

HAMLET ABDULLAYEV



FACTS

Personal data:

1. Hamlet Abdullayev (DOB: 12 February 1978) is an Azerbaijani citizen. At the time of his arrest, he was married, had secondary education, was self-employed and lived in Ganja. He had no previous convictions. During the trial, Abdullayev also stated that he had been a person with a first-degree disability since birth.¹
2. Abdullayev was detained in July 2018 in the immediate aftermath of Yunis Safarov's armed attack on the then Head of the Ganja City Executive Authority, Elmar Valiyev. The authorities prosecuted him as an alleged member of the same organized group as Safarov and attributed to him conduct extending back to 2010–2012, including alleged acquisition and storage of weapons, preparation for terrorism, attempted attacks against State officials, forcible seizure of power and participation in an unlawful armed formation. He was additionally charged in connection with heroin allegedly found on him at the time of his detention.
3. Abdullayev rejected the prosecution's overarching conspiracy theory. His position at trial was particularly significant because, although he acknowledged that Safarov had told him that he intended to kill Elmar Valiyev, Abdullayev stated that he and co-defendant Vugar Mammadov went to Safarov's father-in-law in an effort to prevent the attack. The judgment itself records that Abdullayev did not agree with Safarov's plan and informed Safarov's father-in-law about it. Abdullayev also stated that during the investigation he signed documents placed before him without reading them in order to avoid pressure.² Nevertheless, on 16 August 2021 the Baku Assize Court sentenced him to 19 years' imprisonment.

Date of detention:

4. Hamlet Abdullayev was detained on 06.07.2018. On 07.07.2018, the Sabail District Court ordered his placement in pre-trial detention. He has remained imprisoned since that time.

Legal accusations:

5. Following his detention, Abdullayev was prosecuted within the consolidated criminal case concerning Yunis Safarov's attack on Elmar Valiyev. According to the indictment 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 under the corresponding aggravated circumstances (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. illegal manufacture or repair of firearms or their component parts, or manufacture of ammunition, explosives or explosive devices by an organized group (Article 229.3);
- f. illegal acquisition, storage, transportation or carrying of narcotic drugs with intent to sell in an aggravated form (Article 234.4.3, as originally charged);
- g. preparation for an attack on the life of a State or public figure and an attack on the life of such a person for the purpose of terminating his or her official or political activity or in retaliation for such activity (Articles 28 and 277; Article 277);
- h. 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;
- i. 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);
- j. participation in attacks carried out as part of an armed formation or armed group not provided for by law, where such acts resulted in deaths or other grave consequences (Article 279.3); and
- k. public calls directed against the State in the aggravated circumstances specified in Article 281.3.

6. The prosecution alleged that Abdullayev had been involved with Safarov and others for years before the 2018 attack. In particular, it alleged that he attended a meeting in Moscow in 2010, participated with Anar Bagirov in obtaining and storing firearms and ammunition in 2012, assisted in the storage and testing of weapons and explosives, and subsequently shared an alleged collective objective of using violence and terrorism to change Azerbaijan's constitutional order and establish a State governed by Sharia law.
7. Abdullayev disputed the core conspiracy allegations. The court itself also rejected an important part of the original indictment concerning the narcotics charge. Although Abdullayev had initially been charged under Article 234.4.3 on the basis that heroin allegedly found on him was intended for sale, the court expressly found that the investigation had produced no evidence that Abdullayev was engaged in drug dealing, had obtained the heroin for sale, or had any prior arrangement with a purchaser. It therefore reclassified the charge to Article 234.1, possession without intent to sell.

