



III Respublika  
Platformasi



Toplum

# Political Prisoner

**INQUIRY REPORT ON  
JOINT CRIMINAL CASE AGAINST  
IDI, TOPLUM TV AND THIRD REPUBLIC  
PLATFORM AND  
POLITICAL PRISONER STATUS OF DETAINEES**



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POLITICAL PRISONER STATUS OF DETAINEES**

**Institute for Democratic Initiatives (IDI)**

**March 2025**

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## I. INTRODUCTION

In recent years, Azerbaijan has witnessed a growing wave of government crackdowns on civil society organizations, independent media, and political dissenters.

This report highlights the latest ongoing political repressions: the police raid on March 6, 2024, and the subsequent legal actions against three prominent and independent entities - the Institute for Democratic Initiatives (IDI), Toplum TV, and the Third Republic platform (TRP).

These organizations, each with distinct missions but united in their advocacy for democratic values and human rights, have been subjected to aggressive and coordinated repression by state authorities.

This report provides a comprehensive examination of the events leading up to and following the police raid, scrutinizing the legal and procedural irregularities that accompanied the actions taken against these organizations and their members.

The authorities have sought to portray these entities as part of a criminal conspiracy, alleging their involvement in bulk cash smuggling, a charge that is widely viewed as politically motivated and aimed at silencing critical voices. The report explores the broader implications of these charges, considering whether those detained can be considered political prisoners under international human rights standards.

Through detailed profiles of the individuals affected, the report illustrates the personal and professional toll of these state actions, while also highlighting the broader context of political repression in Azerbaijan. The aim of this report is not only to document these events but also to provide a clear and factual account that underscores the urgency of defending democratic freedoms in Azerbaijan.

## II. Organizational background

1. The Institute for Democratic Initiatives, Toplum TV, and Third Republic platform are distinct non-registered legal entities with diverse identities and missions. Despite their differences, the members have collaborated extensively, leading the authorities to treat them as a single entity and pursue a joint criminal case against them.

### *a) Institute for Democratic Initiatives (IDI)*

2. The Institute for Democratic Initiatives (IDI) was officially established by Akif Gurbanov on November 5, 2013.<sup>1</sup> Over time, the number of IDI members, affiliates, and fellows has grown. The IDI is a non-governmental organization dedicated to developing institutions essential for building a democratic society. It aims to improve civil society and electoral institutions, enhance local self-government, contribute to

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<sup>1</sup> Institute for Democratic Initiatives. "Who we are?": <https://idi-aze.org/en/page/who-we-are>. ('The organisation is managed by a 7-member board. Although established a short time ago, managers and members have broad experience. IDI has a well-trained and professional staff consisting of 17 people. Our network has hundreds of participants from Baku and the regions').

socio-economic and humanitarian development, uphold human rights and freedom of expression, restore transparency, increase youth and women's participation in decision-making and problem-solving, maintain peace through the peaceful settlement of conflicts, and integrate society into the democratic world. The IDI specializes in election monitoring, youth training programs, human rights advocacy, research, and public discussions.<sup>2</sup>

3. The IDI applied for registration with the Ministry of Justice (MoJ), but the MoJ refused to register it. As a result, the organization functioned without registration.<sup>3</sup> The co-founders appealed to the European Court of Human Rights, alleging that the national authorities' refusal to register violated Article 11 of the Convention. The Court found a violation of Article 11 concerning this application.<sup>4</sup>

**b) *Toplum TV***

4. Toplum TV is an independent online media outlet established in October 2016. The current editor-in-chief is Ms. Khadija Ismayil, an investigative journalist known for her anti-corruption investigations. At the same time, Mr. Alasgar Mammadli, an outstanding media law expert, serves as the legal founder and representative.<sup>5</sup>
5. Toplum TV originated as part of journalistic training programs for the Democracy School of the Institute for Democratic Initiatives (IDI). Initially, it primarily functioned as a hub for junior journalists, providing them with a practical improvement sphere. Over time, Toplum TV evolved into an independent media entity, becoming one of Azerbaijan's influential online critical media outlets. It stands out for its commitment to providing objective information to the public with a strong focus on human rights, freedoms, and freedom of expression.
6. Since 2020, Toplum TV has renewed its mission by covering critical content and has recently expanded its focus to include online media coverage on social networks. Until recently, it maintained a stable, regular, and daily studio functioning, setting it apart from other critical media operating within Azerbaijan.<sup>6</sup> Toplum TV and the IDI operated from a joint office at 98 B Y. V. Chamanzaminli street, Baku.

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<sup>2</sup> Since its establishment, IDI has managed elections monitoring of the 2015 and 2020 parliamentary elections, has provided free legal aid to the low-income segment of the population, continuously conducted monitoring and research on socially important topics, and prepared up to 20 study papers. Moreover, during its activity, IDI implemented, as a part of the Democracy School initiative, the following theoretical and practical training programs to increase the knowledge and skills of youth: Junior Journalists (9 times); Junior Human Rights Defenders (5 times); Junior Political Leaders (5 times); Junior Economists (2 times); Junior Project Managers (2 times); Junior Human Rights Lawyers (1 time). Young Social Researchers (1 time). In addition, IDI founded the independent Toplum TV in 2016 and Fakt Yoxla (Fact Check) in 2019. On September 26, 2023, on the initiative of IDI, the Defender Law Center (in short, Defender), which provides legal assistance and other related work in the field of political rights, started operating. Please see <https://idi-aze.org/en> ("What we do?") for more information.

<sup>3</sup> The relevant law does not prohibit the unregistered functioning of non-governmental organisations. Still, it puts some restrictions, such as managing bank transactions as with the legal capacity of the organisation: see more Expert Council on NGO Law: Country study on NGO legislation in Azerbaijan. <https://www.coe.int/en/web/ingo/t-council-on-ngo-law-country-study-on-ngo-legislation-in-azerbaijan>.

<sup>4</sup> ECtHR, Abdullayev and others v. Azerbaijan (applications nos. 69466/14 and 12 others) – <https://hudoc.echr.coe.int/fre?i=001-210018>

<sup>5</sup> Toplum TV. "Who we are?" (Biz kimik?), in Azerbaijani:

<https://web.archive.org/web/20240307124132/https://toplum.tv/sehife/biz-kimik>.

<sup>6</sup> Toplum TV on Facebook (22.846 followers): <https://www.facebook.com/ToplumTV>; Toplum TV on Youtube (89.9K subscribers): <https://www.youtube.com/@ToplumTV>; ToplumTV on Tiktok (52,6K followers): <https://www.tiktok.com/@toplumtv>.

### c) *Third Republic platform*

7. The Third Republic platform (TRP) (Üçüncü Respublika Platforması) is an opposition political movement primarily focused on decentralization and good governance. It operates under the mottos of "*We do not obey one man's rule, but the law*" and "*From the governable society to the self-governing society*," drawing inspiration from classical republican and liberal political thought.<sup>7</sup>
8. Several former and current associates of the Institute for Democratic Initiatives (IDI), along with other politically active figures, established the TRP on December 7, 2023, marking the 105th anniversary of the establishment of the Azerbaijani Parliament. The TRP regulations were adopted at the constitutive assembly, and Mr. Akif Gurbanov was elected as the speaker (equivalent to the chairperson's status) for one year.<sup>8</sup>
9. In its founding declaration, the TRP outlined its establishment reasons as part of the 'Post-Karabakh agenda,' emphasizing that the end of the Nagorno-Karabakh conflict necessitates a shift in the country's political focus towards addressing its real problems. The TRP identified several key issues as elements of this agenda: rejecting extreme statist political thought that fuels authoritarianism, transitioning to democracy, restoring trust in public administration and the electoral system, eliminating cross-regional development imbalances through decentralization, transforming suburban regions into suitable territories, achieving sustainable economic development, eliminating sources of income inequality and endemic corruption, reducing the damage caused by climate change (especially to agriculture), and developing a high quality of life.<sup>9</sup>

### III. New repressive wave in Azerbaijan

10. The proto repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.<sup>10</sup> In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression.<sup>11</sup> After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained.<sup>12</sup> In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh.<sup>13</sup> Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were

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<sup>7</sup> *In Azerbaijani*, Jam-News. Yeni siyasi təşkilat - III Respublika Platforması təsis olunub (08 dekabr 2023).

<https://jam-news.net/az/iii-respublika-platformasi/>

<sup>8</sup> Voice of America (Azerbaijani Service). Azərbaycanda III Respublika Platforması adlı təşkilat yaradılıb (10 dekabr 2023). <https://www.amerikaninsesi.org/a/third-republic-platform-established-in-azerbaijan/7391651.html>

<sup>9</sup> Third Republic Platform. Founding declaration: <https://3republic.org/en/page/founding-declaration>

<sup>10</sup> Eurasianet. Prominent activist detained following the US sanctions on Azerbaijani official: <https://eurasianet.org/prominent-activist-detained-following-us-sanctions-on-azerbaijani-official>

<sup>11</sup> Jam-News. The fights against the population of a village with tear gas. What happened in Soyudlu: <https://jam-news.net/the-fight-against-the-population-of-a-village-with-tear-gas-what-happened-in-soyudlu/>

<sup>12</sup> EAP. Statement on detention of Gubad Ibadoglu: <https://eap-csf.eu/project/steering-committee-statement-on-detention-ibadoghlu/>

<sup>13</sup> Eurasianet. Azerbaijan jails critics of Karabakh offensive: <https://eurasianet.org/azerbaijan-jails-critics-of-karabakh-offensive>

made against "Labor Desk" activists, who aim to be the country's only alternative trade union organisation.<sup>14</sup>

11. Since November 2023, the Azerbaijani authorities have intensified a new repressive wave against the remaining part of Azerbaijan's critical civil society, including the media.
12. At first, pro-governmental media began to smear critical civil society and media extensively. Then, police raids and searches were conducted, and people involved in these organisations were arrested and remanded in custody as a part of a criminal case.
13. The initial target was AbzasMedia, a critical and investigative local media organisation. On 21 November 2023, Mr Ulvi Hasanli, executive director of AbzasMedia, was arrested, ill-treated, then charged with conspiracy to commit bulk cash smuggling and remanded in custody. The following day, Ms Sevinj Vagifgizi, editor-in-chief of AbzasMedia, was arrested upon returning to the country, charged with the same criminal offence and remanded in custody. Meanwhile, police conducted search and seizure under the guise of operational search measures on the office of AbzasMedia and the people's personal apartments. In the following period, the other AbzasMedia staff was again targeted to arrests and remand custody with similar charges.<sup>15</sup>
14. As a part of this process, Mr Aziz Orujov, head of Kanal13TV (a critical online media outlet), was arrested and later charged with conspiracy to commit bulk cash smuggling. In addition, Mr Shamo Eminov, a staff of Kanal13, was arrested and charged.<sup>16</sup>
15. It should be mentioned that Mr Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained in April 2024.<sup>17</sup> At the beginning of May 2024, Mr Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the previous round of repression).<sup>18</sup> On 31 May 2024, Mr Fariz Mehralizade, economist and civic activist, was arrested and charged with bulk cash smuggling within the framework of the <sup>19</sup>AbzasMedia case.
16. As a result of this repressive wave, Azerbaijani critical and independent civil society is on the verge of terminating its activities on Azerbaijani soil and many activities were terminated.
17. In late November, The Azerbaijani Government issued an official position on arrests, searches and criminal charges. On 28 November 2023, the Ministry of Foreign Affairs (MFA) summoned the US and German charges d'affaires and the French ambassador separately. According to the statement issued by the MFA:  
*... [the diplomatic staff] was informed that the AbzasMedia news portal, in concert with organisations registered in these countries, is engaged in illegal financial transactions and that the*

