

RASIM MUSTAFAYEV



FACTS

Personal data:

1. Rasim Mustafayev (DOB: 06 November 1980) is an Azerbaijani citizen, born in Ganja. At the time of his arrest, he was married, had secondary education, was self-employed and had no previous convictions. He lived in Ganja.
2. Mustafayev was detained in July 2018 following Yunis Safarov's armed attack on the then Head of the Ganja City Executive Authority, Elmar Valiyev. Although Mustafayev was not alleged to have participated in the shooting, the prosecution treated him as a member of the alleged organized group surrounding Safarov and attributed to him attempted aggravated murder, terrorism, preparation for terrorism, weapons offences, attempted attacks on State officials, forcible seizure of power and participation in an unlawful armed formation.
3. Mustafayev pleaded not guilty and denied involvement in the attack. At trial he stated that he had been in Baku when the attack against Valiyev took place. He also alleged that during the investigation he was subjected to severe torture, including electric shocks, and that as a result he signed whatever documents investigators placed before him.¹ On 16 August 2021, the Baku Assize Court nevertheless sentenced him to a final term of 20 years' imprisonment.²

Date of detention:

4. Mustafayev was detained on 08.07.2018 and on 09.07.2018 Sabail District Court of Baku city ordered his pre-trial detention for four months.³

5. According to the indictment reproduced in the judgment, Mustafayev was formally charged under the following provisions of the Criminal Code of the Republic of Azerbaijan:

- 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);
- 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);
- terrorism committed under the corresponding aggravated circumstances (Articles 214.2.1, 214.2.3 and 214.2.6);
- illegal acquisition, transfer, sale, storage, transportation or carrying of firearms, ammunition, explosives or explosive devices by an organized group (Article 228.3);
- 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);
- preparation for an attack on the life of a State or public figure and an attack on the life of a State or public figure committed for the purpose of terminating that person's official or political activity or in retaliation for such activity (Articles 28 and 277; Article 277);
- 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;
- 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); and
- 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).

6. The prosecution presented these accusations as components of a single conspiracy allegedly extending over many years. In relation to Mustafayev specifically, it alleged that in 2012 he stored equipment sent from Russia for members of the alleged group, including camping equipment, military clothing and a device allegedly intended for intercepting telephone communications. The prosecution linked that episode to wider allegations concerning the acquisition and testing of firearms and explosives. It also alleged that a Makarov-type pistol and eight cartridges found in Mustafayev's rented apartment in Baku in July 2018 formed part of the group's arsenal.

7. Mustafayev rejected the assertion that these circumstances established membership of a terrorist organization or participation in Safarov's attack. He stated that he had known Safarov for years but had not met him after 2013 and had been living and working in Baku since 2016. According to Mustafayev, shortly before the 2018 events Mahir Azizov informed him that Safarov was looking for him, but Mustafayev was advised to stay away because Safarov was wanted by the authorities.⁴ He also denied ownership of the pistol attributed to him and maintained that it had been planted.

Legal status of prisoner:

8. Rasim Mustafayev is a convicted prisoner serving a 20-year term of imprisonment. On 16 August 2021, the Baku Assize Court found him guilty and imposed separate sentences ranging from five to sixteen years on the individual counts. Applying Article 66.3 of the Criminal Code, the court partially combined those sentences and imposed a final term of 20 years' imprisonment in a strict-regime penitentiary institution, calculated from 9 July 2018.

9. On 15 April 2022, the Baku Court of Appeal rejected the appeals and upheld the first-instance judgment without modification.⁵ On 3 May 2024, the Supreme Court rejected the cassation appeals lodged by Safarov and the other defendants and again left the judgment unchanged.⁶ Mustafayev therefore continues to serve the 20-year sentence. Human rights defenders continue to list him as a political prisoner.

Legal proceedings:

10. Mustafayev was prosecuted within the broader case in which Safarov's attack on 3 July 2018 was presented not as an individual act but as the culmination of an organized conspiracy allegedly operating for years. Mustafayev was not accused of shooting Valiyev or his bodyguard, being present at the attack, or personally carrying out any violent act on 3 July 2018. His liability for attempted murder and terrorism instead depended on the prosecution establishing that he shared the alleged group's common criminal purpose.

11. The prosecution relied first on Mustafayev's long-standing acquaintance with several defendants and on events dating to 2012. His wife confirmed that equipment sent from Russia had been stored at their home and that Mustafayev told her that Safarov had sent it for fishing. The prosecution characterized items such as a tent, water containers, fishing equipment, military clothing and other supplies as equipment accumulated in preparation for armed activity. The existence of the stored items therefore had some evidentiary basis, but their alleged terrorist purpose depended upon the prosecution's wider interpretation of the group and its objectives rather than upon the character of most of the objects themselves.

