

JAFAR MIRZAYEV



FACTS

Personal data:

1. Jafar Mirzayev (DOB: 02.03.1985) is an Azerbaijani citizen and political migrant (2014-2021) who was later repatriated from Germany. He is affiliated with opposition/diaspora structures, including Azərbaycan Xalq Cəbhəsi Partiyası/Popular Front Party of Azerbaijan (hereafter AXCP/PFPA) and linked to the Germany-based DAS/“Elect (Choose) a Democratic Azerbaijan” group. After leaving Azerbaijan, he remained politically engaged primarily through Facebook posts criticising perceived injustices and by participating in diaspora demonstrations in Germany.
2. Mirzayev was detained on 27 January 2022 in Baku and charged with illegal acquisition/possession/transportation of narcotics/psychotropic substances with intent to sell, involving a large quantity.¹
3. His case is widely reported as politically driven, as part of a broader pattern in which ordinary opposition party members/supporters and Facebook critics—particularly those returned/deported from Germany—face severe narcotics trafficking charges shortly after return to Azerbaijan.
4. The allegations against J. Mirzayev lack credibility and are widely regarded as politically driven and part of a wider crackdown on civil society and independent media launched by the Azerbaijani authorities starting from 2022.²

Date of detention:

5. On 27.01.2022, Jafar Mirzayev was detained as a suspect by law-enforcement authorities, and on 28.01.2022, pursuant to a court decision, a pre-trial detention measure was imposed on him.

Legal accusations:

6. On 28 January 2022, following his detention the previous day, the investigating authorities (the Ministry of Internal Affairs' Main Department for Combatting Drugs and the Sabunchu District Police Department) formally charged Jafar Mirzayev with the following bogus accusation:
 - a. illegal acquisition/possession/transportation of narcotic drugs or psychotropic substances with intent to sell, committed in large quantity under Article 234.4.3 of the Criminal Code;
7. His case has been publicly discussed as part of what is commonly described as the "deported/readmitted from Germany" drug-case pattern, including cases linked to PFPA members. Alongside Mirzayev, other returnees/deportees from Germany who were subsequently arrested and prosecuted on drug charges include Puhan Karimli, Malik Rzayev, and Mutallim Orujov (among others).

Legal status of the remand prisoner:

8. Jafar Mirzayev is a convicted prisoner. On 16 January 2023, the Baku Assize Court found him guilty under Article 234.4.3 of the Criminal Code and sentenced him to 6 years' imprisonment. He appealed, and on 16 March 2023, the Baku Court of Appeal reduced the custodial sentence to 5 years, leaving the remainder of the judgment unchanged. Finally, on 9 January 2024, the Supreme Court of the Republic of Azerbaijan dismissed the cassation appeal and upheld the Baku Court of Appeal's decision, thereby keeping the 5-year sentence in force.

Legal proceedings:

9. On 27 January 2022, Jafar Mirzayev was detained by law-enforcement authorities, and on 28 January 2022, a court decision imposed pre-trial detention; he remained in custody throughout the proceedings until the first-instance judgment.
10. The first-instance trial concluded on 16 January 2023, when the Baku Assize Court imposed imprisonment; the court also ordered that the custodial measure remain in place until the judgment entered into legal force.
11. Mirzayev appealed, and on 16 March 2023, the Baku Court of Appeal reduced the sentence to five years, leaving the remainder of the judgment unchanged; on 9 January 2024, the Supreme Court upheld the appellate decision.

12. The courts' reasoning, as reiterated in the cassation decision, was anchored almost exclusively in police-generated procedural documents and prosecution evidence, notably Mirzayev's partially incriminating pre-trial statements, which he consistently maintained were extracted through pressure and intimidation, the 27 January 2022 personal search and seizure protocol, and the state forensic-chemical examination confirming only the type of the seized substances. The courts treated this state-produced evidentiary package as inherently reliable, without demonstrating the level of sceptical scrutiny expected of an impartial tribunal.
13. At trial, Mirzayev repeated that he had been beaten, coerced into signing documents, and subjected to threats against his family, and he categorically denied possessing narcotics. Yet the court files indicate that the decisive evidence came from police-linked witnesses who denied any wrongdoing, and the courts effectively closed the inquiry at that point: they did not undertake meaningful independent verification capable of testing the credibility of the ill-treatment allegations or the integrity of the search and seizure, instead defaulting to the official denials.

LEGAL ANALYSIS

Reasons why Jafar Mirzayev should be regarded as a political prisoner:

14. Assessment of whether J. Mirzayev should be regarded as a political prisoner is based on the Resolution 1900 (2012) 'The Definition of Political Prisoner' of the Parliamentary Assembly of the Council of Europe and the criteria established in the Resolution (paragraph 3)³. The legal proceedings against and conviction of J. Mirzayev satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((a) and (e)):

(a) Jafar'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.

15. 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 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.

