

VUGAR MAMMADOV



FACTS

Personal data:

1. Vugar Mammadov (DOB: 11 October 1986) is an Azerbaijani citizen, born in Ganja. He was married, had secondary education and no previous convictions. Significantly, he was himself a police officer, serving as a guard with the Ganja Regional Security Department.
2. Mammadov was nevertheless prosecuted as a member of Safarov's alleged terrorist organization and ultimately sentenced to 19 years.
3. He pleaded not guilty. His defense rested on a particularly important contradiction: after recognizing Safarov as the person suspected of attacking a security guard and stealing his service weapon in June 2017, Mammadov said that he reported this to the police and assisted the search for Safarov.

Date of detention:

4. Mammadov was detained on 14 July 2018.

Legal accusations:

5. Following his detention in July 2018, Vugar Mammadov 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, Mammadov was formally charged under the following provisions of the Criminal Code of the Republic of Azerbaijan:

- a. 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); motivated by blood revenge (Articles 29 and 120.2.6); against two or more persons (Articles 29 and 120.2.7); committed repeatedly or by a person who had previously committed intentional murder (Articles 29 and 120.2.10); and in connection with robbery, extortion, terrorism or banditry (Articles 29 and 120.2.11);
 - b. aggravated robbery, allegedly committed by an organized group or criminal association and in other aggravated circumstances specified in Articles 181.3.1 and 181.3.3;
 - c. terrorism, allegedly committed by a group acting by prior conspiracy, an organized group or criminal association (Article 214.2.1), with the use of firearms or objects used as weapons (Article 214.2.3), and on grounds of religious hostility, religious radicalism or religious fanaticism (Article 214.2.6);
 - d. illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, ammunition, explosives or explosive devices by an organized group (Article 228.3);
 - e. unlawful acquisition of firearms, ammunition, explosives or explosive devices by theft or extortion in aggravated circumstances, including commission by a group acting by prior conspiracy or an organized group and the other aggravating circumstances specified in Articles 232.3.1 and 232.3.2;
 - f. preparation for an attack on the life of a State or public figure, committed for the purpose of terminating that person's official or political activity or in retaliation for such activity (Articles 28 and 277);
 - g. an attack on the life of a State or public figure, committed for the purpose of terminating that person's official or political activity or in retaliation for such activity (Article 277); and
 - h. actions aimed at forcibly changing the constitutional order, including its secular character, or forcibly seizing State power, where committed on grounds of religious hostility, religious radicalism or religious fanaticism (Article 278.2).
6. The prosecution presented these accusations as elements of the same alleged organized conspiracy attributed to Yunis Safarov and the other defendants. In Mammadov's individual case, it relied principally on his earlier acquaintance and contacts with Safarov, his assistance in finding Safarov accommodation, and events following Safarov's June 2017 attack on security officer Elshan Nasibov, during which Nasibov's service firearm was taken. The prosecution sought to interpret these contacts as evidence that Mammadov knowingly assisted Safarov and shared the alleged group's broader objectives of attacking State officials, carrying out terrorism and forcibly changing Azerbaijan's constitutional order.

7. Mammadov rejected the prosecution's overarching conspiracy theory and pleaded not guilty. He acknowledged knowing Safarov and having previously helped him find accommodation but denied that he had done so with knowledge of any terrorist plan. His account was particularly significant because, after recognizing Safarov as the person wanted in connection with the June 2017 attack on the security officer, Mammadov stated that he reported this information to his police superior, participated in efforts to locate Safarov and warned that Safarov intended to attack Elmar Valiyev. The evidence also indicated that Mammadov and Hamlet Abdullayev approached Safarov's father-in-law in an effort to have Safarov dissuaded from carrying out the attack. These circumstances directly complicated the prosecution's contention that Mammadov shared Safarov's criminal purpose.
8. At judgment, the court convicted Mammadov under Articles 29/120.2.1, 120.2.3, 120.2.4, 120.2.6, 120.2.7, 120.2.10 and 120.2.11; 214.2.1, 214.2.3 and 214.2.6; 228.3; 232.3.1 and 232.3.2; 28/277 and 277; and 278.2. The court expressly removed Articles 181.3.1 and 181.3.3 from the legal qualification of the accusation, while retaining the remaining counts. It subsequently imposed a final sentence of 19 years' imprisonment.

Legal status of prisoner:

9. On 16 August 2021, the Baku Assize Court imposed a final sentence of 19 years' imprisonment, with the first four years in prison and the remainder in a strict-regime institution.
10. The Baku Court of Appeal upheld the judgment on 15 April 2022, and the Supreme Court rejected the cassation appeals on 3 May 2024. He continues to be included in the political prisoners' list.

Legal proceedings:

11. Mammadov's earlier assistance in finding a residence for Safarov constituted a legitimate matter for investigation. Yet the prosecution was also required to deal with evidence that, once Mammadov became aware of Safarov's criminal conduct, he acted as a police officer rather than as an accomplice.
12. According to his evidence, after the June 2017 attack on security officer Elshan Nasibov, Mammadov recognized Safarov from security footage and informed the authorities. A police witness confirmed that Mammadov claimed to have recognized Safarov and assisted the investigation, while disputing that he was the first person to identify him.
13. Mammadov further stated that he told his police superior that Safarov wanted to shoot Elmar Valiyev. He also informed Hamlet Abdullayev and Rasim Mustafayev that police were searching for Safarov. In the related evidence, Hamlet Abdullayev stated that he and Mammadov approached Safarov's father-in-law in an attempt to have Safarov dissuaded from attacking Valiyev.

