

# AKIF ALIYEV

---



## FACTS

### Personal data:

1. Akif Aliyev (DOB: 05 May 1966) is an Azerbaijani citizen. At the time of his arrest, he was married, had incomplete higher education, had no previous convictions, and worked as an electrician at the Ganja Automobile Plant. He lived in Ganja.
2. Aliyev was detained in July 2018 following the attack carried out by Yunis Safarov against the then Head of the Ganja City Executive Authority, Elmar Valiyev. Although Aliyev was not alleged to have participated directly in the 3 July 2018 shooting, the prosecution classified him as a member of the alleged organized group surrounding Safarov and attributed to him participation in a conspiracy involving terrorism, attempted murder of State officials and forcible alteration of Azerbaijan's constitutional order. The allegations relied principally on events and personal contacts dating back to 2012, his assistance in arranging one night's accommodation for Safarov in 2017, and private religious communications subsequently recovered from his mobile telephone.
3. Aliyev pleaded not guilty and rejected the allegation that he had belonged to an organized group with Safarov, participated in terrorism or sought to overthrow the government. At trial he maintained that the accusations were based on assumptions and suspicions rather than proof. He disputed key elements of the prosecution's account and denied any connection to Safarov's attack on Elmar Valiyev.<sup>1</sup> On 16 August 2021, the Baku Assize Court nevertheless sentenced him to a final term of 20 years' imprisonment.

**Date of detention:**

4. Akif Aliyev was detained on 12.07.2018. On 13.07.2018, Sabail District Court of Baku ordered his placement in pre-trial detention for four months. The first-instance judgment subsequently ordered that his prison sentence be calculated from 13 July 2018, with the period already spent in detention credited toward the sentence.

**Legal accusations:**

5. Following his detention, Aliyev was prosecuted within the consolidated criminal case concerning Yunis Safarov's attack on Elmar Valiyev. According to the indictment reproduced in the judgment, he was 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); 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);
  - b. 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);
  - c. 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);
  - d. illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, ammunition, explosives or explosive devices by an organized group (Article 228.3);
  - e. preparation for an attack on the life of a State or public figure (terrorist act) and 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; Article 277);
  - f. 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;
  - g. actions aimed at forcibly changing the constitutional order, including its secular character, or forcibly seizing power, where committed on grounds of religious hostility, religious radicalism or religious fanaticism (Article 278.2);

h.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;

i. 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

j. knowing use of a forged document of the kind specified in Article 320.1 (Article 320.2).

6. The prosecution sought to incorporate these separate allegations into a single long-running conspiracy. In particular, it alleged that Aliyev travelled to Moscow in April 2012 and met several persons whom the prosecution characterized as members of an organized group. According to the indictment, they discussed plans for armed resistance in Azerbaijan and sought Aliyev's assistance in obtaining documents that would allow another person to enter Azerbaijan under a false identity. The prosecution further relied on Aliyev's later contacts with Safarov, the fact that he arranged accommodation for Safarov at his sister's home for one night in June 2017, and religious discussions recovered from his mobile telephone to support the assertion that he shared the group's alleged political and terrorist objectives.

7. Aliyev rejected that interpretation. He denied belonging to a criminal group, participating in terrorism or a coup attempt, or having any involvement in the attack on Valiyev.<sup>2</sup> He specifically disputed personal involvement in the forged-document episode and stated that the photograph and signature used in the relevant documents were not his. Significantly, the court file contains a forensic handwriting examination confirming that the handwritten text and signatures on the application for the return certificate issued in Aliyev's name had been executed not by Aliyev, but by another person.

### **Legal status of prisoner:**

8. Akif Aliyev is a convicted prisoner serving a 20-year term of imprisonment. On 16 August 2021, the Baku Assize Court convicted him and, by partial combination of the sentences imposed under the individual provisions, sentenced him to 20 years' imprisonment in a strict-regime penitentiary institution. Although the court also recorded findings of guilt under Articles 318.2, 320.1 and 320.2, no punishment was imposed under those provisions because the statutory limitation period had expired.

9. On 15 April 2022, the Baku Court of Appeal rejected the defendants' appeals and upheld the first-instance judgment without modification.<sup>3</sup> On 3 May 2024, the Supreme Court rejected the cassation appeals and again left the convictions and sentences unchanged. Aliyev personally participated in the Supreme Court hearing and, together with the other co-defendants apart from Safarov, continued to plead not guilty.<sup>4</sup> Azerbaijani human-rights defenders continue to list Aliyev as a political prisoner serving the 20-year sentence in the Ganja case.