Jafar Mirzayev's public profile:

16. The circumstances indicate that Jafar Mirzayev is an opposition-aligned Azerbaijani citizen whose political engagement was expressed through diaspora participation and online criticism, and whose case has become associated with a broader pattern of repression affecting similarly situated individuals. The case materials describe him as having lived in Germany from 2014 to 2021 as a political migrant, during which time he was active on social media and participated in diaspora protests, including actions framed around slogans such as "freedom for political prisoners." He was subsequently repatriated from Germany in November 2021, after which he came swiftly to the attention of the Azerbaijani law-enforcement authorities. In public reporting, his prosecution is discussed alongside other cases involving opposition supporters and returned/deported diaspora participants who were later charged, often under serious narcotics provisions, suggesting an observable enforcement pattern: individuals do not need to be high-profile leaders or formally recognised public figures to be targeted; party affiliation, visible dissent, or sustained criticism of the authorities may suffice.

17. From the outset and in the broader context surrounding drug-prosecutions of opposition-leaning returnees, Mirzayev's criminal case appears consistent with a pattern in which political expression and opposition-linked networks are reframed as serious criminality through standardised narcotics allegations. In Mirzayev's case, the proximity between his forced return and his subsequent prosecution on a severe drug-trafficking provision, combined with his consistent position that the accusations were fabricated and advanced through coercive methods, supports a reasonable inference that the proceedings served a deterrent and punitive political purpose: to chill diaspora mobilisation, penalise online dissent, and signal that participation in opposition life can attract harsh criminal consequences.

The sequence of events:

18. Jafar Mirzayev's arrest is part of a larger, coordinated pattern of repression in Azerbaijan, in which opposition-aligned individuals and government critics have been detained on a strikingly repetitive set of allegations, most commonly serious narcotics-related accusations framed as large quantity and/or intent to sell. This uniformity, and the way charges and detention measures have been applied across multiple similar cases, strongly suggests a state-driven strategy to criminalise dissenting political affiliation and criticism rather than a legitimate process aimed at individual wrongdoing. The relevant sequence of events should therefore be assessed synthetically, as a single wave of repression with a clear policy logic and continuity.
19. Already in 2022, a discernible pattern of repression was emerging through a series of arrests that disproportionately affected persons deported/returned from abroad (notably Germany), individuals perceived as affiliated with the PFPA/AXCP, Musavat and certain minority figures. This early hunt functioned as a clear precursor to, and warning sign of, the wider crackdown that would later expand across independent media, NGOs, and other segments of civil society.
20. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.⁴ In June 2023, protests against the gold mine in the village of Soyudlu, Gadabay, and their coverage by informally networked NGOs and critical media (including *Toplum TV*) accelerated the process of repression. After suppressing these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events.⁵
21. In July 2023, politician and economist Gubad Ibadoglu was detained.⁶ In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh.⁷ In September 2023, four activists were administratively detained for one month. Around the same time, arrests were carried out against *Labor Desk (İşçi Masası)* activists, who sought to establish the country's only alternative trade union organisation.⁸
22. The main follow-up campaign began in November 2023. First, the pro-government media published smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, the *AbzasMedia* arrests began.⁹ These arrests continued in early March 2024 with a police raid against the detainee's affiliated organisation and the arrest of several individuals represented in those institutions.

23. In April 2024, Imran Aliyev, the head of the Meclis.info portal monitoring the parliament, was detained.¹⁰ In May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (he had also been arrested in the previous round of repression).¹¹ These arrests demonstrate that a new wave of repression had already begun. The objective of this wave was to paralyse the activities of post-2014 informally networked NGOs and critical media. But it also expanded beyond NGOs and media into academia and peace advocacy: Igbal Abilov¹², a Talysh historian/ethnographer, was detained in July 2024 and later sentenced to 18 years' imprisonment in May 2025 on treason-related accusations and political scientist Bahruz Samadov¹³ was detained in August 2024 on treason charges similarly and later sentenced to a 15 years' prison term. Both of their arrests are widely condemned as politically motivated.
24. Repression further continued against independent media through the Meydan TV case:¹⁴ Human Rights Watch reported that the investigation targeted the outlet and that its newsroom staff were held in pre-trial detention from December 2024, with subsequent arrests feeding into a consolidated trial that began in December 2025. Finally, repression widened to formal opposition politics in late 2025, when Ali Karimli¹⁵, the long-standing leader of the Popular Front Party, was detained (29 November 2025) and remanded into pre-trial custody, amid a broader escalation against the party documented by human rights monitors.
25. This process was preceded by restrictive legislation: the Law on Media (2021)¹⁶ and the Law on Political Parties (2022)¹⁷. Both laws were criticised by the Venice Commission of the Council of Europe for being restrictive. Nevertheless, they remain valid and enforceable. A similar process took place during the repression of 2013–2014: restrictive laws were first adopted, and arrests followed.
26. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023–2025. The main objective of this campaign of political arrests is to dismantle the informal, networked NGOs and critical media that revived and assumed a new format in the post-2014 era. Political arrests in this context serve an instrumental purpose.

