

# ANAR BAGIROV

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## FACTS

### Personal data:

1. Anar Bagirov (DOB: 14 June 1975) was an Azerbaijani citizen born in Ganja. He was single, had secondary education and was unemployed.
2. Bagirov was accused of being one of the earlier participants in the group allegedly organized around Safarov. The prosecution claimed that in 2012 he and Hamlet Abdullayev purchased and stored firearms and ammunition later used or intended for the alleged group.
3. He never had an opportunity to defend himself at trial. He died on 20 July 2018 during a law-enforcement operation.

### Date and circumstances of death:

4. According to the authorities, Bagirov had been declared wanted and officers located him in a residence in the Khojasan area of Baku. The official account alleged that when officers attempted to detain him, he opened fire and was killed when special-forces officers returned fire.<sup>1</sup>
5. Bagirov's family categorically disputed that version. His sister and legal successor, Aynura Bagirova, maintained that he had not offered armed resistance and argued that the allegation was invented to justify his killing.<sup>2</sup>

## **Legal accusations:**

6. Bagirov was posthumously prosecuted under Articles 29/120.2.1, .3, .4, .7, .10 and .11; 28/214.2.1, .3 and .6; 214.2.1, .3 and .6; 228.3; 229.3; 28/277; 277; 278 in its pre-October-2016 version; 278.2; 279.3; and 315.2.
7. In substance, the charges included attempted aggravated murder, preparation for and commission of terrorism, illegal weapons and explosives, attacks on State officials, forcible seizure or alteration of State power, participation in an unlawful armed formation and violent resistance to law enforcement.
8. The prosecution's principal historical allegation was that Bagirov and Hamlet Abdullayev had obtained an AKM rifle, Makarov and Margolin pistols and large quantities of ammunition in 2012 and participated in storing weapons and equipment for the alleged group.

## **Legal status:**

9. On 16 August 2021, more than three years after his death, the Baku Assize Court found Bagirov guilty of the charged offences. Because he was deceased, no criminal punishment was imposed and the proceedings against him were terminated on that basis.
10. His legal successor appealed, seeking termination on exonerating grounds rather than because of death. She insisted that her brother was innocent and that a finding of guilt should not remain merely because punishment could no longer be imposed.<sup>3</sup> The Baku Court of Appeal nevertheless left the first instance result unchanged on 15 April 2022.

## **Legal proceedings:**

11. Bagirov's death created an obvious structural problem in the proceedings: he was unable to give evidence, challenge preliminary statements, confront witnesses or explain the historical allegations attributed to him.
12. His sister participated as legal successor and repeatedly requested acquittal. She stated that more than 30 defense motions had been rejected during the first-instance proceedings and complained that an important person who had allegedly been present during the operation in which Bagirov was killed was not brought before the court.
13. In March 2021 the trial court reopened the judicial investigation partly to hear evidence concerning Bagirov's death. A police witness repeated the official account that Bagirov opened the door, shouted "Allahu Akbar" and fired, after which special forces returned fire. His sister directly challenged this version.

14. The international fact-finding investigation into the Ganja crackdown found broader reasons to doubt whether the deaths occurring during these arrest operations had received prompt, independent, effective and transparent investigations, and identified reasonable grounds for Article 2 procedural concerns.

## **LEGAL ANALYSIS**

### **Reasons why Anar Bagirov's case should be regarded as a politically motivated process:**

15. Although Anar Bagirov cannot technically be classified as a political prisoner under PACE Resolution 1900 (2012), because he was killed before trial and was therefore no longer deprived of liberty when the judgment was delivered, the circumstances of his prosecution provide substantial grounds to regard the criminal proceedings against him as politically motivated and instrumental to the authorities' construction of the Ganja events as an organized Islamist conspiracy against the State.
16. The prosecution did not concern merely an allegation that Bagirov had illegally possessed or helped obtain weapons. Instead, the authorities incorporated those historical allegations into a much broader political and security narrative in which Bagirov was portrayed as a member of an organized group seeking to commit terrorist attacks, assassinate State officials, forcibly seize power and replace Azerbaijan's secular constitutional order with a Sharia-based State. This transformation of allegations concerning conduct dating principally to 2012 into collective responsibility for the political objectives attributed to Yunis Safarov's alleged organization was central to the case against him.