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<sup>14</sup> Eurasianet. Azerbaijani authorities smash unionization efforts: <https://eurasianet.org/azerbaijan-authorities-smash-unionization-efforts-for-gig-workers>

<sup>15</sup> PACE. PACE rapporteurs call on the Azerbaijani authorities to immediately release Ulvi Hasanli (22 November 2023):

<https://pace.coe.int/en/news/9287/pace-rapporteurs-call-on-the-azerbaijani-authorities-to-immediately-release-ulvi-hasanli>

EU EEAS (12 December 2024). Azerbaijan: Statement by the Spokesperson on the detention of journalists and political activists: [https://www.eeas.europa.eu/eeas/azerbaijan-statement-spokesperson-detention-journalists-and-political-activists\\_en](https://www.eeas.europa.eu/eeas/azerbaijan-statement-spokesperson-detention-journalists-and-political-activists_en)

<sup>16</sup> CPJ, Azerbaijani authorities charge Kanal 13 journalists Aziz Orujov and Shamo Eminov over alleged foreign donor money, order channel blocked: <https://cpj.org/2024/01/azerbaijani-authorities-charge-kanal-13-journalists-aziz-orujov-and-shamo-eminov-over-alleged-foreign-donor-money-order-channel-blocked/>

<sup>17</sup> <https://cpj.org/2024/04/azerbaijan-arrests-13th-journalist-over-alleged-international-donor-funding/>

<sup>18</sup> <https://www.amnesty.org/en/documents/eur55/8053/2024/en/>

<sup>19</sup> Voice of America, Azerbaijan Continues Its Crackdown on Free Expression (10 June 2024): <https://editorials.voa.gov/a/azerbaijan-continues-its-crackdown-on-free-expression/7650050.html>

embassies of these countries are involved in these activities. A strong protest on such activities was expressed:

*'In the meetings, it was brought to the attention that the "AbzasMedia" news portal carried out illegal financial operations with the participation of organizations registered in these countries. The embassies of the mentioned countries were also involved in this activity, and a severe objection was expressed.*

*It was noted that the International Development Agency of the USA, Freedom Now, New Democracy Fund and other organizations illegally transferred financial resources to the territory of Azerbaijan, violating the rules of granting grants, and made illegal contributions to the activities of "AbzasMedia".*

According to the Republic of Azerbaijan's legislation on grant activities and grant agreements, grant agreements must be state-registered following the relevant procedure, and allocating funds to unregistered projects severely violates the country's legislation.<sup>20</sup>

18. The statement of the MFA continued: 'According to the Republic of Azerbaijan's legislation on grant activities and agreements, grant agreements must be state-registered per the relevant procedure, and allocating funds to unregistered projects severely violates the country's legislation. At the same time, according to international practice, the Law of the Republic of Azerbaijan on Media mentions that financing of the local media by natural or legal persons of foreign countries, as well as by state institutions of foreign countries, is not allowed.' The statement concluded that the activities of the NGOs in these countries are considered a violation of the Vienna Convention; the Azerbaijani side condemns them and reserves the right to take relevant measures.

19. Upon police raids and detention of the staff of respective organizations (mentioned Annex 2), on 08 March 2024, MP Azer Badamov targeting respective organizations stated the following:<sup>21</sup>

*'They [West] finance media organizations and NGOs with the financial resources they allocate in secret ways and execute their orders. In countries that could not stop these dirty plans of the West in time, they succeeded in organizing colorful revolutions by raising the people against the state. Then, by bringing their own people to power, they turn the lives of prosperous people into hell. Arab springs happened before our eyes. As a result of the orange revolution they achieved in Ukraine, today the country is in a difficult situation in the vortex of war. In Georgia, it resulted in the loss of land. At the same time, the plans they wanted to implement in Russia were prevented.*

*Thus, "Abzas Media", "Toplum TV", certain NGOs, radical opposition, etc. they finance and try to turn the people against the state by disrupting the political stability in our country. Of course, the security bodies of the state of Azerbaijan identify and neutralize those who want to carry out their criminal goals against the state. Today, the circles that cannot digest our ensuring the sovereignty of our territories, signing the Victory Day and conducting an independent policy are trying to destabilize our country at the expense of the funds they have established. They should know unequivocally that the games they have achieved in other countries will not take place in Azerbaijan. Because there is an unshakable unity in our country, and in the elections held on February 7, our people showed their confidence in their head of state again with a high percentage, which is the most correct answer to those circles. In addition, anyone who commits a crime against the state should be punished for his actions.'*

20. On 11 March 2024, another MP Javid Osmanov also targeted the IDI, Toplum TV and the TRP with the following remarks:<sup>22</sup>

*'Soros, USAID, Samantha Power and similar funds want to implement self-serving steps in Azerbaijan through provocative plans, media and internet resources. "Abzas Media", "Toplum TV",*

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<sup>20</sup> *In Azerbaijani*, No:678/23, ABŞ və Almaniyanın ölkəmizdəki müvəqqəti işlər vəkallərinin, Fransanın səfirinin Xarici İşlər Nazirliyinə çağırılmasına dair mətbuat məlumatı: <https://mfa.gov.az/az/news/no67823>

<sup>21</sup> *In Azerbaijani*, report.az, Bəzi dairələr təsis etdikləri fondlar hesabına Azərbaycan daxilində sabitliyi pozmağa çalışırlar – RƏY (08 mart 2024): <https://report.az/xarici-siyaset/bezi-daireler-tesis-etdikleri-fondlar-hesabina-azerbaycan-daxilinde-sabitliyi-pozmaga-calisirlar-rey/>

<sup>22</sup> *In Azerbaijani*, report.az, Bəzi Qərb dairələrinin maliyyəsi ilə Azərbaycana qarşı qarayaxma kampaniyası aparılır – RƏY (11 mart 2024): <https://report.az/daxili-siyaset/bezi-qerb-dairelerinin-maliyyesi-ile-azerbaycana-qarsi-qarayaxma-kampaniyasi-aporilir-rey/>



*some non-governmental organizations, radical opposition, etc., whose names have been mentioned in unpleasant situations in recent days. by financing, they intend to turn the people against the state. It is also clear from the operations carried out by law enforcement agencies that there were those who served them within the country, especially among some media resources.'*

21. On 26 April 2024, President Ilham Aliyev replied to media questions at the joint media conference with Olaf Scholz, Chancellor of Germany. He stated the following remarks which are relevant and material for demonstrating the political motivation behind the ongoing repressive wave:<sup>23</sup>

*'Some time ago, the representatives of some media organizations illegally financed from abroad were detained by investigative bodies. This was done in full accordance with the legislation of Azerbaijan. Any country must defend its laws. If a media representative who received illegal funds from abroad was investigated, it does not mean that our media is not free. Simply put, everyone should act within the law. We, like any country, must protect our media space from outside negative influence and everyone must follow the law.'*

22. On 20 July 2024, President Ilham Aliyev replied to media questions at the 2<sup>nd</sup> Shusha Global Media Forum. He stated the following remarks which are relevant and material for demonstrating the political motivation behind the ongoing repressive wave:<sup>24</sup>

*'It is important that the narrative is truthful. That it reflects their reality. And it must not be biased. Because if it's biased, it is pre-organized especially when it is part of a coordinated campaign. We call it a media attack. That is one thing. If it's just a lack of information, it is another thing. What Azerbaijan has faced and continues to face is a coordinated media attack. This attack coincides with important geopolitical developments. Those orchestrating this media attack cannot achieve their goals with us because their objectives are contrary to our interests. They use this mechanism. There are many other mechanisms of influence. For example, NGOs, financing, and various other interventions into the internal affairs of sovereign nations. But media is the most visible and sensitive, especially when it comes from big and famous media outlets.*

*I'm sure that our discussion, which has lasted almost three hours, will help us convey the message to those who use media as a weapon. Media should not be used as a weapon. There must be a variety of opinions. What we see now in many countries is that the media reflects only one opinion on various subjects. When you go to Europe, you see one narrative, when you go to some Asian countries, you see another, when you go to Russia, you see the third, when you come to Azerbaijan, you will see the fourth. This indicates that the media has become highly politicized. It's up to you to provide us with recommendations on what to do.'*

...  
*'Our relations with the United States have almost always been stable. Of course, there were some ups and downs, and it wasn't our fault. Because sometimes there were certain exaggerated expectations about Azerbaijan. On the other hand, they tried to interfere in our political life and tried to finance the political opposition. These attempts were made directly or through certain NGOs. As you know, Azerbaijan is a small country and everyone in Baku knows everything. So it would be difficult to hide it. Despite all these ups and downs, we have approached the relationship from a strategic, important position, and we have tried to do our best here.'*

#### **IV. Smear campaigning against IDI, Toplum TV and TRP before and after the police raids**

(α) Prior to the criminal case

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<sup>23</sup> *In Azerbaijani*, apa.az, Azərbaycan Prezidenti və Almaniyanın Kansleri birgə mətbuat konfransı keçiriblər (26 April 2024): <https://apa.az/resmi-xeber/azerbaycan-prezidenti-ve-almaniyanin-kansleri-birge-metbuat-konfransi-keciribler-foto-yenilenib-838310>

<sup>24</sup> President of the Republic of Azerbaijan, Meeting of the President Ilham Aliyev with the participants of the 2<sup>nd</sup> Shusha Global Media Forum (20 July 2024): <https://president.az/en/articles/view/66533>

23. Prior to the police raids conducted below mentioned, the pro-governmental media regularly targeted all these institutions and associates with smear campaigning, labelling them 'Western puppets,' 'foreign agents,' 'traitors,' 'villains,' and 'breaking of the NGO legislation.' The smear campaign against them has intensified since November 2023.
24. On 21 November 2023, several pro-governmental media outlets published an article titled 'The US updates sabotage technologies and sets up compact, flexible bands.'<sup>25</sup> In this article, IDI and Toplum TV were accused of being part of a so-called United States-funded sabotage group.
25. On 22 November 2023, pro-governmental media continued smear campaigning<sup>26</sup>, publishing an article titled 'How are unregistered grants from the West implemented in Azerbaijan?'. In this article, the IDI's and Toplum TV's names were mentioned as being part of unlawful foreign funding operations.
26. On 22 November 2023, pro-governmental media continued its smear campaigning and published an article titled 'The basic instructions for USAID's emissaries in Azerbaijan have become known'.<sup>27</sup> In this article, among others, IDI and Toplum TV was named 'as a part of spy network directed through USAID which is component of CIA'.
27. On 23 November 2023, pro-governmental media published another smearing article titled 'New nuances in grant trafficking—Georgian way lost its relevance'.<sup>28</sup> In this article, both IDI and ToplumTV were accused of being engaged in unlawful grant funding.
28. On 26 January 2024, pro-governmental media published an article titled 'Fifth Column' is activated' in Azerbaijan.<sup>29</sup> In this article, the following smearing claims are put forward concerning PACE's resolution on non-credentials and claimed that local civil society and critical media entities, including ToplumTV:
 