## Legal proceedings:

10. The prosecution of Aliyev formed part of a case in which Safarov's 3 July 2018 attack was presented as the culmination of a transnational organized conspiracy allegedly operating over many years. Aliyev was not accused of firing at Valiyev or his bodyguard, being present during the attack, or carrying out any other violent act on 3 July 2018. Instead, responsibility for attempted murder and terrorism was attributed to him through the prosecution's assertion of a common criminal purpose shared by the alleged organized group.
11. One of the principal historical allegations concerned events in 2012. The prosecution alleged that Aliyev travelled to Moscow, met his nephew Azer Aliyev, Eldar Orujov, Mahir Azizov and others, was informed of plans for revolutionary or partisan activity in Azerbaijan, and agreed to assist in obtaining a document that would enable Orujov to enter Azerbaijan secretly. The prosecution alleged that Aliyev's biographical details were subsequently combined with another person's lost driving-license information and Orujov's photograph to obtain an Azerbaijani return certificate in Aliyev's name.
12. Aliyev disputed this account. He stated that the photograph appearing on the documents was not his, that he had not signed the application and that he had never possessed the driving license said to have been used. The documentary evidence provided significant support for part of his denial: a forensic handwriting examination dated 23 October 2018 concluded that both the handwritten text and the signatures on the application for the return certificate in Aliyev's name had been written by another person. The court nevertheless treated the broader document episode as evidence of Aliyev's participation in the alleged organized group.
13. A second important factual episode occurred in June 2017. After Safarov attacked security officer Elshan Nasibov and obtained his service pistol, Aliyev arranged for Safarov to spend one night at the apartment of Aliyev's sister, Sona Orujova. Aliyev's sister and brother-in-law confirmed at trial that Aliyev brought Safarov to their home at approximately 00:30 and asked that he be allowed to stay until the following morning. They also testified, however, that Safarov did not discuss anything with them during his stay and that they had no further contact with him afterwards.
14. The prosecution interpreted that episode as evidence of Aliyev's participation in Safarov's criminal organization and alleged that Aliyev knew of Safarov's earlier assault and his broader intentions. The fact that Aliyev facilitated temporary accommodation for Safarov constituted a concrete factual link between them. It did not, however, by itself establish that Aliyev shared an intention to murder Valiyev, overthrow the government, establish a Sharia-based State or participate in terrorism. Establishing liability for those much more serious offences required proof of Aliyev's own knowledge and common criminal intent, rather than proof merely that he assisted an acquaintance on one occasion.

15. The prosecution also relied on material recovered from Aliyev's telephone. The judgment records private WhatsApp discussions between Aliyev, his nephew Azer and several other persons concerning religion. Certain language used by Aliyev was treated as evidence of radical or violent attitudes. Aliyev explained in court that these were religious discussions and that the expressions relied upon by the prosecution referred to the historical example of Imam Ali and to the idea that a person requires support before undertaking action. The material may establish that Aliyev participated in private religious discussions, but it does not by itself identify a concrete terrorist plan, a specific intended victim or participation in the 3 July 2018 attack.
16. At trial, Aliyev pleaded not guilty. The wider defense challenged the prosecution's attempt to treat the defendants as a single criminal organization. At the final stage of the first-instance proceedings, lawyers argued that criminal conduct had not been individually established against the co-defendants and sought their acquittal apart from Safarov. Later, at the Supreme Court stage, defence lawyers stated that more than 70 motions seeking a more complete and objective examination had been submitted during the first-instance proceedings but rejected and again disputed the existence of evidence establishing an organized group.<sup>5</sup>
17. On 16 August 2021, the Baku Assize Court accepted the principal prosecution theory and sentenced Aliyev to 20 years' imprisonment. The sentence imposed corresponded exactly to the term requested by the public prosecutor.<sup>6</sup> The Baku Court of Appeal upheld the judgment on 15 April 2022.
18. The domestic proceedings concluded on 3 May 2024, when the Supreme Court rejected the cassation appeals and left the judgments unchanged. Aliyev was one of only three imprisoned defendants who personally attended that hearing. Radio Free Europe/Radio Liberty reported that, except for Safarov, the defendants continued to maintain that they were innocent and argued that they had been imprisoned in order to create the appearance that Safarov's attack had been planned and implemented by a large organized group.<sup>7</sup>

## LEGAL ANALYSIS

### Reasons why Akif Aliyev should be regarded as a political prisoner:

19. Assessment of whether A. Aliyev should be regarded as a political prisoner is based on the Resolution 1900 (2012) ‘The Definition of Political Prisoner’ of the Parliamentary Assembly of the Council of Europe and the criteria established in the Resolution (paragraph 3)<sup>8</sup>. The legal proceedings against and the conviction of A. Aliyev satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((c) and (e)):

- (c) Aliyev’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, Aliyev’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.

