

# AFIYADDIN MAMMADOV



## FACTS

### Personal data:

1. Afiyaddin Mammadov (DOB: 20.03.1995) is an Azerbaijani labour rights activist known for organizing workers in trade unions. He is the Head of the Labour Desk Trade Unions Confederation, the only independent and alternative trade union in Azerbaijan, organized around gig economy workers.

In addition to Labour Desk, he was also a board member of the Democracy 1918 (D18) Movement until the suspension of its activities.

2. A. Mammadov was detained on 20 September 2023 and charged with intentional infliction of grievous bodily harm and aggravated hooliganism committed with the use of a weapon, after an unidentified man claimed that Mammadov had stabbed him with a knife.<sup>[1]</sup>

3. The allegations against A. Mammadov lack credibility and are widely regarded as politically motivated and part of a wider crackdown on civil society and independent media launched in the autumn of 2023 by the Azerbaijani authorities.<sup>[2]</sup>

### Date of detention:

4. On 20.09.2023, Afiyaddin Mammadov was detained by the police, and on 21.09.2023, based on an arrest warrant issued by the Khatai District Court, he was arrested.

### Legal accusation:

5. On 21 September 2023, the Baku Khatai District Police Department (BKDPD) officially charged A. Mammadov with the following bogus accusations:

a. intentional infliction of grievous bodily harm under Article 126.1 of the Criminal Code;

b. aggravated hooliganism committed with the use of a weapon or an item used as a weapon, accompanied by violence against a person or the destruction or damage of property under Article 221.3 of the Criminal Code.

<sup>[1]</sup> RFE/RL's Azerbaijani Service, 'Azerbaijani Trade Union Activist Sent to Pretrial Detention' (Radio Free Europe/Radio Liberty, 26 September 2023) <https://www.rferl.org/a/azerbaijan-trade-union-activist-arrested/32604835.html> accessed 6 August 2025.

<sup>[2]</sup> European Parliament, 'Resolution on the crackdown on independent media in Azerbaijan, notably the case of Abzas Media' (2024) P9\_TA(2024)0074 [https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074_EN.html) accessed 29 May 2025.

6. Later, on 25 December 2023, the indictment against him was modified, and he was charged with the following offenses:

a. intentional infliction of grievous bodily harm by a method posing a general danger, with the intent of hooliganism under Article 126.2.4 of the Criminal Code;

b. aggravated hooliganism committed with the use of a weapon or an item used as a weapon, accompanied by violence against a person or the destruction or damage of property under Article 221.3 of the Criminal Code.

c. the unlawful acquisition, sale, or carrying of a gas weapon, a bladed weapon, including a projectile weapon, except in cases where such carrying occurs in areas where the item is considered part of traditional national attire, or in connection with the profession of hunting, [...] under Article 228.4 of the Criminal Code.<sup>[3]</sup>

7. His case is being prosecuted under what has become known as the “İşçi Masası (Labour Desk) case.” Along with him, other members of the İşçi Masası (Labour Desk), such as Aykhan Israfilov, Elvin Mustafayev, and Mohiaddin Orujov, have been subsequently arrested and tried as well.

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

8. A. Mammadov is a political prisoner. On 14 January 2025, the Baku Assize Court found him guilty and sentenced him to eight years’ imprisonment for the above-mentioned criminal offences. He appealed the verdict, and on 9 April 2025, the Baku Court of Appeal upheld the decision of the lower court.

#### **Legal proceedings:**

9. On 20 September 2023, A. Mammadov was detained by police officers. On 21 September 2023, the Khatai District Court issued an arrest warrant, citing the gravity of the offences and the risk of his absconding or obstructing the investigation. Subsequently, the pre-trial detention of A. Mammadov was extended several times during the preliminary investigation until the trial.

10. In March 2024, the trial began before the Baku Assize Court.

11. On 14 January 2025, the Baku Assize Court convicted A. Mammadov based on the above-mentioned charges and sentenced him to eight years’ imprisonment. The reasoning of the Assize Court relies on legally doubtful evidence, consisting solely of the testimonies of police officers and the injured party, who were officially accepted as witnesses, as well as examination summaries of the weapon and injuries prepared by state forensic examiners.

<sup>3]</sup> The text of this article has been modified by the legislature on the 25th of March 2025, after the pre-trial investigation and court hearings before the Baku Assize Court was over. Currently, the corresponding correct article is 228.5 of the Criminal Code.