'The attack campaign launched against Azerbaijan in the Parliamentary Assembly of the Council of Europe is also carried out by the "5th column" in the country. The primary mission of the "5th column" is to legitimise PACE's accusations against Azerbaijan and make them accepted by public opinion. For this purpose, they connect the attack against Azerbaijan to the issues of "human rights" and "democracy". Supposedly, the goal of the PACE, as they officially announced, is not the protection of the "rights of the Armenian population in Karabakh" and the protection of the interests of Armenia but "human rights" and "democracy".'
29. On 30 January 2024, pro-governmental media again published a smear article titled 'Khadija Ismayil's mission at 18 groups'.<sup>30</sup> In this article, various international NGOs' names in the sphere of digital freedom and internet security, such as Qurium, OONI, IMS, and OTF, are mentioned as 'unlawful financial providers for local NGOs' and 'they are established anti-Azerbaijani 'front'. The article continues as follows:

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<sup>25</sup> *In Azerbaijani*, Report.az. ABŞ təxribat texnologiyalarını yeniləyir, yığcam, çevik dəstələr formalaşdırılır (21 noyabr 2023): <https://report.az/analitika/abs-texribat-texnologiyalarini-yenileyir-yigcam-cevik-desteler-formalasdirlir/>

<sup>26</sup> *In Azerbaijani*, Report.az. Qərbdən gələn qeydiyyatsız qrantlar Azərbaycanda necə realizə edilir? (22 noyabr 2023): <https://report.az/analitika/qerbden-gelen-qeydiyyat-siz-qrantlar-azerbaycanda-necə-realizə-edilir-arasdirma/>.

<sup>27</sup> *In Azerbaijani*, Apa.az. USAID-in Azərbaycandakı emissarları üçün əsas təlimatları məlum olub: <https://apa.az/siyasi/usaid-in-azerbaycandaki-emissarlari-ucun-esas-telimatlari-melum-olub-detallar-796728>

<sup>28</sup> *In Azerbaijani*, Apa.az. Qrant trafikində yeni nüanslar - "Gürcüstan yolu" öz aktuallığını itirir: <https://qafqazinfo.az/news/detail/qrant-trafikinde-yeni-nuanslar-gurcistan-yolu-oz-aktualligini-itirir-419215>

<sup>29</sup> *In Azerbaijani*, Demokrat.az. Azərbaycanda "5-ci kalon" aktivləşdi: <https://demokrat.az/az/news/177905/azerbaycanda-5-ci-kalon-aktivlesdi-xedice-ismayil-yene-is-basindadir>

<sup>30</sup> *In Azerbaijani*, Qafqazinfo.az. 18 qrupda Xədicə İsmayılın missiyası...: <https://qafqazinfo.az/news/detail/18-grupda-xedice-ismayilin-missiyasi-425746>.

*'...The anti-Azerbaijani propaganda network is an extensive and comprehensive mechanism covering many areas. There are groups for every field, and their numbers are pretty significant. According to recent data, 18 groups within Azerbaijan have been formed in this context.*

*These groups are classified in various fields such as human rights, media, NGOs, political environment, elections, economic situation, gender, sexual minorities, etc. They have responsibilities such as monitoring their assigned areas, preparing reports and sending them to international organisations, finding scandalous topics and publicising them, and organising actions when necessary.*

*Each of these groups has ideologists, coordinators, and implementers. That is, it has a kind of autonomy status. Activities are coordinated at the top layer. A hierarchical system has been established to establish communication between groups, act as a network, provide material and technical support, keep under control, and give ideological direction.'*

30. In the mentioned article, both AbzasMedia's and ToplumTV's names were mentioned, and they were described as acting together. The article notes that ToplumTV and its editor-in-chief, Khadija Ismayilova, fully endorsed PACE's anti-Azerbaijani resolution that deprived the Azerbaijani delegation of credentials.
31. On 07 February 2024 and 11 February 2024, pro-governmental media published articles accusing, among others, IDI and ToplumTV of engaging in 'sabotage elections' and 'creating a false public opinion on electoral irregularities' concerning snap presidential elections that were held on 07 February 2024 due to ToplumTV's critical coverage of conducting elections and electoral irregularities.<sup>31</sup>

(β) Subsequent to the criminal case:

32. After the police raids were conducted and the criminal case was initiated (as a part of this criminal case, the detainees were arrested and remanded in custody), pro-governmental media proceeded with defamatory targeting using unlawfully obtained selective case file materials leaked probably by law enforcement authorities accusing them of engaging in 'illegal funding' for 'anti-Azerbaijani purposes':
  - An article published after police raids (06 March 2024) claimed that ToplumTV is one of the unlawful organisations and the fate of AbzasMedia will follow this organisation as well<sup>32</sup>;
  - Another article furthering smearing (07 March 2024) claimed that Toplum TV desired to create internal strife under the tutelage of the West<sup>33</sup>;
  - Another article (07 March 2024) followed the same line and further claimed that Toplum TV engaged in unlawful financial funding<sup>34</sup>;
  - In addition, in one of the articles (07 March 2024) IDI and ToplumTV dodged relevant legislation concerning NGOs and grants and for serving Western interests accepted unlawful funding by engaging in grant smuggling<sup>35</sup>;

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<sup>31</sup> In Azerbaijani, axar.az. Seçki günü bu qruplar təxribat törədəcək – Şok məlumat:

<https://axar.az/news/gundem/829900.html>.

In Azerbaijani, apa.az. ABŞ-ı məyus edən seçki texnoloqları: <https://apa.az/xarici-siyaset/abs-i-meyus-eden-secki-texnoloqlari-819541>

<sup>32</sup> In Azerbaijani, mediaekspert.az. Qərb bu dəfə Toplum TV-ni tora saldı – İlginc dəlillər:

<https://mediaekspert.az/az/yazilar/qerb-bu-defe-toplum-tv-ni-tora-saldi>

<sup>33</sup> In Azerbaijani, missiya.az. Qərbin oyununa düşən Toplum TV - Azərbaycanda daxili çaxnaşma yaratmaq istəyənlər məqsədlərinə nail ola bilməyəcəklər: <https://missiya.az/65109-qerbin-oyununa-dusen-toplum-tv-azərbaycanda-daxili-caxnasma-yaratmaq-isteyenler-istediklerine-nail-ola-bilmeyecekler.html>

<sup>34</sup> In Azerbaijani, publika.az. "Toplum TV"nin ifşası: Qərbin Azərbaycandakı şəbəkəsi dağılır - DETALLAR [https://publika.az/news/nida\\_tehli/502959.html](https://publika.az/news/nida_tehli/502959.html)

<sup>35</sup> In Azerbaijani, xalqgazeti.az. "Toplum TV" ilə bağlı obyektiv araşdırmalar ABŞ-ni niyə narahat edir?: <https://xalqgazeti.az/az/siyaset/169781-toplum-ile-bagli-obyektiv-arasdirmalar>

- In another article (08 March 2024), the unlawful funding and ‘Western puppet’ accusations were followed<sup>36</sup>;
- An article in subsequent days (09 March 2024), IDI and ToplumTV acquired over half a million dollars against the law and employed it for propaganda against Azerbaijani national interests<sup>37</sup>;
- Pro-governmental media pushed the derogatory neologism of ‘grant smuggling’ and published an article (18 March 2024) claiming that IDI, Toplum TV and TRP, including the detainees, engaged in unlawful funding for purposes of creating a front against Azerbaijani national interests<sup>38</sup>;
- In the subsequent days, published articles further pushed a similar narrative against the organisations mentioned above<sup>39</sup>;
- Around one month later, pro-governmental media (18 April 2024) published a new smear article about AbzasMedia, IDI, ToplumTV and TRP, claiming that they were not only engaged in unlawful funding but also creating an anti-Azerbaijani narrative (concluding part as follows)<sup>40</sup>:  
*‘The only fault of "Toplum TV", "AbzasMedia", "Fakt Yoxhla" editors, as well as "Institute of Democratic Initiatives" and "Third Republican Platform" is not in violating the legislation on grants in diverting grant funds from registration, and finally in misappropriating these funds. The goals of their "grant projects" are anti-national. It is calculated to strike the independent foreign policy course of Azerbaijan. In this regard, they drew the attention of the relevant state institutions and were involved in the investigation. The facts obtained during the investigation prove that the suspicions about the activity of the network are based on reality.’*
- Furthermore, Sputnik Azerbaijan (part of Sputnik International, Russian official media, published an article titled ‘Children of Capitan Grant: How West funds Azerbaijani NGOs’ (21 April 2024), IDI, ToplumTV and TRP pursuing Western interests in Azerbaijan being part of the extensive spy network of West in the region.<sup>41</sup>

<sup>36</sup> In Azerbaijani, xalqgazeti.az. “Toplum TV”nin haradan və necə “qidalandığı” üzə çıxdı:

<https://xalqgazeti.az/az/siyaset/169854-toplum-tv-nin-haradan-necce-qidalandigi>

<sup>37</sup> In Azerbaijani, apa.az. Toplum TV üzərindən yarım milyon dollardan artıq vəsait qeyri-qanuni Azərbaycana çatdırılaraq müxtəlif məqsədlərlə sərf olunub: <https://apa.az/hadise/toplum-tv-uzerinden-yarim-milyon-dollardan-artiq-vesait-qeyri-qanuni-azerbaycana-catdirilaraq-muxtelif-meqsedlerle-serf-olunub-827949>

<sup>38</sup> In Azerbaijani, apa.az. “Toplum TV”-nin qrant qaçaqmalçılığında iştirakını təsdiqləyən yeni detallar üzə çıxıb – ARAŞDIRMA: <https://apa.az/siyasi/toplum-tv-nin-grant-qacaqmalciliginda-istirakini-tesdiqleyen-yeni-detallar-uzе-cixib-arasdirma-830120>

<sup>39</sup> In Azerbaijani, Bakixeber (22 mart 2024). “Toplum TV”-nin qrant “borusu” kimlərdir? – ŞOK FAKTLAR!: <https://baki-xeber.com/7942-toplum-tv-nin-grant-borusu-kimlerdir-sok-faktlar.html>

In Azerbaijani, Bizimmedia (23 mart 2024). Jurnalistika, yoxsa QAÇAQMALÇILIQ? – Qərbin “Toplum TV” manipulyasiyasının PƏRDƏARXASI

<https://bizim.media/az/cemiyet/183849/https://bizim.media/az/cemiyet/183849/jurnalistika-yoxsa-gaaqmaliliq-qerbin-toplum-tv-manipulyasiyasinin-perdearxasi/>

In Azerbaijani, Demokrat.az (22 mart 2024). "Toplum TV" və sifarişçilərinin niyyətləri iflasa uğradı: Qeyri-qanuni qrant vəsaitlərinin məqsədi...