20. 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.

### Akif Aliyev’s public profile:

21. Aliyev was not a public political figure. Before his arrest he worked as an electrician at the Ganja Automobile Plant, was married and had no previous convictions. Nothing in the case record presents him as an opposition politician, journalist, civil-society activist, public religious leader or organizer of political protest. His prosecution did not follow any public act of political dissent.

22. The case files do show that Aliyev was religious and participated in private religious discussions through WhatsApp. These communications were later relied upon by the prosecution as evidence of the alleged ideological character of the criminal group. They were not, however, public political campaigning, public calls for violence or evidence of a public organizational role. Aliyev became significant to the case because of his personal and family connections to persons whom the authorities associated with Safarov and because individual episodes from 2012 and 2017 were incorporated into the wider conspiracy narrative.
23. His case therefore illustrates the same broader feature visible in several Ganja prosecutions: the extension of political-security criminal liability to an ordinary private citizen, not because he had publicly challenged the government, but because his associations and private communications could be used to support the authorities' claim that Safarov's actions resulted from a large organized Islamist conspiracy.

### **The sequence of events:**

24. Akif Aliyev'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.<sup>9</sup>
25. 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.<sup>10</sup> 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.<sup>11</sup>

26. 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.<sup>12</sup>
27. 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.<sup>13</sup>
28. 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.<sup>14</sup>
29. 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.<sup>15</sup>

30. 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.<sup>16</sup>
31. Akif Aliyev's prosecution belongs specifically to this stage of the repression. Unlike prominent opposition politicians, human-rights defenders or religious leaders targeted in earlier cases, Aliyev 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.
32. 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.<sup>17</sup>
33. 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.

34. 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.<sup>18</sup>
35. 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.<sup>19</sup>
36. 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.<sup>20</sup>
37. 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.<sup>21</sup>

38. 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.<sup>22</sup>
39. 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.
40. 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. Akif Aliyev'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.<sup>23</sup>

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

41. The principal concern in Aliyev's individual case is the gap between the specific facts established against him and the extraordinary breadth of criminal responsibility ultimately attributed to him. The prosecution established that he had contacts with Safarov and other defendants, that Safarov stayed one night at his sister's apartment in 2017, and that Aliyev participated in private religious discussions. But the judgment used these elements to support convictions for attempted aggravated murder, terrorism, attacks on State officials and forcible seizure of power, although Aliyev was not alleged to have participated directly in the 3 July 2018 attack.

42. The 2012 forged-document allegation illustrates the evidentiary problem particularly clearly. The prosecution treated the episode as proof that Aliyev knowingly assisted an organized group in bringing another alleged member clandestinely into Azerbaijan. Yet Aliyev denied completing or signing the application, and the court-ordered handwriting examination confirmed that the relevant handwriting and signatures were not his. The judgment nevertheless retained the episode within the collective conspiracy without adequately explaining how the forensic evidence affected proof of Aliyev's personal knowledge and intent.
43. The 2017 accommodation episode likewise required careful differentiation between limited assistance and participation in a terrorist organization. Witness testimony supported the fact that Aliyev brought Safarov to his sister's home and asked that he be allowed to stay overnight. That evidence could potentially support an inquiry into what Aliyev knew and why he assisted Safarov. It does not automatically prove that Aliyev shared Safarov's later purpose of attacking Valiyev or the much broader objectives attributed by the prosecution to the alleged group. The judgment nevertheless treated the incident as another component of common terrorist intent rather than clearly establishing the mental element required for each of the serious offences imposed on Aliyev.
44. Similar caution was required in relation to the telephone evidence. The prosecution relied on Aliyev's religious speech as ideological corroboration for the alleged conspiracy. Aliyev offered a religious and historical explanation of that speech, and the recovered discussions did not themselves identify Valiyev as a target or set out a specific terrorism or coup plan. Using ambiguous private religious expression to bridge evidentiary gaps between personal association and criminal intent raised a serious risk of substituting ideological inference for proof of individual participation.
45. These individualized weaknesses arose within proceedings that were themselves widely criticized by the defense and human-rights observers. Defense lawyers later stated that more than 70 motions seeking additional examination of evidence had been rejected by the first-instance court without adequate explanation and challenged the absence of convincing evidence establishing the defendants as an organized group. The broader Ganja investigation was also accompanied by extensively documented allegations of torture, denial of timely access to lawyers and coerced confessions.
46. The appellate stages did not remedy those concerns. The Baku Court of Appeal upheld the conviction and 20-year sentence without modification, and the Supreme Court did the same in May 2024. At the final domestic hearing, Aliyev and the other defendants continued to challenge the very premise that they constituted the organized group alleged by the prosecution.