### **Anar Bagirov's public profile:**

17. Bagirov was not a public opposition politician, journalist, civil-society activist or prominent religious leader. He was an ordinary resident of Ganja whose relevance to the prosecution arose from his personal and religious associations with several of the other defendants and from allegations that he had participated years earlier in acquiring and storing weapons.
18. His prosecution therefore illustrates the same feature visible in several other branches of the Ganja case: the authorities did not restrict the alleged conspiracy to persons who had themselves engaged in public political activity or directly participated in Safarov's attack. Instead, individuals connected through personal relations, religious environment or historical contacts were incorporated into a single ideological and terrorist narrative. Bagirov's case is especially significant because he was killed before those allegations could be tested through his own testimony.

## The sequence of events:

19. Anar Bagirov'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>4</sup>
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.<sup>5</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>6</sup>
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.<sup>7</sup>

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.<sup>8</sup>
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.<sup>9</sup>
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.<sup>10</sup>
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.<sup>11</sup>

26. Anar Bagirov's prosecution belongs specifically to this stage of the repression. Unlike prominent opposition politicians, human-rights defenders or religious leaders targeted in earlier cases, Bagirov 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 killed him during the police operation. 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.<sup>12</sup>
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.<sup>13</sup>

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.<sup>14</sup>
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.<sup>15</sup>
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.<sup>16</sup>
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 organizations and media initiatives to close.<sup>17</sup>

34. 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.
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. Anar Bagirov'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.

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

36. The most fundamental defect in Bagirov's prosecution is that he was killed before he could give evidence, challenge the allegations against him, confront witnesses or explain the circumstances relied upon by the prosecution. The proceedings nevertheless continued for more than three years and resulted in a formal judicial finding of guilt.
37. This placed a particularly heavy obligation on the courts to subject the prosecution evidence to rigorous and independent scrutiny. Instead, Bagirov's legal successor complained that more than 30 defense motions had been rejected and that important witnesses, including a person allegedly present during the law-enforcement operation in which Bagirov was killed, were not examined.<sup>18</sup> The inability of the deceased accused to participate personally made those defense requests especially important.
38. The circumstances of Bagirov's death were themselves incorporated into the criminal case. The authorities alleged that, when officers attempted to arrest him, Bagirov opened fire and was killed when police returned fire. His family disputed this account and maintained that he had not offered armed resistance.<sup>19</sup> The official version therefore simultaneously served two purposes: it justified the State's use of lethal force and provided the basis for an additional accusation of violent resistance to law enforcement.

39. The international fact-finding investigation into the Ganja crackdown found broader grounds for concern that the deaths occurring during arrest operations had not been subjected to prompt, independent, effective and transparent investigations, thereby raising serious issues under Article 2 ECHR. This is highly relevant to the fairness of Bagirov's criminal case because the authorities relied upon their own contested account of the fatal operation while the person accused was no longer alive to challenge it.
40. The subsequent appellate proceedings did not remedy these deficiencies. Bagirov's legal successor specifically sought termination of the proceedings on exonerating grounds, rather than merely because of his death, and demanded his acquittal. The Baku Court of Appeal nevertheless upheld the first-instance outcome. Thus, a finding that Bagirov had participated in an extensive terrorist and anti-State conspiracy remained in force without his ever having been able to defend himself.

**The authorities' conduct:**

41. The authorities' conduct indicates that maintaining Bagirov within the alleged conspiracy was important to the broader political narrative surrounding the Ganja case. Instead of limiting the posthumous proceedings to the narrow question of whether particular historical weapons offences could be established, the prosecution attributed to him the full ideological objectives of an organized terrorist group, including forcible seizure of power and replacement of the secular constitutional system.
42. This approach must be considered together with the manner in which the authorities framed the Ganja events more generally. The official response sought to present Safarov's attack not as an isolated act motivated by grievances against a particular local official, but as evidence of a radical religious organization threatening the Azerbaijani State. Including Bagirov among the alleged organizers helped substantiate that broader claim by increasing the apparent size, duration and organizational depth of the alleged conspiracy.
43. The political character of the prosecution therefore does not depend on showing that Bagirov himself was a prominent government critic. Rather, his prosecution was politically instrumental because his alleged conduct and religious associations were used to support a politically significant State narrative of organized Islamist subversion. The authorities continued to pursue and ultimately obtained that finding of guilt even after his death, notwithstanding the impossibility of obtaining his own testimony and the unresolved dispute concerning the circumstances in which State agents killed him.