<https://demokrat.az/news/184101/toplum-tv-ve-sifarisçilərinin-niyyətləri-iflasa-ugradi-qeyri-qanuni-grant-vesaitlərinin-meqsedi>

<sup>40</sup> In Azerbaijani, Qafqazinfo. “Abzas Media” və “Toplum TV” işində yeni faktlar: <https://qafqazinfo.az/news/detail/abzas-media-ve-toplum-tv-isinde-yeni-faktlar-433293>

<sup>41</sup> In Azerbaijani, Sputnik. "Kapitan Qrantın Uşaqları": Qərb Azərbaycan QHT-lərini necə maliyyələşdirir?: <https://sputnik.az/20240421/kapitan-grantin-usaqlari-qerb-azerbaycan-qht-lerini-necce-maliyyelesdirir-464047744.html>

## V. Police raids on March 6, 2024

33. On 6 March 2024, the Baku Metropolis General Police Department (BMGPD) (Bakı Şəhər Baş Polis idarəsi), in accordance with the operational-search case file (docket no: 3-13-44/2-3314/2024), ordered operational search measures, including inspections of buildings and flats, personal inspections following arrests if necessary, and the observation of persons. These measures particularly targeted Akif Gurbanov (head of the IDI and speaker of the TRP), and unnamed others (Qurbanov Akif Yaqub oğlu... və qeyriləri...) based on information from an unidentified *'trusted, familiar, and unbiased source.'* The source alleged that A. Gurbanov and others were engaged in the criminal offense of conspiracy to commit bulk cash smuggling. The order specified that judicial authorization for these measures would be evaded due to the urgency of exposing the offense in flagrante delicto.
34. On the same day, dozens of BMGPD police officers conducted a raid based on the above-mentioned operational search order. The raid targeted the joint office of the IDI and Toplum TV, as well as the separate office of the TRP. Police officers arrested personnel and brought most of them to the BMGPD premises. Those not subjected to further operational search measures were released later the same day after being questioned and forced to surrender their mobile phone data. Meanwhile, police officers conducted operational search measures at the offices, seizing equipment and documents, as well as the phones of all staff present.
35. Subsequently, the BMGPD extended operational search measures to the private apartments of several arrested staff members, including Akif Gurbanov, Ilkin Amrahov, Ali Zeynalov, Ramil Babayev, Mushfig Jabarov, Elmir Abbasov, and Farid Ismayilov. These searches were conducted without the presence of legal counsel. According to the police reports from 6 March 2024, the operational search measures led to the discovery of bulk cash (local and foreign currency) totalling 123,048.96 AZN at the offices and apartments. The arrested staff claimed that the discovered cash did not belong to them and alleged that it was planted by police officers while they were under police control. Subsequently, the arrested staff were brought to the BMGPD premises, later, two of them, Farid Ismayilov and Elmir Abbasov were released.
36. Another founding members of the TRP, Araz Aliyev and Ruslan Izzatli were detained along with Akif Gurbanov, who was present in the office on 6 March 2024. All three were taken to the BMGPD, where Ruslan Izzatli was tortured for not providing the password to his mobile phone.<sup>42</sup> He was held at the police station until the night of March 6-7, when he was released together with Araz Aliyev.
37. On March 8, 2024, R. Izzatli was detained again. Around 14:30 in the afternoon, police officers brought him to his apartment at apartment 78A, house 3, block 2942, 43 Khudu Mammadov street, Khatai district, Baku city. A search and seizure investigation were conducted in the apartment.
38. Alasgar Mammadli, who typically worked in the joint office of the IDI and Toplum TV, was absent from the office on 6 March 2024 due to health conditions and thus was not subjected to arrest on that day. On 8 March 2024, A. Mammadli was arrested when returning to a medical check-up in front of the hospital by plain-clothed police officers of the BMGPD. Upon arrest, the Mr Mammadli was brought to his apartment, where police officers conducted a search. The officers reported finding 7300 EUR in cash at

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<sup>42</sup> Turan News agency, "Ruslan Izzatli and Araz Aliyev were released", 7 March 2024, <https://turan.az/az/siyaset/ruslan-izzatli-ve-araz-eliyev-serbest-buraxiliblar-778154>

the Mr Mammadli's apartment. Mr Mammadli denied ownership of the discovered cash, alleging that the police officers planted it while he was under their control.

## VI. Joint criminal case against the detainees

39. Upon conducting raids (operational search measures) and arrests, the BMGPD officially charged and arraigned seven arrested individuals with accusations of conspiracy to commit smuggling under Section 206.3.2 of the Criminal Code. This section envisages criminal liability and sanctions for one of the aggravating circumstances of smuggling as defined by Section 206.1 of the Code, which pertains to the illegal transfer of legally allowed goods and other items from customs outside of customs control or secretly, by fraudulently using documents or customs identification means, or by incorrect declaration. The criminally significant amount is above 50,000 AZN. Those charged included Akif Gurbanov (speaker of the TRP and director of the IDI), Ali Zeynalov (coordinator of the IDI), Ramil Babayev (coordinator of the IDI), Ilkin Amrahov (coordinator of the IDI), Mushfig Jabarov (journalist of Toplum TV, arrested on the street after leaving the TRP office), Farid Ismayilov (journalist of Toplum TV), and Elmir Abbasov (staff of Toplum TV).
40. According to the arraignments, the defendants conspired to commit smuggling by bringing bulk cash into Azerbaijan, evading customs control, regulations, and currency reporting rules. The BMGPD investigators placed all defendants in initial pre-trial detention, except for Farid Ismayilov and Elmir Abbasov, who were released under restrictive police control measures.
41. On 8 March 2024, the five arrested defendants (Akif Gurbanov, Ali Zeynalov, Ilkin Amrahov, Mushfig Jabarov, Ramil Babayev) were brought to the Khatai district court for remand hearings. The district court ordered that all five be remanded in custody for four months.
42. On the same day, Alasgar Mammadli was brought to the BMGPD premises after a search of his apartment. The BMGPD compiled an arrest report for Mammadli, stating he was detained as a suspect. The next day, the BMGPD officially charged Alasgar Mammadli with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment.
43. The detainees were served with arraignments.<sup>43</sup> According to the arraignments, the detainees was charged with the following:
  - a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (*qeyriləri*) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (*xeyli miqdarda*) of foreign currency to [Azerbaijan];

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<sup>43</sup> Definition of smuggling in Azerbaijani (Section 206.1): *‘Qaçqınçılıq, yəni Azərbaycan Respublikasının gömrük sərhədindən gömrük nəzarətindən kənar və ya ondan gizli, yaxud sənədlərdən və ya gömrük əyniləşdirilməsi vasitələrindən aldatma yolu ilə istifadə etməklə, yaxud bəyan etməməklə və ya düzgün bəyan etməməklə bu Məcəllənin 206.2-ci maddəsində qeyd edilənlər istisna olmaqla malların və digər əşyaların xeyli miqdarda keçirilməsi’.*

Definition of conspiracy to commit smuggling in Azerbaijani (Section 206.3.2): *‘qabaqcadan əlbir olan bir qrup şəxs tərəfindən törədildikdə’.*

Section 206.3.2 of the Criminal Code (the clause which envisaged criminal liability and sanction for one of the aggravating circumstances of smuggling that by Section 206.1 of the Code defined as a transfer of legally allowed goods and other items. According to the Criminal Code's literal reading, the definition of goods also entails cash, and according to Note 1 of Section 206 of the Criminal Code, an excess of a significant amount means from 50,000 AZN up to 200,000 AZN.

- b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);
- c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 123.048,96 AZN.
44. On January 17, 2025, Farid Ismayilov was brought to the Khatai District Court in Baku for remand hearings. The district court ordered that Farid Ismayilov be remand in custody for period of 2 months and 20 days.
45. On the same day, 8 defendants were charged with additional 6 articles within “Toplum TV” case.<sup>44</sup>
- Article 162-1 (Hiring workers without a labor contract);<sup>45</sup>
  - Article 192.3.2 (Illegal entrepreneurship with significant income);<sup>46</sup>
  - Article 193-1.3.1 (Money laundering obtained by criminal means by an organized group);<sup>47</sup>
  - Article 193-1.3.2 (The same actions committed on a large scale);<sup>48</sup>
  - Article 206.4 (Smuggling by an organized group);<sup>49</sup>
  - Article 213.2.1 (Tax evasion by an organized group).<sup>50</sup>

## VI. Criteria for identifying political prisoners under the ECHR – The rule

### *Pure political offence*

Pure political offences are those that affect only the political organization of the state, such as “defamation” of authorities. Determining if someone is a political prisoner involves assessing whether their detention would be considered lawful under the European Convention on Human Rights (ECHR). Detention is lawful if it does not exceed limits set by the ECHR and the

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<sup>44</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>45</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>46</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>47</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

<sup>48</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

<sup>49</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>50</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;

Strasbourg case law, especially regarding freedom of expression, assembly, association, and voting rights, as guided by the European Court of Human Rights (ECtHR).

Political speech, critical of the government or advocating opposition, is generally protected by Article 10 of the ECHR. Detention for such speech typically indicates a person is a political prisoner, as suppressing it is not necessary in a democratic society. However, a person can be a political prisoner without being held for a political offence if they are prosecuted for a non-political offence for political reasons, or if their sentence is disproportionate to the crime.

### ***Non-political offences***

Typically, those imprisoned for non-political offences are not political prisoners, unless political motives are involved. A person can be considered a political prisoner if there is a political motive for their imprisonment, if their sentence is disproportionate, or if the trial was unfair. This includes cases where innocent people are accused of crimes for political purposes, or to stop their political activities.

### ***Legal remedies for political prisoners***

What should happen to persons identified as being political prisoners? This is a question which had not been put to the independent experts in the case of Armenia and Azerbaijan. It is clearly outside their mandate to address it. Nevertheless, this matter merited brief consideration. The first reaction tended to be: political prisoners must be released immediately. This was certainly correct for those imprisoned with respect to pure political offences. The same reasoning had also to be applied in those cases where a deprivation of liberty was partly unlawful due to a breach of the principle of proportionality.

Determining political prisoner status requires a prima facie case from the accuser. The state must then prove the detention meets ECHR requirements, ensuring fair proceedings and proportionality.

Political prisoners should be released if detained for purely political offences or if their detention is partly unlawful. Unfair proceedings may warrant a retrial, which must follow fair trial standards of Article 6 of the ECHR. Political prisoners are entitled to compensation for unlawful deprivation of liberty.

### **Criteria for political prisoners:**

- Detention is for political, not legal, reasons
- Imprisonment for a “pure political offence” without justified interference with fundamental rights
- Disproportionate imprisonment or conditions for a political offence
- Discriminatory imprisonment based on political considerations
- Unfair trial proceedings due to political motives

### **Substantive objective criteria: (*a person is a political prisoner if*)**

- Detention violates ECHR guarantees
- Detention is for purely political reasons without an offence
- Detention length or conditions are disproportionate for political motives
- Detention is discriminatory compared to others
- Proceedings are clearly unfair, linked to political motives

**Standard of proof:** A prima facie case must be made for political prisoner status, after which the state must prove lawful detention per ECHR standards.



