

Twelve years have passed since Anar Mammadli was first arrested

Twelve years have passed since the first arrest of Anar Mammadli, the head of the Election Monitoring and Democracy Studies Center (EMDS) and a political prisoner currently held in detention.

Anar Mammadli was first detained and arrested on 16 December 2013. At that time, EMDS had published its preliminary assessment of the 9 October 2013 presidential election, stating that equal conditions for competition had not been ensured, that the election had been conducted in violation of national legislation and international standards, and that it lacked a free and democratic character.

Approximately two weeks after the publication of this preliminary assessment, on 27 October 2013, a criminal case was opened by the Serious Crimes Investigation Department of the Prosecutor General's Office against EMDS and its partner organization, the International Cooperation of Volunteers Union. Within the framework of the investigation, the EMDS office was searched and documents and technical equipment were seized. After an investigation lasting approximately one and a half months, Anar Mammadli was detained and a three-month pretrial detention measure was imposed on him.

On 26 May 2014, by a judgment of the Baku Court on Grave Crimes, Anar Mammadli was found guilty of illegal entrepreneurship, tax evasion, and abuse of official authority, and sentenced to five years and six months' imprisonment. On 10 December 2014, the Baku Court of Appeal upheld the judgment, and on 26 August 2015 the Supreme Court, acting as the final instance, left the decision unchanged. Anar Mammadli was released on 17 March 2016 under a presidential pardon. While in detention, he was awarded the [Václav Havel Human Rights Prize](#) by the Parliamentary Assembly of the Council of Europe.

In connection with this case, on 19 April 2018 the European Court of Human Rights (ECtHR) delivered its judgment in [Mammadli v. Azerbaijan](#). The Court found violations of Article 5 §§1 and 4 of the European Convention on Human Rights, as well as Article 18 taken in conjunction with Article 5, in relation to Anar Mammadli's 2013 arrest. The Court held that the criminal proceedings and detention were applied for purposes other than those permitted by law, namely to

silence and punish him for his election monitoring activities and civic and political engagement. The judgment became final on 19 July 2018 and imposed on the Azerbaijani state an obligation to adopt both individual and general measures.

However, the execution of the judgment has for years remained under the enhanced supervision (“enhanced procedure”) of the Committee of Ministers of the Council of Europe. Civil society organizations and international legal networks have repeatedly submitted communications under Rule 9.2, emphasizing that Anar Mammadli’s conviction has not been quashed, that he has not been acquitted, and that no institutional measures have been taken to prevent the recurrence of politically motivated arrests. Discussions held by the Committee of Ministers since 2019 have also noted that cases in the “Mammadli group” involve elements of misuse of criminal law for political purposes, and that full execution is possible only through concrete steps such as the annulment of convictions, the elimination of their legal consequences, and the resolution of NGO registration problems.

Against the background of the non-execution of the ECtHR judgment, Anar Mammadli’s re-arrest on 29 April 2024 brought the problem of “recurrent political risk” into sharper focus from a legal perspective. Officers of the Baku City Main Police Department of the Ministry of Internal Affairs conducted searches at his residence and at the homes of his parents, seizing personal phones and computers. The following day, on 30 April 2024, by a decision of the Khatai District Court, Anar Mammadli was charged under Article 206.3.2 of the Criminal Code (smuggling committed by a group of persons acting in prior conspiracy) and a four-month pretrial detention measure was imposed. The defence argued that the detention order was not substantiated in accordance with the requirements of Article 155 of the Criminal Procedure Code and that risks of absconding or obstructing the investigation had not been demonstrated by concrete facts.

In the course of the investigation, additional charges were brought against Mammadli under Article 192.3.2 of the Criminal Code (illegal entrepreneurship committed with the obtaining of income on a particularly large scale); Articles 193-1.3.1 and 193-1.3.2 (legalization of money or other property obtained by criminal means, when committed by an organized group or criminal association (criminal organization), and when committed on a large scale); Article 206.4 (smuggling committed by an organized group); Article 213.2.1 (evasion of taxes, unemployment

insurance, compulsory medical insurance, or mandatory state social insurance contributions on a particularly large scale); as well as Articles 320.1 and 320.2 (forgery, unlawful production or sale of official documents, state awards, seals, stamps or forms, and the use of forged documents, including the forgery or unlawful production of certificates or other official documents granting rights or releasing a person from obligations, for the purpose of use).

Anar Mammadli described the arrest as politically motivated, linking it to EMDS's critical position regarding the 7 February 2024 presidential election, as well as to his role as one of the initiators of the "Fair Environment" Human Rights Campaign launched ahead of the UN climate conference COP29 in Baku. In April 2025, the charges against him were expanded. In addition to the initial smuggling charge, he was accused of illegal entrepreneurship, money laundering, and tax evasion. According to the defence, the escalation of charges serves not only to frame the case as "criminal" in public perception, but also functions as a mechanism to prolong his detention. The defence further emphasized that, in circumstances where the state has failed to comply with its obligations to execute ECtHR judgments, the consequences of such non-compliance cannot lawfully be presented as a "legal fact" against Anar Mammadli in the current proceedings.

Another manifestation of this logic concerns the legal status of EMDS. The defence has drawn attention to the ECtHR judgment of 12 January 2023, in which the Court found that the refusal to grant state registration to the organization was unjustified and unlawful, constituting a violation of Article 11 of the Convention (freedom of association). It was emphasized that instead of remedying this violation, the state continues to rely on EMDS's lack of registration to substantiate the current charges. From a legal standpoint, this is contradictory, as a situation of "non-registration" created by the state itself is being transformed into a tool of criminal prosecution against the organization's head.

The trial in this case began on 26 May 2025 at the Baku Court on Grave Crimes and is currently ongoing. Throughout the proceedings, the defence has filed motions requesting a change of the preventive measure, examination of the lawfulness of evidence, submission of an inquiry to the Supreme Court regarding the ECtHR judgment, and assessment of the legal impact of the 2018 ECtHR judgment and its non-execution on the present case. To date, none of these motions have been granted by the court.

During this period, the duration of Anar Mammadli's pretrial detention has been extended multiple times, several motions filed by his lawyers have been rejected, and he has appeared before the court approximately twenty times.

Anar Mammadli's detention has also been consistently and strongly criticized by international human rights and civil society organizations. [Amnesty International](#), [Human Rights Watch](#), [Human Rights House Foundation](#), [Front Line Defenders](#), [Friedrich Naumann Foundation](#) and a number of other international organizations have issued statements describing the charges against him as politically motivated and calling for his immediate and unconditional release. These organizations have stressed that the criminal prosecution is directly linked to Anar Mammadli's work as a human rights defender and election monitor, that the investigation is not conducted impartially, and that the courts fail to exercise independent and objective oversight. In their assessment, Anar Mammadli's case should be viewed as part of a pattern of systematic repression against civil society in Azerbaijan, the persistent non-execution of ECtHR judgments, and the suppression of freedom of expression.

Ultimately, Anar Mammadli's detention has gone beyond the individual fate of a single human rights defender, becoming a precedent that illustrates the real state of execution of ECtHR judgments in Azerbaijan, the risk of recurrence of politically motivated prosecutions, and the manner in which criminal law instruments are applied repressively against civil society in conjunction with serious substantive and procedural violations.