Legal status of prisoner:

8. Hamlet Abdullayev is a convicted prisoner serving a 19-year term of imprisonment. On 16 August 2021, the Baku Assize Court convicted him and, by partial combination of the individual sentences, imposed a final sentence of 19 years, to be served in a strict-regime penitentiary institution. On 15 April 2022, the Baku Court of Appeal rejected the defendants' appeals and upheld the first-instance judgment without modification.³ On 3 May 2024, the Supreme Court rejected the cassation appeals of Safarov and the other defendants and again left the judgment unchanged.⁴ Azerbaijani human-rights defenders continue to include Abdullayev among political prisoners serving sentences in connection with the Ganja case.⁵

Legal proceedings:

9. Abdullayev was detained in early July 2018 and prosecuted as part of a case in which the authorities characterized Safarov's July 3 attack not as an individual violent act but as one stage of a long-running organized terrorist conspiracy. Although Abdullayev was not alleged to have participated in the shooting of Elmar Valiyev, the prosecution connected alleged conduct dating back to 2010–2012 to Safarov's actions in 2018 and attributed to Abdullayev collective responsibility for terrorism, attempted murder and offences against the constitutional order.
10. Abdullayev's own account at trial directly contradicted a central element of the prosecution's case: the allegation that he shared Safarov's intention to attack Valiyev. Abdullayev acknowledged that Safarov had told him he wanted to kill Valiyev because, in Safarov's view, the official oppressed residents of Ganja. Abdullayev stated, however, that he and Vugar Mammadov went to Safarov's father-in-law and asked him to intervene and persuade Safarov not to carry out the attack. The judgment itself records that Abdullayev did not agree with Safarov's intentions and informed Safarov's father-in-law about them.⁶

11. Abdullayev also challenged the reliability of statements attributed to him during the preliminary investigation. He told the court that, as a person with a first-degree disability, he sought to avoid pressure and therefore signed documents placed before him without reading them. During another hearing, he denied the allegation that he had sold Safarov a weapon and stated that, after Safarov told him during a confrontation that he had been severely mistreated, Abdullayev told the investigator to bring whatever documents they wanted and that he would sign them.⁷
12. The defense also challenged the physical evidence attributed to Abdullayev. A police officer testified that a grenade had been recovered from beneath a mattress in Abdullayev's home. Defense counsel questioned the plausibility of keeping a grenade beneath one's own mattress. A purported attesting witness to the search stated in court that he could neither read nor write, did not actually see the weapons being discovered and had merely been told that they had been found. When the witness described Abdullayev's residence as a detached house, Abdullayev pointed out that he actually lived in an apartment on the fourth floor. Abdullayev maintained that the weapons attributed to his home had not been there.⁸
13. The trial of Safarov and the co-defendants began in January 2020. At the opening hearing, Abdullayev informed the court that he had been disabled since birth and requested that his handcuffs be removed because of his physical condition and difficulty breathing in the courtroom. Defense lawyers simultaneously sought the return of the case for further investigation, alteration of the defendants' detention measures and their release during the proceedings, citing serious violations during the investigation.⁹
14. On 16 August 2021, the Baku Assize Court convicted Abdullayev on the attempted-murder, terrorism, weapons and State-security counts and sentenced him to a final term of 19 years' imprisonment. The judgment thus accepted the core collective-conspiracy theory notwithstanding the evidence that Abdullayev had opposed Safarov's plan to attack Valiyev. The Baku Court of Appeal left the judgment unchanged on 15 April 2022, and the Supreme Court did the same on 3 May 2024.¹⁰

LEGAL ANALYSIS

Reasons why Hamlet Abdullayev should be regarded as a political prisoner:

15. Assessment of whether H. Abdullayev 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).¹¹ The legal proceedings against and the conviction of H. Abdullayev satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((c) and (e)):

- (c) Abdullayev'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, Abdullayev'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.

16. 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.

Hamlet Abdullayev's public profile:

17. Abdullayev was not a public political figure. Before his arrest, he was a self-employed resident of Ganja, married and previously unconvicted. He was not an opposition politician, journalist, civic activist or public religious leader, and his prosecution did not arise from any public act of political dissent.

18. His significance to the prosecution arose instead from his personal relationship with Yunis Safarov and other defendants and from allegations concerning events dating back several years. The difficulty with converting those associations into proof of a common terrorist purpose is particularly apparent because the record simultaneously establishes that, when Abdullayev learned of Safarov's intended attack on Valiyev, he did not support it but sought the intervention of Safarov's father-in-law to prevent it.¹² Abdullayev's case therefore illustrates how the Ganja prosecution extended beyond the person who carried out the violent act to private individuals whose associations could be incorporated into a much broader security narrative.