12. A second major element was the Makarov-type pistol allegedly discovered after Mustafayev's detention. Police witnesses stated that operational information had been received indicating that Mustafayev possessed a weapon and that, during a "preventive conversation", he said the pistol was in his rented apartment. Police subsequently searched the apartment and reported finding a pistol with eight cartridges in clothing inside a wardrobe. Mustafayev disputed this account and maintained that the weapon had been planted.⁷
13. The subsequent forensic and investigative record did not connect the pistol to any known offence. Ballistic testing found no match between the test-fired samples from the weapon and the police ballistic database. The authorities also recorded that operational measures undertaken to establish from whom and when Mustafayev had allegedly obtained the pistol produced no positive result. Thus, even accepting that the pistol was recovered from the apartment, the investigation did not establish its provenance or connect it ballistically to Safarov's attack, or another identified violent offence.
14. The reliability of Mustafayev's investigative statements was seriously disputed. At trial he testified that he had been subjected to severe physical abuse, including electric shocks, and explained that this was why he had signed whatever was presented to him during the preliminary investigation.⁸ These allegations were directly relevant to the admissibility and reliability of statements used to connect him to the alleged organized group. The Ministry of Internal Affairs denied allegations of torture made by defendants in the Ganja cases.
15. The defense challenged the prosecution's collective-conspiracy theory throughout the trial. Mustafayev's lawyer sought his acquittal, arguing that his guilt had not been established. Defense lawyers more generally complained that numerous motions seeking a fuller examination of the case had been rejected and accused the court of accepting the indictment rather than independently testing the prosecution evidence.⁹ Safarov himself maintained in court that his attack had not been planned together with the other defendants and that he had acted on his own initiative.¹⁰
16. On 16 August 2021, the court nevertheless accepted the essential organized-group theory and sentenced Mustafayev to 20 years. Notably, this was exactly the sentence requested by the public prosecutor during closing submissions.¹¹ The subsequent appeal and cassation proceedings left both the conviction and sentence unchanged.

LEGAL ANALYSIS

Reasons why Rasim Mustafayev should be regarded as a political prisoner:

17. Assessment of whether R. Mustafayev 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).¹² The legal proceedings against and the conviction of R. Mustafayev satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((c) and (e)):

- (c) Mustafayev’s 20-year sentence appears clearly disproportionate to the conduct individually and reliably established against him. He was not shown to have participated directly in Safarov’s attack yet was held responsible for an extensive terrorist and anti-State conspiracy on the basis of association, communications and disputed evidence.
- e) Most importantly, Mustafayev’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.

18. 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.

Rasim Mustafayev’s public profile:

19. Mustafayev was not a public political figure or organized activist. Before his arrest, he was a self-employed married resident of Ganja and later Baku, supporting a family with two young children. He had no previous convictions and was not an opposition politician, journalist, civic activist or public religious leader.

20. Mustafayev did, however, express certain views and dissatisfaction regarding the conduct of the Ganja authorities, including Elmar Valiyev. These expressions were limited in scope and were not part of any organized political activity, but they were later relied upon by the prosecution in a broader interpretative framework. In particular, they were presented as material capable of demonstrating how individuals who voiced discontent with local authorities could be perceived and treated within the prevailing security environment, thereby contributing to a climate in which public criticism itself could be associated with serious criminal consequences.
21. In this sense, the material attributed to Mustafayev was used not only to suggest personal hostility toward Valiyev, but also to illustrate to others the potential consequences of expressing dissatisfaction publicly. The effect of this approach was to extend the significance of isolated expressions of discontent beyond their immediate content, embedding them within a narrative that could generate fear and discourage public criticism of local authorities.

The sequence of events:

22. Rasim Mustafayev'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
23. 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

24. 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
25. 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
26. 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
27. 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

28. 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
29. Rasim Mustafayev's prosecution belongs specifically to this stage of the repression. Unlike prominent opposition politicians, human-rights defenders or religious leaders targeted in earlier cases, Mustafayev 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.
30. 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
31. 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.