## VII. INDIVIDUAL PROFILES

### 1. AKIF GURBANOV (GURBANOV AKIF YAGUB OGLU)

#### A. Personal data

46. Mr Akif Gurbanov, a renowned political leader and influential civil society figure, has been deeply dedicated to civic society since the early 2000s. His current political involvement, which began in 2023, is a testament to his unwavering political commitment to democratic transition, good governance, and decentralisation despite the adversities he has faced.
47. Mr Gurbanov was born in the Georgian SSR on August 3, 1981. He is married and has three children.
48. He graduated from Zangi High School No. 289 (Baku) in 1998. From 1998 to 2004, he pursued his first higher education at the Faculty of Treatment and Prevention of Azerbaijan Medical University. In 2008, he graduated from the Schools of Political Studies under the Council of Europe in Strasbourg, a testament to his commitment to democratic development. From 2013 to 2016, he furthered his education at the Faculty of Law of Karazin Kharkiv National University, demonstrating his dedication to the rule of law. In 2014, he broadened his horizons through the Open World Program in the United States, a clear indication of his interest in global perspectives.
49. From 2006 to 2016, he was a commissioner of the Central Election Commission of Azerbaijan.<sup>51</sup> He was known for his dissenting opinions against electoral irregularities, including refusing to endorse the results of the 2013 Presidential elections, 2014 municipal elections, and 2015 parliamentary elections.<sup>52</sup>
50. As the co-founder and chairperson of the Institute for Democratic Initiatives since 2013, Mr Gurbanov has not only led the implementation of impactful projects for the youth and provided crucial free legal aid programs but also monitored elections and published insightful policy papers. His leadership has significantly shaped Azerbaijan's civic society landscape and inspired human rights advocacy.<sup>53</sup>
51. In 2016, Mr Gurbanov co-established the Civil Society Platform (now defunct) for the purpose achieve public discussions of socio-economic hardships in Azerbaijan, proposing viable solutions and countering the restrictive legislative agenda of the Government.<sup>54</sup>

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<sup>51</sup> *In Azerbaijani*, Azərbaycan Respublikası Mərkəzi Seçki Komissiyasının üzvlərinin seçilməsi haqqında Azərbaycan Respublikası Milli Məclisinin Qərarı (15 dekabr 2006): <https://e-qanun.az/framework/14722>;

*In Azerbaijani*, Azərbaycan Respublikası Mərkəzi Seçki Komissiyasının üzvlərinin və əvəzedici üzvlərinin seçilməsi haqqında Azərbaycan Respublikası Milli Məclisinin Qərarı (22 fevral 2011): <https://e-qanun.az/framework/21346>

<sup>52</sup> *in Azerbaijani*, Azadlıq Radiosu. Bir seçki dastanı: Yekun protokolu imzalamayanlar (18 oktyabr 2013): <https://www.azadliq.org/a/25141047.html>;

*in Azerbaijani*, MeydanTV. Akif Qurbanov MSK-nın yekun protokolunu imzalamadı (13 yanvar 2015): <https://storage.googleapis.com/qurium/www.meydan.tv/az-article-akif-qurbanov-msk-nin-yekun-protokolunu-imzalamadi.html>;

*in Azerbaijani*, MeydanTV. Akif Qurbanov MSK-nin yekun protokolun imzalamadı (18 noyabr 2015): <https://www.meydan.tv/az/article/akif-qurbanov-msk-nin-yekun-protokolun-imzalamadi/>

<sup>53</sup> The comprehensive outline of the Institute for Democratic Initiatives is described at the Annex 2.

<sup>54</sup> *In Azerbaijani*, Azadlıq Radiosu. Sivil Toplum Platforması yaradılıb (10 fevral 2016):

52. He was a board member of the NGO Coalition for Increasing Transparency in Extractive Industries (EITI), demonstrating his ability to counter the Azerbaijani Government's efforts to create a façade concerning the rule of law reforms.<sup>55</sup>
53. Since 2016, he has regularly attended advocacy trips to the Parliamentary Assembly of the Council of Europe (PACE) Sessions and the Human Dimension Implementation Meetings (HDIM) organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR).<sup>56</sup> He last participated in an advocacy trip to the PACE Winter Session of 2024 in January, when the PACE resolved not to ratify the credentials of the Azerbaijani delegation.<sup>57</sup> Upon the above-mentioned PACE resolution, Mr Gurbanov publicly endorsed the non-ratification of the credentials of the Azerbaijani delegation in essence.<sup>58</sup>
54. On December 7, 2023, Mr Gurbanov co-founded the Third Republic Platform, the newly established opposition political movement with democratic transition, good governance, and decentralisation perspectives, becoming its founding member.<sup>59</sup> He has been elected speaker for one year to represent the platform and organise decision-making.<sup>60</sup>
55. On 23 December 2024, Mr Gurbanov was followed by plain-clothed law enforcement officials. Mr Gurbanov publicised the incident on following of him by law enforcement operatives through social media. Upon publication, dozens of civic activists and journalists arrived at the restaurant where he stayed. Subsequently, the activists and journalists accompanied him to his apartment. However, on the same day, Mr Araz Aliyev, one of the founding members of the TRP, was arrested by plain-clothed police operatives and handed to Police Station No. 24 of the Nizami District Police Department. Mr Aliyev was charged with disobeying lawful police orders under Section 535.1 of the Code of Administrative Offenses. The Nizami District Court

<https://www.azadliq.org/a/27543332.html>

<sup>55</sup> IRFS. Members of Extractive Industries Transparency Initiative Coalition Discuss CSOs Issues (17 November 2016): <https://www.irfs.org/news-feed/representatives-of-civil-society-discuss-problems-of-ngos-in-baku/>

<sup>56</sup> *in Azerbaijani*, Arqument.az. Akif Qurbanov AŞPA nümayəndələri ilə görüşdü: <https://arqument.az/az/akif-qurbanov-aspa-nmayendeleri-ile-grsd-qrossdan-sonra/>;

*in Azerbaijani*, 'Duzdanisaq' Youtube Channel. Akif Qurbanov, AŞPA məruzəçisi Turhild Sunna Evarsdottir-lə görüş haqda (05 sentyabr 2019): [https://www.youtube.com/watch?v=E9GF-tj3AqA](https://www.youtube.com/watch?v=E9GF-tj3AqA;);

*in Azerbaijani*, Voice of America (Azerbaijani Service). Akif Qurbanov: Azərbaycan AŞPA qətnaməsini ciddiyyə almalıdır (01 fevral 2020). <https://www.amerikaninsesi.org/a/akif-qurbanov-az%C9%99rbaycan-a%C5%9Fpa-q%C9%99nam%C9%99sini-ciddiy%C9%99-almal%C4%B1d%C4%B1r/5268915.html>

*in Azerbaijani*, Voice of America (Azerbaijani Service). Akif Qurbanov: Azərbaycanda kütləvi insan hüquqları pozuntuları davam edir (30 aprel 2023): <https://www.amerikaninsesi.org/a/7072415.html>.

<sup>57</sup> PACE. PACE resolves not to ratify the credentials of Azerbaijan's parliamentary delegation, citing a failure to fulfil 'major commitments' (24 January 2024): <https://pace.coe.int/en/news/9358/pace-resolves-not-to-ratify-the-credentials-of-azerbaijan-s-parliamentary-delegation-citing-a-failure-to-fulfil-major-commitments->;

PACE. Resolution 2527 (2024). Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan: <https://pace.coe.int/en/files/33333/html>.

<sup>58</sup> New Eastern Europe. Anna Zamejc. Dark clouds over Azerbaijan (17 April 2024): <https://neweasterneurope.eu/2024/04/17/dark-clouds-over-azerbaijan/>. The Mr Gurbanov's remarks on the issue: "I cannot say that it is good news that Azerbaijan was suspended as a member of PACE, especially with the context of national interest. But of course when it comes to democratization, it is surely a step in the right direction. It is the end of an era where society was manipulated and told that The Council of Europe did not care about values, and where Azerbaijan could go unpunished without fulfilling obligations. On the other hand, it is also a big change in the attitude of PACE which finally decided to speak loudly about problems in the country."

<sup>59</sup> Third Republic Platform. A Group Of Socio-Political Activists Established [*sic*] [The Third Republic Platform] (08 December 2023): <https://3republic.org/en/articles/a-group-of-socio-political-activists-established-the-platform-iii-republic>

<sup>60</sup> Third Republic Platform. Regulations. Section 8. Speaker: <https://3republic.org/en/page/regulations>.

sentenced him to 30 days of administrative imprisonment on 24 December 2024 (after serving administrative imprisonment he was released).<sup>61</sup>

## **B. Date of detention**

56. Mr Gurbanov was detained on 06 March 2024.

## **C. Legal status of the prisoner**

57. Mr Gurbanov is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

## **D. Legal accusation**

58. On 8 March 2024, the BMGPD officially charged Mr Gurbanov with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Mr Gurbanov was charged with the following:

*a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (qeyriləri) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (xeyli miqdarda) of foreign currency to [Azerbaijan];*

*b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);*

*c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 123.048,96 AZN.*

## **E. Legal proceedings**

59. On 08 March 2024, the prosecution authorities applied to the Khatai District Court to remand Mr Gurbanov in custody, citing the gravity of the offences and the risk of his absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai District Court ordered Mr Gurbanov's remand in custody for four months (until 6 July 2024), endorsing the remand application.

60. Mr Gurbanov appealed against the detention order. On 05 April 2024, the Baku Appeal Court dismissed the appeal.

61. The prosecution applied to the Khatai District Court requesting an extension of the his remand in custody. The reasoning for the extension application was the same reasoning of the remand application and added an extension of the preliminary investigation period including potential new charges against Mr Gurbanov.

62. On 04 July 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Gurbanov for three months by 06 October 2024 (Annex 13).

63. Mr Gurbanov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 11 July 2024, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.