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

47. The authorities' conduct in Aliyev's case is best understood through the construction of collective criminal intent from otherwise heterogeneous facts. A disputed document episode from 2012, temporary accommodation provided to Safarov in 2017 and private religious discussions were assembled into a narrative under which an ordinary factory worker was held criminally responsible for an alleged multi-year terrorist organization, attempted assassination of State officials and forcible seizure of power. The prosecution thereby treated association and perceived ideological affinity as connecting evidence between events that were separated by years and differed substantially in character.
48. This approach is particularly significant because the State's broader interpretation of the Ganja events had a clear political dimension: it presented Safarov's attack not as violence directed against a particular local official, but as part of an organized Islamist effort to overthrow Azerbaijan's secular constitutional order. Human-rights reporting and PACE raised serious concerns about the manner in which that narrative was extended to large numbers of detainees.<sup>24</sup> In Aliyev's case, the failure to adequately individualize the required criminal intent, together with the 20-year sentence imposed despite important evidentiary weaknesses, gives substantial grounds to regard the prosecution as politically instrumental.

### **Additional considerations:**

49. Finally, international human rights observers and international organizations have denounced the charges against Akif Aliyev as politically motivated.

## **CONCLUSION**

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

## **RECOMMENDATION**

51. Based on this conclusion, Akif Aliyev should be released unconditionally and immediately. Furthermore, he should be compensated *restitutio in integrum*.

- <sup>1</sup> Institute for Peace and Democracy, ‘The guilt of those sentenced to long terms of imprisonment was not proven at the trial’ (24 September 2021); Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Yunisın qayınatasına dedik ki, Elmar Vəliyevi öldürmək istəyir’ (23 October 2020)
- <sup>2</sup> *ibid* (n. 1)
- <sup>3</sup> Toplum TV, ‘Yunis Səfərov və daha 11 nəfərin apelyasiya şikayəti təmin olunmadı’ (15 April 2022)
- <sup>4</sup> Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Elmar Vəliyevə sui-qəsd işi: “6 ildir həbsdəyəm, amma niyə həbs olunduğumu bilmirəm”’ (4 May 2024)
- <sup>5</sup> *ibid* (n. 4)
- <sup>6</sup> Voice of America, Azerbaijani Service, ‘Yunis Səfərov ömürlük həbsə məhkum edilib’ (16 August 2021)
- <sup>7</sup> *ibid* (n. 6)
- <sup>8</sup> Parliamentary Assembly of the Council of Europe (PACE), ‘Resolution 1900 (2012): The definition of political prisoner’ (3 October 2012) <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150> accessed 29 May 2025.
- <sup>9</sup> 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.
- <sup>10</sup> 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.
- <sup>11</sup> 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.
- <sup>12</sup> Human Rights Watch, Harassed, Imprisoned, Exiled (2016).
- <sup>13</sup> 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.
- <sup>14</sup> *ibid* (n. 10); *ibid* (n.11) para. 58.
- <sup>15</sup> *ibid* (n.2).
- <sup>16</sup> *ibid* (n.2); *ibid* (n.11), discussion of the Ganja cases.
- <sup>17</sup> Human Rights Watch, World Report 2023: Azerbaijan.
- <sup>18</sup> 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.
- <sup>19</sup> *ibid* (n.15).
- <sup>20</sup> 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.
- <sup>21</sup> *ibid* (n.18).
- <sup>22</sup> *ibid* (n.18).

<sup>23</sup> Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan (2020); *ibid* (n.18).

<sup>24</sup> Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan, Doc. 15020 (18 December 2019), especially the discussion of Article 18 jurisprudence and the Ganja cases and 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)