32. 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
33. 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
34. 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.²⁴
35. 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

36. 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
37. 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.
38. 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. Rasim Mustafayev’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:

39. The most serious individualized procedural concern in Mustafayev's case is his allegation that his preliminary statements were obtained through torture. He testified in open court that he had been subjected to severe abuse, including electric shocks, and that he signed investigative documents for that reason.²⁸ Where a defendant makes a credible allegation that incriminating statements were obtained through torture, Article 3 and Article 6 of the ECHR require effective investigation of the allegation and exclude reliance on evidence obtained through such treatment. The materials reviewed for this profile do not demonstrate that Mustafayev's allegation received an effective independent investigation before the disputed statements were used against him.
40. The weapons evidence also contained significant unresolved questions. Mustafayev said that the pistol was not his and had been planted; police witnesses maintained that he had disclosed its location voluntarily. Even on the prosecution's version, however, investigators could not establish where, when or from whom he acquired the weapon, while ballistic examination did not connect it to an identified offence. These gaps were important because the weapon was used not merely to support an isolated possession charge but as corroboration of membership in an organized armed group.
41. The court's treatment of the 2012 equipment raised a related problem of inference. The existence of items stored at Mustafayev's home was partly corroborated by his wife, but most of those objects such as camping equipment, water containers, fishing equipment and clothing were not inherently criminal. Their evidentiary significance depended almost entirely on accepting the prosecution's prior assumption that the persons involved already constituted a terrorist group. This creates a circularity: ordinary or ambiguous conduct was evidence of the group because the participants were treated as group members, while the existence of the group was in turn inferred from that same conduct.
42. Mustafayev's Facebook post likewise provided evidence of hostility toward Valiyev, but not direct evidence of participation in Safarov's attack. A fair assessment required the court to distinguish strongly worded political or religious expression from an agreement to commit murder or terrorism. The judgment instead incorporated the post into the wider ideological picture alongside association, historical contacts and disputed physical evidence.
43. These individualized concerns arose within proceedings in which the defense repeatedly complained that the court had refused motions seeking further examination of the evidence. Mustafayev's lawyer expressly sought his acquittal. Defense counsel also relied on Safarov's position that the other defendants had not helped him and argued that the prosecution had failed to demonstrate the alleged organized group. Nevertheless, the court imposed precisely the 20-year sentence sought by the prosecutor.

44. The deficiencies were not cured at the appellate stages. The Baku Court of Appeal left the judgment unchanged on 15 April 2022, and the Supreme Court rejected the cassation appeals on 3 May 2024 without altering the convictions or sentences. The final domestic outcome therefore left unresolved the principal questions concerning Mustafayev's torture allegation, the provenance of the pistol, and the evidentiary leap from association and anti-Valiyev expression to shared responsibility for terrorism and attempted murder.

The authorities' conduct:

45. The authorities' conduct toward Mustafayev is best understood as an effort to fit several heterogeneous pieces of evidence into the State's broader construction of the Ganja events as an organized Islamist and anti-government conspiracy. Historical association with Safarov, storage of equipment six years before the attack, a disputed weapon, religious affiliation and a hostile Facebook repost were treated cumulatively as proof that Mustafayev shared the purposes of a group allegedly seeking to assassinate officials and overthrow the constitutional order. Yet he was not present during Safarov's attack, maintained that he had not met Safarov since 2013, and alleged that the statements used against him were obtained through torture.

46. This does not mean that every piece of evidence against Mustafayev was fabricated or irrelevant. His relationship with Safarov and his pre-existing hostility toward Valiyev were legitimate matters for investigation. The political-prisoner concern arises from the transformation of those circumstances into a 20-year terrorism and coup conviction without sufficiently reliable and individualized proof of common criminal intent, combined with unresolved allegations of coercion and the wider politically charged manner in which the Ganja case was constructed.

Additional considerations:

47. Finally, international human rights observers and international organizations have denounced the charges against Rasim Mustafayev as politically motivated.

CONCLUSION

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

RECOMMENDATION

49. Based on this conclusion, Rasim Mustafayev should be released unconditionally and immediately. Furthermore, he should be compensated restitutio in integrum.

NOTES

¹ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Yunis qayınatasına dedik ki, Elmar Vəliyevi öldürmək istəyir’ (23 October 2020).

² Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Yunis Səfərova ömürlük həbs cəzası kəsildi’ (16 August 2021); Voice of America, Azerbaijani Service, “‘Gəncə işi’ üzrə hökm oxunub’ (16 August 2021),

³ Institute for Peace and Democracy, ‘The guilt of those sentenced to long terms of imprisonment was not proven in court’ (24 September 2021)

⁴ *ibid* (n. 3)

⁵ Toplum TV, ‘Yunis Səfərov və daha 11 nəfərin apelyasiya şikayəti təmin olunmadı’ (15 April 2022),

⁶ Institute for Reporters’ Freedom and Safety, ‘The Supreme Court upheld the verdict of Yunis Safarov’ (3 May 2024)

⁷ *ibid* (n. 3)

⁸ *ibid* (n. 1)

⁹ Radio Free Europe/Radio Liberty, Azerbaijani Service, “‘Yunis Səfərova kömək edən olsaydı, bu işi özü üçün təhlükəsiz yerdə görərdi...” (14 April 2021)

¹⁰ *ibid* (n. 9)

¹¹ *ibid* (n. 2)

¹² 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.

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. 1)