The Court made no attempt to independently verify or investigate the questionable evidence presented by the state party.

## **LEGAL ANALYSIS**

### **Reasons why Afiyaddin Mammadov should be regarded as a political prisoner:**

12. The assessment of whether A. Mammadov should be regarded as a political prisoner is based on Resolution 1900 (2012), “The Definition of Political Prisoner,” adopted by the Parliamentary Assembly of the Council of Europe, and the criteria established in that Resolution (paragraph 3)<sup>[4]</sup>. The legal proceedings against, and the conviction of, A. Mammadov satisfy two of the criteria set out in paragraph 3 of the Resolution for defining political prisoners — (a) and (e).

(a) Afiyaddin’s detention and imprisonment violate his fundamental rights under the European Convention on Human Rights, particularly freedom of expression and the right to freedom of association, as well as the right to a fair trial and to liberty and security.

(e) The political motives (ulterior motives) were sole and predominant in pursuing and conducting unfair criminal proceedings against him, which caused preliminary detention and imprisonment.

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 emphasised in this overall assessment within the general contextual evaluation of a specific state of affairs (*mutatis mutandis*, *Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113–131):

1. The prisoner’s public profile;
2. The sequence of events;
3. The manner in which the investigations and trial were conducted;
4. The conduct of the authorities.

### **Afiyaddin Mammadov’s public profile:**

The set of circumstances clearly reveals that Afiyaddin Mammadov is a prominent labour rights activist and union leader of a new generation, committed to defending fair treatment and workers’ rights. It is indisputable that the government has long targeted him through legal means and fabricated charges, as demonstrated by his previous detentions and persecution by the authorities.

<sup>[4]</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.

In November and December 2022, Mammadov was twice subjected to administrative detention — first for 30 days after being detained and allegedly tortured while in police custody, and again for 30 days after participating in the court hearing of another political prisoner, Bakhtiyar Hajiyev. In August 2023, he was arrested once more, shortly after a protest by delivery couriers, and given another 30-day sentence, during which he launched a hunger strike.

Afiyaddin Mammadov was targeted because of his leadership in the Labour Desk Trade Unions Confederation and his association with the D-18 Movement, both of which have advocated for democratisation and labour rights in Azerbaijan. From the outset and in light of the circumstances of the criminal case—as well as the authorities’ refusal to ensure fair trial procedures—it is evident that the state regards such independent trade union activism as a threat and seeks to suppress it. In other words, the government aims to purge and completely silence any kind of critical, independent voices. The Labour Desk, as the only alternative and independent voice for workers’ protection and rights, plays a vital role in this context, and targeting it was predictable under these circumstances. Logically, as a labour rights activist and union leader, Afiyaddin Mammadov was a natural target. Consequently, his public profile provides reasonable grounds to believe that he was detained and convicted because of his effective role in independent labour organising.

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

A. Mammadov’s arrest forms part of a broader, state-engineered campaign to suppress emerging independent civic actors - this time targeting independent grassroots activists alongside established civil society and media. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs, grassroots initiatives, and critical media. This process began with the adoption of the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive; nevertheless, both Acts remain valid and enforceable.

Following the enactment of these restrictive NGO and media laws, repression intensified from late 2022 into 2023, enveloping a new generation of grassroots networks once deemed relatively safe. Afiyaddin Mammadov’s arrest is part of a new wave of systemic repression, particularly against grassroots activists. His first administrative detention in November 2022 marked the proto-phase of this repression, while his subsequent arrest in August–September 2023 signified the onset of a more systematic campaign.

His apprehension occurred amid the government’s coordinated escalation against informal civic movements - including trade union initiatives such as the Labour Desk Trade Unions Confederation - through repeated administrative and criminal charges aimed at criminalising socio-economic organising.

This was not an instance of isolated wrongdoing but part of a synchronised strategy to dismantle post-2014 civic activism across diverse sectors. The litany of arbitrary, overlapping charges — ranging from hooliganism to drug trafficking against Labour Desk leadership and members — mirrors the tactics employed in the media and NGO crackdowns of the same period.

The principal goal of this campaign of political arrests is to destroy the informal, networked NGOs, grassroots movements, and critical media that have revived and taken on new forms in the post-2014 era. Political arrests thus serve an instrumental purpose in this broader strategy.