## **Additional considerations:**

44. The case is further distinguished by the close connection between the criminal prosecution and the State's use of lethal force. An effective Article 2 investigation should have independently examined whether Bagirov posed an immediate threat, whether lethal force was strictly necessary and whether the official account was supported by objective evidence. Instead, the same State authorities that characterized him as a terrorist participant also supplied the account used to justify his killing. The absence of sufficiently independent scrutiny materially reinforces the appearance that both the fatal operation and subsequent prosecution formed part of the same broader repressive response to the Ganja events.
45. The insistence of Bagirov's family on an acquittal is also legally significant. His legal successor did not seek merely procedural termination because he was dead; she sought exoneration, maintaining that the accusations were false and that important defense evidence had not been properly examined. Continuing to preserve a finding of guilt in these circumstances served not a punitive purpose but the declaratory purpose of validating the authorities' account of the alleged organized conspiracy.

## **CONCLUSION**

46. The cumulative circumstances provide strong grounds to regard the prosecution of Anar Bagirov as politically motivated. He was not a public political actor and was never alleged to have participated personally in Safarov's 3 July 2018 shooting. Instead, historical allegations concerning weapons and personal or religious associations were incorporated into a much broader theory that he belonged to an organized Islamist group seeking to commit terrorism and overthrow Azerbaijan's secular constitutional order.
47. The authorities then killed Bagirov during a disputed arrest operation, failed to subject the circumstances of his death to the level of independent and effective scrutiny required by Article 2 ECHR, and continued the criminal proceedings after his death. Despite his inability to testify or challenge the evidence personally, despite defence complaints concerning rejected motions and unexamined witnesses, and despite his family's demand for exoneration, the courts ultimately declared him guilty of the alleged terrorist and anti-State conspiracy.
48. In these circumstances, the posthumous prosecution appears to have served a politically instrumental function: to substantiate and judicially validate the authorities' broader narrative that the Ganja attack was the product of an organized religious-extremist network rather than the act of an individual offender. The prosecution should therefore be regarded as part of the politically motivated Ganja proceedings, even though Bagirov's death means that his case does not fall technically within the definition of a current political prisoner under Resolution 1900.

## RECOMMENDATION

49. Anar Bagirov's posthumous conviction should be subjected to a genuinely independent judicial review, with his legal successors afforded full procedural rights and access to the relevant evidence. Where the prosecution cannot establish his individual knowledge, intent and participation through reliable evidence independent of disputed or coercively obtained material, the conviction should be quashed and Bagirov fully rehabilitated.
50. Azerbaijan should additionally conduct an independent, effective and transparent investigation compliant with Article 2 ECHR into the circumstances of Bagirov's killing, including whether lethal force was strictly necessary and proportionate and whether evidence concerning the operation was subsequently fabricated, withheld or misrepresented. His family should receive appropriate compensation and other measures of *restitutio in integrum* for any violations established.

<sup>1</sup> RFE/RL, ‘Elmar Vəliyevə qarşı sui-qəsdə bağlı istintaq təzələndi’ (17 March 2021).

<sup>2</sup> *ibid* (n. 1)

<sup>3</sup> Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Gəncə hadisələrində öldürülənlərin yaxınları bəraət tələb edir’ (9 February 2022), Azadlıq Radiosu

<sup>4</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>5</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>6</sup> 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.

<sup>7</sup> Human Rights Watch, Harassed, Imprisoned, Exiled (2016).

<sup>8</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>9</sup> *ibid* (n. 10); *ibid* (n.11) para. 58.

<sup>10</sup> *ibid* (n.2).

<sup>11</sup> *ibid* (n.2); *ibid* (n.11), discussion of the Ganja cases.

<sup>12</sup> Human Rights Watch, World Report 2023: Azerbaijan.

<sup>13</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>14</sup> *ibid* (n.15).

<sup>15</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>16</sup> *ibid* (n.18).

<sup>17</sup> *ibid* (n.18).

<sup>18</sup> *ibid* (n. 3)

<sup>19</sup> *ibid* (n. 1)