14. These actions are difficult to reconcile with the proposition that Mammadov knowingly shared Safarov's criminal purpose. The prosecution could argue that earlier assistance pre-dated his cooperation with police, but the court still needed to explain how a person who subsequently alerted law enforcement and tried to prevent the attack remained a participant in the same continuing terrorist agreement.
15. Mammadov also described pressure from his police superior: according to him, he was told that if he found Safarov he could be rewarded, but that if he failed, Safarov might ultimately be made to testify against him.¹ In his final statement he emphasized that he came from a police family and had himself served the State.²

LEGAL ANALYSIS

Reasons why Vugar Mammadov should be regarded as a political prisoner:

16. Assessment of whether Vugar Mammadov 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 the conviction of V. Mammadov satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((c) and (e)):
- (c) Mammadov's 19-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, Mammadov's imprisonment resulted from proceedings affected by serious fair-trial deficiencies including allegations of torture and fabricated evidence, restrictions on effective defense, rejected defense 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.

Vugar Mammadov's public profile:

18. Mammadov was not an opposition activist or public critic. Quite the opposite: he was a serving police officer. His case therefore cannot plausibly be characterized as retaliation for his own public opposition activity.
19. Its political significance lies elsewhere. His prosecution helped broaden Safarov's individual attack into an organized Islamist conspiracy even though Mammadov's State employment and his reported cooperation with police materially complicated that theory.

The sequence of events:

20. Vugar Mammadov'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.⁴
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.⁵ 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.⁶

22. 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.⁷
23. 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.⁸
24. 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.⁹
25. 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.¹⁰

26. 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.¹¹
27. Vugar Mammadov's prosecution belongs specifically to this stage of the repression. Unlike prominent opposition politicians, human-rights defenders or religious leaders targeted in earlier cases, Mammadov 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.
28. 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.¹²
29. 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.

30. 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.¹³
31. 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.¹⁴
32. 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.¹⁵
33. 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.¹⁶

34. 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 Igbal 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 organizations and media initiatives to close.¹⁷
35. The progression from the NGO restrictions and prosecutions of 2013–2014, through Nardaran in 2015, Ganja in 2018, the suppression of opposition mobilization 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.
36. 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. Vugar Mammadov'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.¹⁸

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

37. The strongest individualized defect is the failure to reconcile the prosecution theory with Mammadov's reported cooperation with the police. Evidence that a defendant identified a wanted suspect, warned his superior about the threat to Valiyev and participated in efforts to prevent the attack required a clear judicial explanation before finding that defendant guilty of the same attempted murder.

38. Safarov's own trial position further weakened the organized-group theory. He said the attack was his own initiative and that the other defendants had not helped him.
39. Yet Mammadov was convicted of attempted aggravated murder, terrorism and forcible constitutional change, and received precisely the 19-year term requested by the prosecution.
40. The appellate courts did not materially resolve this contradiction and left the conviction unchanged.

The authorities' conduct:

41. Mammadov's prosecution is particularly indicative of collective attribution overriding individualized conduct. The State effectively prosecuted one of its own police officers as a terrorist co-conspirator despite evidence that he had reported Safarov, assisted the police response and warned of the threat to the intended victim.

Additional considerations:

42. Finally, international human rights observers and international organisations have denounced the charges against Vugar Mammadov as politically motivated.

CONCLUSION

43. The personal factors (Vugar Mammadov'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 Vugar Mammadov should be considered a remand political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

RECOMMENDATION

44. Based on this conclusion, Vugar Mammadov should be released unconditionally and immediately. Furthermore, he should be compensated *restitutio in integrum*.

- ¹ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Yunis qayınatasına dedik ki, Elmar Vəliyevi öldürmək istəyir’ (23 October 2020), Azadlıq Radiosu.
- ² Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Bizə terror ittihamı verilir, dünyaya isə ölkədə terror olmadığı deyilir’ (6 August 2021), Azadlıq Radiosu.
- 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 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.
- ⁵ Venice Commission, Opinion on the Law on Non-Governmental Organizations (Public Associations and Funds) as Amended of the Republic of Azerbaijan, CDL-AD(2014)043, 15 December 2014.
- ⁶ Venice Commission, Opinion on the Law on Non-Governmental Organizations (Public Associations and Funds) as Amended of the Republic of Azerbaijan, CDL-AD(2014)043, 15 December 2014.
- ⁷ Human Rights Watch, Harassed, Imprisoned, Exiled (2016).
- ⁸ 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.
- ⁹ *ibid* (n. 10); *ibid* (n.11) para. 58.
- ¹⁰ *ibid* (n.2).
- ¹¹ *ibid* (n.2); *ibid* (n.11), discussion of the Ganja cases.
- ¹² Human Rights Watch, World Report 2023: Azerbaijan.
- ¹³ 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.
- ¹⁴ *ibid* (n.15).
- ¹⁵ 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.
- ¹⁶ *ibid* (n.18).
- ¹⁷ *ibid* (n.18).
- ¹⁸ Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan (2020); *ibid* (n.18).