The sequence of events:

19. Hamlet Abdullayev'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.¹³
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.¹⁴ 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.¹⁵
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.¹⁶

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.¹⁷
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.¹⁸
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.¹⁹
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.²⁰

26. Hamlet Abdullayev's prosecution belongs specifically to this stage of the repression. Unlike prominent opposition politicians, human-rights defenders or religious leaders targeted in earlier cases, Abdullayev was not a public political actor. He became implicated principally through his previous acquaintance and communications with Yunis Safarov. The prosecution nevertheless incorporated him into an extensive alleged organized terrorist conspiracy extending over many years and ultimately secured a 20-year sentence. The Ganja case therefore demonstrates an important expansion of the repressive model: severe political and national-security prosecutions were no longer confined to publicly active critics or organized movements, but could encompass ordinary citizens whose personal relationships or communications allowed them to be incorporated into a broader state narrative of conspiracy.
27. The following years demonstrate further continuity. In October 2019, police violently dispersed peaceful opposition and civic demonstrations in central Baku, detained dozens of participants and subjected opposition activists to administrative imprisonment. Human Rights Watch reported that at least 35 senior Popular Front Party figures received sentences of up to 60 days on spurious charges. The use of short-term administrative detention operated alongside criminal prosecution as a mechanism for preventing and punishing collective political activity.²¹
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.²²

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.²³
31. By late 2022, the transition into the current phase was visible. Civic activist Bakhtiyar Hajiyevev 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.²⁴
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.²⁵
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.²⁶

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. Hamlet Abdullayev’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.²⁷

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

36. A central evidentiary problem in Abdullayev’s case concerns the reliability of his preliminary-investigation statements. He told the court that he signed documents without reading them in order to avoid pressure. He later explained that, after learning during a confrontation that Safarov had been severely mistreated, he told the investigator that he would sign whatever documents were placed before him.²⁸ These allegations arose within an investigation in which international monitors documented a broader pattern of detainees being interrogated without effective legal assistance, subjected to physical and psychological abuse and compelled to sign false self-incriminating statements.²⁹
37. The physical evidence attributed to Abdullayev was also seriously contested. The prosecution relied on weapons and ammunition allegedly discovered in his residence, including a grenade said to have been found beneath a mattress. Yet an attesting witness acknowledged that he did not actually see the weapons being recovered, could neither read nor write, and incorrectly described Abdullayev’s apartment as a detached house. These inconsistencies directly concerned the reliability of evidence used to support the weapons and organized-group charges, but they did not lead the court to exclude that evidence or reconsider the prosecution’s wider theory.³⁰

38. The most fundamental contradiction concerned criminal intent. The prosecution treated Abdullayev as sharing Safarov's objective of terrorism, assassination of State officials and forcible alteration of the constitutional order. Yet both the trial reporting and the judgment record that Abdullayev did not agree with Safarov's plan to kill Valiyev and sought to have Safarov's father-in-law stop him.³¹ The judgment does not convincingly explain how this conduct was reconciled with the finding that Abdullayev shared the alleged group's terrorist purpose.
39. The initial narcotics accusation provides a further example of overcharging. Abdullayev was charged under the aggravated provision applicable to narcotics possessed with intent to sell. The trial court itself found that the investigation had produced no evidence whatsoever of intent to sell and reclassified the offence to simple possession. This finding is relevant beyond the drug count itself because it demonstrates that the prosecution had included at least one serious aggravating allegation without the evidence required to establish its essential element.
40. The conduct of the proceedings also raised broader fair-trial concerns. At the beginning of the trial, defense lawyers sought return of the case for further investigation and challenged the defendants' continued detention on the basis of alleged investigative violations.³² During the evidentiary proceedings, defense lawyers repeatedly challenged the reliability and plausibility of prosecution evidence. One defense lawyer subsequently complained that the court was effectively acting as a defender of the prosecution rather than independently testing its case.³³
41. These defects were not cured through appellate review. The Baku Court of Appeal upheld the convictions and sentences without modification on 15 April 2022.³⁴ On 3 May 2024, the Supreme Court rejected the cassation appeals and again maintained the judgment unchanged.³⁵ The domestic proceedings therefore concluded without a meaningful reassessment of the central contradiction between Abdullayev's alleged participation in a common terrorist purpose and the evidence that he had attempted to prevent Safarov from carrying out the very attack around which that alleged common purpose was constructed.