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<sup>61</sup> *In Azerbaijani*, Azadlıq Radiosu. Araz Əliyev fiziki təzyiqə məruz qaldığını deyir (25 dekabr 2023): <https://www.azadliq.org/a/araz-eliyevin-saxladigi-guman-edilir/32745210.html>

64. On 27 December 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Gurbanov for three months by 06 April 2025.
65. Mr Gurbanov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 08 January 2025, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
66. On 17 January 2025, Mr Gurbanov was charged with additional 6 articles of Criminal code: <sup>62</sup>
- Article 162-1 (Hiring workers without a labor contract);<sup>63</sup>
  - Article 192.3.2 (Illegal entrepreneurship with significant income);<sup>64</sup>
  - Article 193-1.3.1 (Money laundering obtained by criminal means by an organized group);<sup>65</sup>
  - Article 193-1.3.2 (The same actions committed on a large scale);<sup>66</sup>
  - Article 206.4 (Smuggling by an organized group);<sup>67</sup>
  - Article 213.2.1 (Tax evasion by an organized group).<sup>68</sup>

## F. Reasons for which Mr Gurbanov should be regarded political prisoner

67. The following considerations should be emphasised in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.

68. **The detainee's status:** The set of circumstances manifestly reveals that the detainee is a well-known politician and influential public figure. It is indisputable that the government has long targeted him through statements from pro-governmental public figures and media entities. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee by the pro-governmental media depicting him as 'one of the leaders of the fifth column of the Western powers; b) Intensification of the defamatory content against the detainee close to previous dates of the police raids against the detainee and

<sup>62</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>63</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>64</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>65</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

<sup>66</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

<sup>67</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>68</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;

organizations of the detainee affiliated; c) The detainee's active participation in the establishment of a new political organization (the TRP) in the wake of the political repression period and his status as a leader of the TRP; d) The detainee's constant criticism against the Government, high-ranking governmental officials, and governmental agenda; e) His trip to the PACE Winter Session of 2024, in which the PACE revoked the parliamentary credentials of the Azerbaijani national delegation, and his active participation in the advocacy process concerning this revocation of credentials; f) The detainee's durable and persistent civil society activities and his civic contributions as a civil society leader (the establishment and functioning of one of the long-standing NGOs – the IDI, and active role in the functioning of Toplum TV); g) There were unofficial warnings against the detainee demanding that he cease his activities; h) The authorities followed the detainee and tried to detain him in late December 2023, but failed to achieve it due to extensive media coverage prior the detention (however the detainee's colleague Mr Araz Aliyev was detained and sentenced to the administrative detention; after he was released, Mr Aliyev stated in his interview to the media that he was questioned only about the detainee's activities).

69. Accordingly, the detainee's profile sufficiently shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee's status (his political and civil society activities) put him in jeopardy with the current political state of affairs.

70. **Sequence of events:** The detainee's arrest occurred during the new repressive wave proceeding in Azerbaijan (as mentioned in the Annex of the 'New wave of repression'). Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022 when civic activist Bakhtiyar Hajiyev was arrested. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. These arrests continued in early March 2024 with a police raid against the detainee's affiliated organisations and the arrest of several individuals represented in those institutions. These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

71. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee's case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee's arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan, 2020, § 119*). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis,*

*Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee's initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainees' alleged involvement in bulk cash smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.

72. **The authorities' conduct:** The relevant authorities, at first, denied the detainee's procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## **CONCLUSION**

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

## **RECOMMENDATION**

74. Based on this conclusion, Mr Akif Gurbanov should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Gurbanov should be compensated *restitutio in integrum*.

### **2. ALI ZEYNALOV (ZEYNALOV ALI KAMIL OGLU):**

#### **A. Personal data**

75. Mr Ali Zeynalov was born on 24 February 1997. He is an independent multimedia journalist from Azerbaijan. He is the alumnus of "Young Journalists-1" program organized by IDI in 2016.

76. Since 2016, he has worked as a reporter, presenter and fact-checker, and in recent years he has been making social videos for various media besides being a trainer, he conducted trainings for several local and foreign organizations. Before his arrest, Mr Zeynalov was the project coordinator of IDI.

## **B. Date of detention**

77. Mr Zeynalov was arrested on 06 March 2024.

## **C. Legal status of the prisoner**

78. Mr Zeynalov is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

## **D. Legal accusation**

79. On 8 March 2024, the BMGPD officially charged Mr Zeynalov with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Mr Zeynalov was charged with the following:

*a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (qeyriləri) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (xeyli miqdarda) of foreign currency to [Azerbaijan];*

*b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);*

*c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 123.048,96 AZN.*

## **E. Legal proceedings**

80. On 08 March 2024, the prosecution authorities applied to the Khatai District Court to remand Mr Zeynalov in custody, citing the gravity of the offences and the risk of him absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai District Court ordered Mr Zeynalov's remand in custody for four months (until 6 July 2024), endorsing the remand application.

81. Mr Zeynalov appealed against the detention order. On 14 March 2024, the Baku Appeal Court dismissed the appeal.

82. The prosecution applied to the Khatai District Court requesting an extension of the his remand in custody. The reasoning for the extension application was the same reasoning of the remand application and added an extension of the preliminary investigation period including potential new charges against Mr Zeynalov.

83. On 03 July 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Zeynalov for three months by 06 October 2024 (Annex 13).

84. Mr Zeynalov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 08 July 2024, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.

85. On 28 September, 2024 the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Zeynalov for three months by 06 January 2025

86. Mr Zeynalov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 October, 2024 the Baku Appeal Court dismissed the appeal.
87. On 27 December 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Zeynalov for three months by 06 April 2025.
88. Mr Zeynalov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 22 January 2025, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
89. On 17 January 2025, Mr Zeynalov was charged with additional 6 articles of Criminal code: <sup>69</sup>
- Article 162-1 (*Hiring workers without a labor contract*);<sup>70</sup>
  - Article 192.3.2 (*Illegal entrepreneurship with significant income*);<sup>71</sup>
  - Article 193-1.3.1 (*Money laundering obtained by criminal means by an organized group*);<sup>72</sup>
  - Article 193-1.3.2 (*The same actions committed on a large scale*);<sup>73</sup>
  - Article 206.4 (*Smuggling by an organized group*);<sup>74</sup>
  - Article 213.2.1 (*Tax evasion by an organized group*).<sup>75</sup>

## F. Reasons for which Mr Zeynalov should be regarded political prisoner

90. The following considerations should be emphasised in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.
91. **The detainee's status:** The circumstances manifestly reveal that the detainee's affiliated organisation – the IDI was one of the targets of the Government. The detainee was targeted due to his affiliation with the IDI and his activities as a project coordinator at the IDI. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee's affiliated civil society organisation,

<sup>69</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>70</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>71</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>72</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

<sup>73</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

<sup>74</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>75</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;



which intensified since November 2023 by the pro-governmental media depicting him as ‘one of the leaders of the fifth column of the Western powers; b) The detainee’s role as a project coordinator in the IDI. Accordingly, the detainee’s profile sufficiently shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee’s status (civil society activities) put him in jeopardy with the current political state of affairs.

92. **Sequence of events:** The detainee’s arrest occurred during the new repressive wave proceeding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested. In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained. In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh. Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were made against Labor Desk (*İşçi Masası*) activists, who aim to be the country's only alternative trade union organisation. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. 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. Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained in April 2024. At the beginning of May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the previous round of repression). On December 6, 2024, 7 journalists of Meydan TV were arrested.<sup>76</sup> Following on December 8, 2024, a prominent public figure Azer Gasimli was put behind the bars.<sup>77</sup> On February 4, 2025 Shamshad Aga<sup>78</sup> the head of Arqument.az was arrested within “Meydan TV” case, while Shahnaz Baylargizi presenter and editor of “Toplum TV” was arrested on February 5, 2025 as a result of opened second case related to “Toplum TV” and later she was released under house arrest<sup>79</sup>. Additionally, 2 more journalists were arrested within “Meydan TV” case in February 2025.<sup>80</sup>

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<sup>76</sup> Azerbaijan’s Post-COP29 Crackdown

Authorities Target Critical Media (December 11, 2024)

<https://www.hrw.org/news/2024/12/11/azerbaijans-post-cop29-crackdown>

<sup>77</sup>Former deputy chair of the REAL Party detained in Azerbaijan (December 10, 2024) <https://oc-media.org/azar-gasimli-was-sentenced-to-four-months-of-pre-trial-detention-after-being-detained-on-charges-of-extortion/>

<sup>78</sup> Arqument.az Editor in Chief Shamshad Agha Detained in Baku, (February 24, 2025)

<https://fom.coe.int/en/alerte/detail/107642144;globalSearch=false>

<sup>79</sup> Shahnaz Baylargizi Released Under House Arrest, (February 26, 2025)

<https://www.meydan.tv/en/article/shahnaz-baylargizi-released-under-house-arrest/>

<sup>80</sup> Azerbaijan arrests 2 more journalists in Meydan TV case ( March 4, 2024)

<https://cpj.org/2025/03/azerbaijan-arrests-2-more-journalists-in-meydan-tv-case/>

These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

93. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee's case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee's arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 119). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee's initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainees' alleged involvement in bulk cash smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.
94. **The authorities' conduct:** The relevant authorities, at first, denied the detainee procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## CONCLUSION

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

## RECOMMENDATION

96. Based on this conclusion, Mr Ali Zeynalov should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Zeynalov should be compensated *restitutio in integrum*.

### 3. RUSLAN IZZATLI (IZZATLI RUSLAN TEYMUR OGLU)

#### A. Personal data

97. Mr Ruslan Izzatli is reputable for his contributions to participatory politics and commitment to youth engagement. As a political figure and civil society activist, Mr Izzatli has had a political and civic society background since the mid-2000s, rising in leadership positions.
98. He was born on April 18, 1989, in Aghdam district. He is married and has one child.
99. He received his secondary education in Barda district. In 2012, he received a bachelor's degree from the Faculty of Art History of the Azerbaijan State University of Culture and Arts. In 2019, he graduated from Bahçeşehir University in Istanbul with a master's in international relations and global politics. As a part of professional development, he graduated from the School of Political Sciences under the Council of Europe in Strasbourg (2011). He participated in the US Department of State's IVLP (International Visitor Leadership Program) (2019).
100. From 2009 to 2012, he was chairman of the Whole Azerbaijan Youth Organization (*Bütöv Azərbaycan Gənclər Təşkilatı*). From 2012 to 2013, he was a member of the Board and Deputy Chairman of the Party of Hope (*Ümid Partiyası*). He resigned after the 2013 presidential elections, protesting the Party's position endorsing election results, which was characterised as unfair by local and international elections observers.<sup>81</sup>
101. The Mr Izzatli established the D18 Civic Movement in 2013, adhering to the republican ideals and legacy of the first democratic republic of Azerbaijan. During his

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<sup>81</sup> *In Azerbaijani*, Azadlıq Newspaper. İqbal Ağazadənin müavinləri istefa verdi: <https://www.azadliq.info/36491.html>

'The Mr Izzatli's resignation statement: 'The October 9 [2013 presidential] elections were marked by total electoral fraud in Azerbaijan's history. These elections do not reflect the position of the Azerbaijani people. The Government once again turned our country among the anti-democratic countries. Unfortunately, the Umid Party disregarded this electoral fraud and went against the position of democracy and the people by recognising the phoney elections. In protest, I resign from the party. I wish our friends in the Umid Party success in their activities.'

chairpersonship period (until 2021), he successfully managed the enrollment of many bright young political activists.<sup>82</sup>

102. Mr Izzatli ran twice as a candidate in two successive (2015 and 2020) legislative elections, but systematic electoral irregularities hampered his candidacy and election campaigning.<sup>83</sup> Due to documented electoral irregularities in the 2020 parliamentary elections, results in his constituency were quashed, but new elections were not called.<sup>84</sup>
103. As a civil society follower, the detainee contributed to developing digital marketing for crucial civic programs such as youth participation training, human rights advocacy and monitoring, and social awareness-raising issues. He was a leader of the SMM team at ToplumTV.
104. In mid-2020, despite having severe health problems, as a retaliation for his active political engagement, the detainee was illegally conscripted into military service.<sup>85</sup> He participated in the Second Karabakh War and was awarded military honour medals.
105. On December 7, 2023, the Mr Izzatli co-founded the Third Republic Platform, the newly established opposition political movement with democratic transition, good governance, and decentralisation perspectives, becoming its founding member.<sup>86</sup>
106. The Mr Izzatli participated in an advocacy trip with Mr. Akif Gurbanov, the Speaker of the Third Republic Platform, to the PACE Winter Session of 2024 in January when the PACE resolved not to ratify the credentials of the Azerbaijani delegation.<sup>87</sup> Upon the above-mentioned PACE resolution, the detainee publicly endorsed the non-ratification of the credentials of the Azerbaijani delegation in essence.<sup>88</sup>

