to which his personal contacts with Safarov could establish participation in a terrorist conspiracy, did not receive the rigorous independent reconsideration required by the seriousness of a 20-year sentence.

The authorities' conduct:

42. The authorities' conduct toward Azizov must be assessed against the wider manner in which the Ganja cases were investigated. The authorities rapidly framed Safarov's attack and the subsequent Ganja events as manifestations of a large Islamist conspiracy directed against the constitutional order. An international investigation found that the State's response involved mass arrests, credible allegations of systematic torture and coercion,

and an official narrative presenting detainees as participants in an Islamic conspiracy to attack State institutions and overthrow the secular government. The same investigation concluded that the response to the Ganja events was disproportionate and was capable of serving the broader purpose of deterring criticism of the authorities. In Azizov's individual case, the authorities did not respond to the serious allegations surrounding the investigation by providing effective procedural safeguards; instead, the Ministry of Internal Affairs publicly rejected allegations of torture at the Main Department for Combating Organized Crime as attempts by defendants to evade responsibility, while the Penitentiary Service similarly denied allegations of ill-treatment in pre-trial detention. At the same time, Azizov's chosen lawyer was excluded from the proceedings, defense motions challenging the investigation were rejected, and the courts ultimately relied on an investigation that Azizov maintained had been produced through violence, intimidation and fabricated evidence. Taken together, these circumstances indicate that the authorities' principal objective was not simply to determine whether Azizov had committed identifiable criminal acts, but to incorporate him into the State's pre-existing construction of the Ganja events as an organized terrorist and anti-government conspiracy, with his personal acquaintance and communications with Safarov used to attribute to him the purposes of a much wider alleged organization, while exculpatory material, including Safarov's denial that he had discussed any coup or Islamic-State project with Azizov, was not meaningfully addressed; in this sense, the authorities' conduct toward Azizov appears politically instrumental, as an ordinary citizen with no independent public political role was subjected to an extraordinarily severe prosecution in order to substantiate a broader official narrative of organized religious and political extremism

Additional considerations:

43. Finally, international human rights observers and international organizations have denounced the charges against Mahir Azizov as politically motivated.

CONCLUSION

44. The personal factors (Mahir Azizov's public profile, absence of convincing evidence, and constant violation of procedural rights) and contextual factors (politically repressive environment) cumulatively indicate reasonable grounds to believe that Mahir Azizov should be considered a remand political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

RECOMMENDATION

45. Based on this conclusion, Mahir Azizov should be released unconditionally and immediately. Furthermore, he should be compensated restitutio in integrum.

NOTES

¹ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Gəncə işi: “3-yaşlı oğlumun paltar şafına qumbara qoydular”’ (30 October 2020)

² International Partnership for Human Rights, Global Diligence LLP, Truth Hounds and Human Rights Club, Azerbaijani Government Crackdown in Ganja: Extrajudicial Killings, Torture, Arbitrary Detention, Unfair Trials and Unlawful Restrictions on Freedom of Assembly (January 2020), especially paras. 27–32 and 43–44.

³ Union for the Freedom for Political Prisoners of Azerbaijan, *List of Political Prisoners*, 15 January 2026, no. 317, Mahir Aziz oğlu Azizov.

⁴ *ibid* (n. 2), especially paras. 8, 64–78

⁵ Radio Free Europe/Radio Liberty, Azerbaijani Service, “Gəncə məhbusları”nın vəkiliəri məhkəməyə etiraz bildiriblər’ (15 July 2021).

⁶ 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.

⁷ 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.

⁸ Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan, Doc. 15020 (2020), especially paras. 27–29. The report relies on European Court of Human Rights judgments identifying retaliatory prosecutions, misuse of criminal law and systemic failures of judicial protection

⁹ Human Rights Watch, Harassed, Imprisoned, Exiled: Azerbaijan’s Continuing Crackdown on Government Critics, Lawyers, and Civil Society (20 October 2016); Human Rights Watch, World Report 2015: Azerbaijan.

¹⁰ Venice Commission, Opinion on the Law on Non-Governmental Organisations (Public Associations and Funds) as Amended of the Republic of Azerbaijan, CDL-AD(2014)043, 15 December 2014.

¹¹ Human Rights Watch, Harassed, Imprisoned, Exiled (2016).

¹² Amnesty International, Azerbaijan: Torture and Travesty of Justice in Nardaran Case (6 February 2017); Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan, paras. 57 et seq.

¹³ *ibid* (n. 10); *ibid* (n.11) para. 58.

¹⁴ *ibid* (n.2).

¹⁵ *ibid* (n.2); *ibid* (n.11), discussion of the Ganja cases.

¹⁶ Human Rights Watch, *World Report 2023: Azerbaijan*.

¹⁷ Venice Commission and Directorate General of Human Rights and Rule of Law, *Joint Opinion on the Law on Media of Azerbaijan*, CDL-AD(2022)009, adopted 17–18 June 2022.

¹⁸ *ibid* (n.15).

¹⁹ Human Rights Watch and Freedom Now, “We Try to Stay Invisible”: Azerbaijan’s Escalating Crackdown on Critics and Civil Society (8 October 2024); Venice Commission and OSCE/ODIHR, Joint Opinion on the Law on Political Parties of Azerbaijan, CDL-AD(2023)007.

²⁰ *ibid* (n.18).

²¹ *ibid* (n.18).

²² Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan (2020); *ibid* (n.18)

²³ *ibid* (n.1)

²⁴ *ibid* (n.2) especially pp. 4, 10–13.

²⁵ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Yunis Səfərovun istədiyi vəkili onun işinə buraxmayıblar’ (8 January 2020).

²⁶ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Y.Səfərov: “Dini dövlət yaratmaq fikrim olsaydı, etiraf edərdim”’ (10 February 2021).