The authorities' conduct:

42. The authorities treated Abdullayev from the outset as part of a pre-existing Islamist and anti-State conspiracy rather than limiting the investigation to specific acts that could be individually proved against him. Historical allegations, disputed investigative statements, contested weapons evidence and an aggravated narcotics accusation that the court itself found unsupported were combined into a single collective narrative carrying a 19-year sentence. This approach is particularly difficult to reconcile with the evidence that Abdullayev attempted to prevent Safarov's attack. Against the wider record of the Ganja investigations such as mass arrests, credible allegations of torture and coerced confessions, weak procedural safeguards and problems with the sufficiency of evidence the prosecution of Abdullayev appears politically instrumental: his case helped substantiate an official narrative of an organized religious and anti-government conspiracy extending substantially beyond Safarov's individual violent act.³⁶

Additional considerations:

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

CONCLUSION

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

RECOMMENDATION

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

- ¹ Voice of America, Azerbaijani Service, ‘Gəncə şəhərinin keçmiş icra hakimiyyəti başçısına qarşı sui-qəsd üzrə məhkəmə prosesi başlayıb’ (7 January 2020)
- ² Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Yunisın qayınatasına dedik ki, Elmar Vəliyevi öldürmək istəyir’ (23 October 2020)
- ³ Toplum TV, ‘Yunis Səfərov və daha 11 nəfərin apelyasiya şikayəti təmin olunmadı’ (15 April 2022)
- ⁴ Institute for Reporters’ Freedom and Safety, ‘The Supreme Court upheld the verdict of Yunis Safarov’ (3 May 2024)
- ⁵ Union for the Freedom of Political Prisoners of Azerbaijan, List of Political Prisoners, 15 January 2026
- ⁶ *ibid* (n. 3)
- ⁷ *ibid* (n. 3)
- ⁸ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Gəncə işi: “Döşəyin altında qumbara nə gəzirdi?”’ (29 January 2021)
- ⁹ *ibid* (n.1)
- ¹⁰ *ibid* (n. 3, 4)
- ¹¹ 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.
- ¹² *ibid* (n.2)
- ¹³ 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.
- ¹⁴ 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.
- ¹⁵ 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
- ¹⁶ Human Rights Watch, Harassed, Imprisoned, Exiled (2016).
- ¹⁷ 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.
- ¹⁸ *ibid* (n. 10); *ibid* (n.11) para. 58.
- ¹⁹ *ibid* (n.2).
- ²⁰ *ibid* (n.2); *ibid* (n.11), discussion of the Ganja cases.
- ²¹ Human Rights Watch, *World Report 2023: Azerbaijan*.
- ²² 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.
- ²³ *ibid* (n.15).

²⁴ 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.

²⁵ *ibid* (n.18).

²⁶ *ibid* (n.18).

²⁷ Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan (2020); *ibid* (n.18).

²⁸ *ibid* (n. 2)

²⁹ 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).

³⁰ *ibid* (n. 8)

³¹ *ibid* (n. 2)

³² *ibid* (n. 1)

³³ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Yunis o qədər silahı vardısıa...’ (16 April 2021)

³⁴ *ibid* (n. 3)

³⁵ Institute for Reporters’ Freedom and Safety, ‘The Supreme Court upheld the verdict of Yunis Safarov’ (3 May 2024)

³⁶ Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan, Doc. 15020 (2019/2020), especially the discussion of the European Court’s Article 18 jurisprudence and paras. 61–64 concerning the Ganja cases.; *ibid* (n. 29)