## B. Date of detention

107. Mr Izzatli was detained on 08 March 2024.

## C. Legal status of the prisoner

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<sup>82</sup> In Azerbaijani, D18 Movement. About D18 Movement: <https://d18herekati.wordpress.com/2013/03/15/d18-movement/>

<sup>83</sup> In Azerbaijani, olke.az. Ruslan İzzətli: "Ənənəvi müxalifətlə bizim fərquimiz ondadır ki...": <https://olke.az/siyaset/37815/ruslan-izzetli-enenevi-muxalifetle-bizim-ferqimiz-ondadir-ki-37815/test>  
In Azerbaijani, Facebook.com (The Azad soz Page). Gənc namizəd Ruslan İzzətli çox iddialıdır: [https://www.facebook.com/Azad.Soz.Az/posts/g%C9%99nc-namiz%C9%99d-ruslan-izz%C9%99tli-%C3%A7ox-iddial%C4%B1d%C4%B1r-x%C9%99tai-rayonundan-deputat%C4%B1%C4%9Fa-namiz%C9%99dd/2820800464609747/?locale=ms\\_MY](https://www.facebook.com/Azad.Soz.Az/posts/g%C9%99nc-namiz%C9%99d-ruslan-izz%C9%99tli-%C3%A7ox-iddial%C4%B1d%C4%B1r-x%C9%99tai-rayonundan-deputat%C4%B1%C4%9Fa-namiz%C9%99dd/2820800464609747/?locale=ms_MY)

<sup>84</sup> In Azerbaijani, RFERL Azerbaijani Service. Bəzi dairələrdə seçkilərin nəticələri ləğv edilib (13 fevral 2020): <https://www.azadliq.org/a/b%C9%99zi-dair%C9%99l%C9%99rd%C9%99se%C3%A7kil%C9%99rin-n%C9%99tic%C9%99l%C9%99ri-l%C9%99d%C4%9Fv-edilib/30432510.html>

<sup>85</sup> In Azerbaijani, MeydanTV. Ruslan İzzətli hərbi hospitala yerləşdirilib: <https://storage.googleapis.com/qurium/www.meydan.tv/az-article-ruslan-izzetli-herbi-hospitala-yerlesdirilib.html>

<sup>86</sup> Third Republic Platform. A Group Of Socio-Political Activists Established [*sic*] [The Third Republic Platform] (08 December 2023): <https://3republic.org/en/articles/a-group-of-socio-political-activists-established-the-platform-iii-republic>

<sup>87</sup> PACE. PACE resolves not to ratify the credentials of Azerbaijan's parliamentary delegation, citing a failure to fulfil 'significant major commitments' (24 January 2024): <https://pace.coe.int/en/news/9358/pace-resolves-not-to-ratify-the-credentials-of-azerbaijan-s-parliamentary-delegation-citing-a-failure-to-fulfil-major-commitments->; PACE. Resolution 2527 (2024). Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of Azerbaijan: <https://pace.coe.int/en/files/33333/html>.

<sup>88</sup> Instagram.com. Ruslan Izzatli. AŞPA Azərbaycanca niyə sanksiya verdi?: <https://www.instagram.com/reel/C2je4iktVTH/>

108. Mr Izzatli is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

#### **D. Legal accusation**

109. On 9 March 2024, the BMGPD officially charged Mr Izzatli with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Mr Izzatli was charged with the following:

a) *acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (qeyriləri) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (xeyli miqdarda) of foreign currency to [Azerbaijan];*

b) *committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);*

c) *With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 145342,18 AZN.*

#### **E. Legal proceedings**

110. On 09 March 2024, the prosecution authorities applied to the Khatai District Court to remand Mr Izzatli in custody, citing the gravity of the offences and the risk of the his absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai District Court ordered Mr Izzatli remand in custody for four months (until 6 July 2024), endorsing the remand application.

111. Mr Izzatli appealed against the detention order. On 15 March 2024, the Baku Appeal Court dismissed the appeal.

112. The prosecution applied to the Khatai District Court requesting an extension of the detainee's remand in custody. The reasoning for the extension application was the same reasoning of the remand application and added an extension of the preliminary investigation period including potential new charges against Mr Izzatli.

113. On 04 July 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Izzatli for four months by 06 October 2024 (Annex 13).

114. Mr Izzatli appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 11 July 2024, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.

115. On 03 October, 2024 the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Izzatli for three months by 06 January 2025

116. Mr Izzatli appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 October, 2024 the Baku Appeal Court dismissed the appeal.

117. On 27 December 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Izzatli for three months by 06 April 2025.

118. Mr Izzatli appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 January 2025, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.

119. On 17 January 2025, Mr Izzatli was charged with additional 6 articles of Criminal code:<sup>89</sup>
- Article 162-1 (Hiring workers without a labor contract);<sup>90</sup>
  - Article 192.3.2 (Illegal entrepreneurship with significant income);<sup>91</sup>
  - Article 193-1.3.1 (Money laundering obtained by criminal means by an organized group);<sup>92</sup>
  - Article 193-1.3.2 (The same actions committed on a large scale);<sup>93</sup>
  - Article 206.4 (Smuggling by an organized group);<sup>94</sup>
  - Article 213.2.1 (Tax evasion by an organized group).<sup>95</sup>

## F. Reasons for which Mr Izzatli should be regarded political prisoner

120. The assessment of reasonable suspicion basic threshold regarding a particular case should also be scrutinized subsidiarily in all relevant matters. The following considerations should be emphasized in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.
121. **The detainee's status:** The circumstances manifestly reveal that the detainee is a well-known politician who is one of the founding members of the TRP, an independent media outlet known for critical coverage against the government. It is indisputable that the Government has long targeted the detainees through statements from pro-governmental public media entities. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee and his affiliated organisations, which intensified since November 2023 by the pro-governmental media depicting him as 'one of the leaders of the fifth column of the Western powers; b) The detainee's involvement in founding of the TRP. Accordingly, the detainee's profile sufficiently shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee's status (politician) put him in jeopardy with the current political state of affairs.

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<sup>89</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>90</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>91</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>92</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

<sup>93</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

<sup>94</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>95</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;

1. **Sequence of events:** The detainee’s arrest occurred during the new repressive wave proceeding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested. In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained. In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh. Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were made against Labor Desk (*İşçi Masası*) activists, who aim to be the country's only alternative trade union organisation. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. 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. Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained in April 2024. At the beginning of May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the previous round of repression). On December 6, 2024, 7 journalists of Meydan TV were arrested.<sup>96</sup> Following on December 8, 2024, a prominent public figure Azer Gasimli was put behind the bars.<sup>97</sup> On February 4, 2025 Shamshad Aga<sup>98</sup> the head of Arqument.az was arrested within “Meydan TV” case, while Shahnaz Baylargizi presenter and editor of “Toplum TV” was arrested on February 5, 2025 as a result of opened second case related to “Toplum TV” and later she was released under house arrest<sup>99</sup>. Additionally, 2 more journalists were arrested within “Meydan TV” case in February 2025.<sup>100</sup>
2. These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign

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<sup>96</sup> Azerbaijan’s Post-COP29 Crackdown

Authorities Target Critical Media (December 11, 2024)

<https://www.hrw.org/news/2024/12/11/azerbajians-post-cop29-crackdown>

<sup>97</sup>Former deputy chair of the REAL Party detained in Azerbaijan (December 10, 2024) <https://oc-media.org/azar-gasimli-was-sentenced-to-four-months-of-pre-trial-detention-after-being-detained-on-charges-of-extortion/>

<sup>98</sup> Arqument.az Editor in Chief Shamshad Agha Detained in Baku, (February 24, 2025)

<https://fom.coe.int/en/alerte/detail/107642144;globalSearch=false>

<sup>99</sup> Shahnaz Baylargizi Released Under House Arrest, (February 26, 2025)

<https://www.meydan.tv/en/article/shahnaz-baylargizi-released-under-house-arrest/>

<sup>100</sup> Azerbaijan arrests 2 more journalists in Meydan TV case ( March 4, 2024)

<https://cpj.org/2025/03/azerbajian-arrests-2-more-journalists-in-meydan-tv-case/>

of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

3. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee's case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee's arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 119). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee's initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainees' alleged involvement in bulk cash smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.
4. **The authorities' conduct:** The relevant authorities, at first, denied the detainee's procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## CONCLUSION

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

## RECOMMENDATION



6. Based on this conclusion, Mr Ruslan Izzatli should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Izzatli should be compensated *restitutio in integrum*.

#### **4. RAMIL BABAYEV (BABAYEV RAMIL RUSLAN OGLU)**

##### **A. Personal data**

7. Mr Ramil Babayev was born on 29 June 1997. He is a young researcher and campaigner for human and animal rights. He was the project coordinator for the "Young Social Researchers" programme of the Institute for Democratic Initiatives (IDI).
8. Mr Babayev was an alumnus of the "Young Social Researchers" programme organized by the Institute for Democratic Initiatives. He successfully completed the program and joined IDI's team. He was also a PhD in Philosophy student at the Azerbaijan National Academy of Sciences.

##### **B. Date of detention**

9. Mr Babayev was arrested on 06 March 2024.

##### **C. Legal status of the prisoner**

10. Mr Babayev is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

##### **D. Legal accusation**

11. On 8 March 2024, the BMGPD officially charged Mr Babayev with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Mr Babayev was charged with the following:
  - a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (*qeyriləri*) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (*xeyli miqdarda*) of foreign currency to [Azerbaijan];
  - b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);
  - c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 123.048,96 AZN.