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

27. The investigative authorities acted in bad faith in Jafar Mirzayev's case and, in substance, treated the outcome as predetermined, relying on a standardised drug-case evidentiary package while insulating the key investigative steps from meaningful adversarial scrutiny. As reflected in the case materials, the two core foundations of the prosecution, so-called operational information and the subsequent police-controlled search and seizure, present serious procedural vulnerabilities and a selective, prosecution-centric approach to evidentiary assessment.

28. According to the case narrative accepted by the courts, the investigation was triggered by operational information alleging that Mirzayev was involved in the illegal circulation of narcotics in large quantity, purportedly for sale. The materials reproduced in the judgments describe internal reports and an operational-search measure decision of 27 January 2022, yet the provenance of the underlying intelligence remains opaque: the file excerpts do not identify whether it derived from surveillance, informants, prior investigative activity, or other sources, and they even record that no operational case file was opened because it was said not to be required for information of that character. This vagueness, coupled with the heavy reliance placed on it, substantially impaired the defence's ability to test the lawfulness and reliability of the trigger for the entire operation.
29. The subsequent investigative measures were dominated by law enforcement. Mirzayev was detained at around 13:20 and taken to the Sabunchu Police Department, where a personal search and seizure were conducted inside the police premises rather than at the place of detention. The prosecution narrative then relies on a protocol describing so-called voluntary production of the substances from his jacket pocket and subsequent weighing, supported by a DVD recording that the courts later treated as consistent with the written protocol. However, this evidentiary account remains police-controlled in structure: the search occurred after Mirzayev had been removed to a police facility and the key factual witnesses referenced in the judgments are police/operational officers, not independent civilian witnesses. These are features that, in cases of this type, objectively heighten the risk that evidence integrity concerns will not be dispelled by formal documentation alone.
30. The case materials further show that the prosecution and courts gave decisive weight to Mirzayev's early incriminating statements, despite his later retraction and his consistent assertion that such statements were obtained through pressure, threats, and torture, and that the narcotics were planted. In appeal, the defence expressly complained that the state-appointed lawyer's participation was formal (including that no appeal was filed against the detention measure), and that confession-type statements were extracted under coercion; the cassation materials also record the defence's position that the drugs were not on him at the time of detention and were placed on him, with a coerced statement then obtained. The courts' approach, as reflected in these decisions, was not to test these claims through robust independent verification, but to reject them by reference to the same file materials and official denials that were already central to the prosecution narrative.

31. Finally, the handling of detention and ill-treatment allegations reinforces the inference of procedural bad faith. The first-instance court treated continued custody as effectively automatic, reasoning that because a custodial sentence would be imposed, the pre-trial detention measure should not be changed until the judgment entered into legal force. This is a formulaic approach that does not reflect an individualised assessment. Separately, although Mirzayev alleged pressure/ill-treatment, the file materials cited by the courts indicate that the local prosecutor's office reported no information had been received and no inquiry had been conducted, while the Supreme Court relied on detention-facility medical records (which noted no visible injuries at examination) to dismiss the coercion narrative as unproven. Taken together, undisclosed operational intelligence, police-controlled search dynamics, reliance on contested confession-type statements, and a highly formalistic approach to custody and complaints, these features support the conclusion that the investigation and detention measures were implemented to secure and maintain incarceration, rather than to establish the truth through a genuinely adversarial and safeguarded process.

The authorities' conduct:

32. The relevant authorities, at the outset, failed to ensure effective procedural safeguards in Jafar Mirzayev's case: the appellate materials record that the state-appointed lawyer did not appeal the pre-trial detention measure and that his participation was purely formal, while key defence motions were rejected without substantive reasoning, undermining equality of arms in practice; despite Mirzayev's repeated allegations of pressure/ill-treatment, the case file indicates that the Sabunchu District Prosecutor's Office reported that no information had been received and no inquiry had been conducted; the courts also adopted a formulaic custody approach, expressly stating that because a custodial sentence would be imposed the detention measure should not be changed until the judgment entered into force; in parallel, pro-government media repeatedly portrayed him as a drug trafficker and reproduced the prosecution narrative in a manner that effectively pre-judged guilt¹⁸, contributing to public stigmatisation and reinforcing the coercive environment around the case.

Additional considerations:

33. Finally, international human rights observers such as Human Rights Watch¹⁹ have denounced the charges against J. Mirzayev as politically motivated.

CONCLUSION

34. The personal factors (Jafar Mirzayev's public profile, absence of convincing evidence, and constant violation of procedural rights) and contextual factors (new wave of political repression) cumulatively indicate reasonable grounds to believe that Jafar Mirzayev should be considered a political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

RECOMMENDATION

35. Based on this conclusion, Jafar Mirzayev should be released unconditionally and immediately. Furthermore, he should be compensated restitutio in integrum.

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