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

The investigative authorities acted in bad faith in relation to A. Mammadov's case and circumvented procedural safeguards. The case against A. Mammadov has been marred by serious procedural failings, including highly questionable witness testimony from the police officers who detained him, testimonies likely obtained under pressure or coercion from other witnesses, lack of access to materials for independent examination, and fabricated links between him, the weapon used, and the injured person. Moreover, the prosecution failed to present even minimally verifiable evidence to support any of the key charges. The denial of a fair trial is not incidental; it is a defining feature of the repression.

The judgment against Afiyaddin Mammadov reveals serious inconsistencies, unverified claims, and procedural violations that indicate a fabricated case rather than a lawful prosecution. The entire case rests on a single alleged incident - a public altercation in which Mammadov is accused of stabbing a stranger with a knife in broad daylight. Yet, the evidence against him relies almost entirely on testimonies by police officers and hand-picked witnesses, many of whom either did not see the stabbing or gave ambiguous accounts.

Mammadov consistently stated that he had been followed by operatives of the Baku City General Police Department prior to the incident and that the confrontation was orchestrated, resulting in his own visible injuries, including a broken nose and bleeding. However, no investigation was conducted into his allegations of prior surveillance, threats, or physical abuse in custody. Instead, police testimony was accepted wholesale, while all motions by the defence to obtain surveillance camera footage or summon independent witnesses were denied.

The forensic evidence was produced by state-controlled expert institutions whose structural subordination to various state bodies - depending on the nature of the forensic examination (such as the Ministry of Health, the Ministry of Internal Affairs, or the Ministry of Justice) - and lack of institutional independence raise serious credibility concerns.

The forensic reports merely concluded that the injuries were caused by a knife and that the knife could be the one found, but they did not definitively link the weapon to Mammadov through objective means such as uncontaminated DNA or conclusive fingerprints.

Worse still, the fingerprint evidence was allegedly manufactured under duress: Mammadov reported that his fingers were forcibly placed on the knife after he was beaten and denied legal assistance or medical care.

His arrest was carried out by plainclothes officers without explanation, and he was taken into custody before any investigation had begun - a clear violation of the presumption of innocence. There is no surveillance footage, no neutral witness, and no cross-examination of the key actors. The testimonies that incriminate Mammadov echo similar language, suggesting that they were coordinated or rehearsed.

Despite these glaring deficiencies, the court dismissed his defence as “self-serving” and convicted him based on a single narrative constructed by the police and prosecution. Taken together, the absence of independent evidence, denial of procedural guarantees, reliance on police testimony, and the politically charged context of Mammadov’s activism - particularly his involvement with independent trade unions - strongly indicate that this is not a genuine criminal case but a punitive measure designed to neutralise a politically inconvenient labour activist.

This also demonstrates the lack of independence of the Azerbaijani judiciary, which, a priori, cannot ensure or deliver justice, thereby violating Afiyaddin Mammadov’s right to a fair trial.

### **The authorities’ conduct:**

The authorities denied Afiyaddin Mammadov essential procedural safeguards from the moment of his detention. He was arrested by plainclothes officers without explanation, physically abused, and forced to hold a knife to fabricate fingerprint evidence - all without access to a lawyer or medical care, despite visible injuries. The domestic courts disregarded these serious allegations and failed to investigate them.

Instead, they relied heavily on police testimony and ignored the inconclusive nature of the forensic evidence produced by state-controlled institutions. By dismissing Mammadov’s testimony as self-serving, without proper legal reasoning, the courts effectively reversed the burden of proof and violated the presumption of innocence. The authorities’ conduct demonstrates a politically motivated prosecution rather than a fair and impartial legal process.

### **Additional considerations:**

Finally, international human rights observers, including Human Rights Watch<sup>[5]</sup>, have denounced the charges against A. Mammadov as politically motivated.

### **CONCLUSION**

The personal factors - Afiyaddin Mammadov's public profile, the absence of convincing evidence, and the constant violation of procedural rights - together with the contextual factors - namely, the new wave of political repression - cumulatively provide reasonable grounds to conclude that Afiyaddin Mammadov should be regarded as a political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

### **RECOMMENDATION**

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

<sup>[5]</sup> Human Rights Watch, 'Joint Letter: Urgent Call to Confirm Suspension of Azerbaijan's PACE Credentials at Winter Session' (21 January 2025) <https://www.hrw.org/news/2025/01/21/joint-letter-urgent-call-confirm-suspension-azerbajians-pace-credentials-winter> accessed 7 August 2025.