##### **E. Legal proceedings**

12. On 08 March 2024, the prosecution authorities applied to the Khatai District Court to remand Mr Babayev in custody, citing the gravity of the offences and the risk of his absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai

- District Court ordered Mr Babayev's remand in custody for four months (until 6 July 2024), endorsing the remand application.
13. Mr Babayev appealed against the detention order. On 14 March 2024, the Baku Appeal Court dismissed the appeal.
  14. The prosecution applied to the Khatai District Court requesting an extension of the detainee's remand in custody. The reasoning for the extension application was the same reasoning of the remand application and added an extension of the preliminary investigation period including potential new charges against Mr Babayev.
  15. On 03 July 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Babayev for four months by 06 October 2024 (Annex 13).
  16. Mr Babayev appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 08 July 2024, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
  17. On 03 October, 2024 the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Babayev for three months by 06 January 2025
  18. Mr Babayev appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 October, 2024 the Baku Appeal Court dismissed the appeal.
  19. On 27 December 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Babayev for three months by 06 April 2025.
  20. Mr Babayev appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 09 January 2025, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
  21. On 17 January 2025, Mr Babayev was charged with additional 6 articles of Criminal code: <sup>101</sup>
    - Article 162-1 (Hiring workers without a labor contract);<sup>102</sup>
    - Article 192.3.2 (Illegal entrepreneurship with significant income);<sup>103</sup>
    - Article 193-1.3.1 (Money laundering obtained by criminal means by an organized group);<sup>104</sup>
    - Article 193-1.3.2 (The same actions committed on a large scale);<sup>105</sup>

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<sup>101</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>102</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>103</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>104</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

<sup>105</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

- *Article 206.4 (Smuggling by an organized group),*<sup>106</sup>
- *Article 213.2.1 (Tax evasion by an organized group).*<sup>107</sup>

## F. Reasons for which Mr Babayev should be regarded political prisoner

22. The following considerations should be emphasised in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.
23. **The detainee's status:** The circumstances manifestly reveal that the detainee's affiliated organisation – the IDI was one of the targets of the Government. The detainee was targeted due to his affiliation with the IDI and his activities as a project coordinator at the IDI. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee's affiliated civil society organisation, which intensified since November 2023 by the pro-governmental media depicting him as 'one of the leaders of the fifth column of the Western powers; b) The detainee's role as a project coordinator in the IDI. Accordingly, the detainee's profile sufficiently shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee's status (civil society activities) put him in jeopardy with the current political state of affairs.
24. **Sequence of events:** The detainee's arrest occurred during the new repressive wave proceeding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed. The proto repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested. In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained. In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh. Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were made against Labor Desk (*İşçi Masası*) activists, who aim to be the country's only alternative trade union organisation. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. 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. Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained in April 2024. At the beginning of May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the previous round of repression). On December 6, 2024, 7 journalists of Meydan TV were

<sup>106</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>107</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;

arrested.<sup>108</sup> Following on December 8, 2024, a prominent public figure Azer Gasimli was put behind the bars.<sup>109</sup> On February 4, 2025 Shamshad Aga<sup>110</sup> the head of Arqument.az was arrested within “Meydan TV” case, while Shahnaz Baylargizi presenter and editor of “Toplum TV” was arrested on February 5, 2025 as a result of opened second case related to “Toplum TV” and later she was released under house arrest<sup>111</sup>. Additionally, 2 more journalists were arrested within “Meydan TV” case in February 2025.<sup>112</sup>

These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

25. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee’s case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee’s arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 119). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee’s initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainee’s alleged involvement in bulk cash smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly

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<sup>108</sup> Azerbaijan’s Post-COP29 Crackdown

Authorities Target Critical Media (December 11, 2024)

<https://www.hrw.org/news/2024/12/11/azerbaijans-post-cop29-crackdown>

<sup>109</sup> Former deputy chair of the REAL Party detained in Azerbaijan (December 10, 2024) <https://oc-media.org/azar-gasimli-was-sentenced-to-four-months-of-pre-trial-detention-after-being-detained-on-charges-of-extortion/>

<sup>110</sup> Arqument.az Editor in Chief Shamshad Agha Detained in Baku, (February 24, 2025)

<https://fom.coe.int/en/alerte/detail/107642144;globalSearch=false>

<sup>111</sup> Shahnaz Baylargizi Released Under House Arrest, (February 26, 2025)

<https://www.meydan.tv/en/article/shahnaz-baylargizi-released-under-house-arrest/>

<sup>112</sup> Azerbaijan arrests 2 more journalists in Meydan TV case ( March 4, 2024)

<https://cpj.org/2025/03/azerbaijan-arrests-2-more-journalists-in-meydan-tv-case/>

discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.

26. **The authorities' conduct:** The relevant authorities, at first, denied the detainee's procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## CONCLUSION

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

## RECOMMENDATION

28. Based on this conclusion, Mr Ramil Babayev should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Babayev should be compensated *restitutio in integrum*.

## 5. ILKIN AMRAHOV (AMRAHOV ILKIN AYYAR OGLU)

### A. Personal data

29. Mr Ilkin Amrahov was born on 04 December 2001. He is a young civil society activist who dedicated himself to improving Azerbaijan through his involvement in civil society activities. He is one of the young researchers in international relations. Mr. Amrahov completed the Institute for Democratic Initiatives' "Young Project Managers" program. He fully engaged in the program and was an intern at IDI. Later, Mr. Amrahov worked for IDI as a group coordinator for the "Young Project Managers-2" program.

### B. Date of detention

30. Mr Amrahov was arrested on 06 March 2024.

### C. Legal status of the prisoner

31. Mr Amrahov is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

### D. Legal accusation

32. On 8 March 2024, the BMGPD officially charged Mr Amrahov with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Mr Amrahov was charged with the following:
  - a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (*qeyriləri*) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (*xeyli miqdarda*) of foreign currency to [Azerbaijan];
  - b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);
  - c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 123.048,96 AZN.

### E. Legal proceedings

33. On 08 March 2024, the prosecution authorities applied to the Khatai District Court to remand Mr Amrahov in custody, citing the gravity of the offences and the risk of his absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai District Court ordered Mr Amrahov's remand in custody for four months (until 6 July 2024), endorsing the remand application.
34. Mr Amrahov appealed against the detention order. On 15 March 2024, the Baku Appeal Court dismissed the appeal.
35. The prosecution applied to the Khatai District Court requesting an extension of the his remand in custody. The reasoning for the extension application was the same reasoning of the remand application and added an extension of the preliminary investigation period including potential new charges against Mr Amrahov.
36. On 03 July 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Amrahov for four months by 06 October 2024 (Annex 13).
37. Mr Amrahov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 July 2024, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
38. On 03 October, 2024 the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Amrahov for three months by 06 January 2025
39. Mr Amrahov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 October, 2024 the Baku Appeal Court dismissed the appeal.

40. On 27 December 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Amrahov for three months by 06 April 2025.
41. Mr Amrahov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 January 2025, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
42. On 17 January 2025, Mr Amrahov was charged with additional 6 articles of Criminal code:<sup>113</sup>
- Article 162-1 (Hiring workers without a labor contract);<sup>114</sup>
  - Article 192.3.2 (Illegal entrepreneurship with significant income);<sup>115</sup>
  - Article 193-1.3.1 (Money laundering obtained by criminal means by an organized group);<sup>116</sup>
  - Article 193-1.3.2 (The same actions committed on a large scale);<sup>117</sup>
  - Article 206.4 (Smuggling by an organized group);<sup>118</sup>
  - Article 213.2.1 (Tax evasion by an organized group).<sup>119</sup>
- 43.

## F. Reasons for which Mr Amrahov should be regarded political prisoner

44. The following considerations should be emphasised in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.
45. **The detainee's status:** The circumstances manifestly reveal that the detainee's affiliated organisation – the IDI was one of the targets of the Government. The detainee was targeted due to his affiliation with the IDI and his activities as a project coordinator at the IDI. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee's affiliated civil society organisation, which intensified since November 2023 by the pro-governmental media depicting him as 'one of the leaders of the fifth column of the Western powers; b) The detainee's role as a project coordinator in the IDI. Accordingly, the detainee's profile sufficiently

<sup>113</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>114</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>115</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>116</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

<sup>117</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

<sup>118</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>119</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;

shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee's status (civil society activities) put him in jeopardy with the current political state of affairs.

46. **Sequence of events:** The detainee's arrest occurred during the new repressive wave proceeding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested. In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained. In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh. Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were made against Labor Desk (*İşçi Masası*) activists, who aim to be the country's only alternative trade union organisation. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. 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. Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained in April 2024. At the beginning of May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the previous round of repression). On December 6, 2024, 7 journalists of Meydan TV were arrested.<sup>120</sup> Following on December 8, 2024, a prominent public figure Azer Gasimli was put behind the bars.<sup>121</sup> On February 4, 2025 Shamshad Aga<sup>122</sup> the head of Arqument.az was arrested within "Meydan TV" case, while Shahnaz Baylargizi presenter and editor of "Toplum TV" was arrested on February 5, 2025 as a result of opened second case related to "Toplum TV" and later she was released under house arrest<sup>123</sup>. Additionally, 2 more journalists were arrested within "Meydan TV" case in February 2025.<sup>124</sup>

These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of

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<sup>120</sup> Azerbaijan's Post-COP29 Crackdown

Authorities Target Critical Media (December 11, 2024)

<https://www.hrw.org/news/2024/12/11/azerbaijans-post-cop29-crackdown>

<sup>121</sup> Former deputy chair of the REAL Party detained in Azerbaijan (December 10, 2024) <https://oc-media.org/azar-gasimli-was-sentenced-to-four-months-of-pre-trial-detention-after-being-detained-on-charges-of-extortion/>

<sup>122</sup> Arqument.az Editor in Chief Shamshad Agha Detained in Baku, (February 24, 2025)

<https://fom.coe.int/en/alerte/detail/107642144;globalSearch=false>

<sup>123</sup> Shahnaz Baylargizi Released Under House Arrest, (February 26, 2025)

<https://www.meydan.tv/en/article/shahnaz-baylargizi-released-under-house-arrest/>

<sup>124</sup> Azerbaijan arrests 2 more journalists in Meydan TV case ( March 4, 2024)

<https://cpj.org/2025/03/azerbaijan-arrests-2-more-journalists-in-meydan-tv-case/>



Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

47. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee's case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee's arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 119). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee's initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainees' alleged involvement in bulk cash smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.
48. **The authorities' conduct:** The relevant authorities, at first, denied the detainee's procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## CONCLUSION

49. The personal factors (Ilkin Amrahov's profile, absence of convincing evidence, and constant violation of procedural rights) and contextual factors (defamatory media

campaign and new wave of political repression) cumulatively indicate reasonable grounds to believe that Mr Amrahov should be considered a political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

## **RECOMMENDATION**

50. Based on this conclusion, Mr Ilkin Amrahov should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Amrahov should be compensated *restitutio in integrum*.

## **6. ALASGAR MAMMADLI (MAMMADLI ALASGAR AHMAD OGLU)**

### **A. Personal data**

51. Mr Alasgar Mammadli is a prominent lawyer specialising in media rights.
52. Mr Mammadli was born on May 24, 1968, in the Guzanli village of Aghdam district in the family of a teacher. In 1985, he graduated from the secondary school of Guzanli settlement, Aghdam region. In 1991, he entered the Faculty of Law of Istanbul University and graduated there in 1996. From 1999 to 2001, he received a master's in law and management from the Turkish and Middle East Academy of Administration (TODAIE) in Ankara. He is married. He is the father of two children.
53. After completing a one-year course at the Istanbul Bar Association, Mr Mammadli practised as a lawyer at the Heavy Criminal Court of Turkey. In 1994, he worked as a legal consultant in the private company "Ugur Avize LTD." From 1996 to 1999, he worked as a commercial law consultant and foreign relations consultant in the same company. At the same time, in 1998-1999, he worked as a lawyer-consultant in the "Nationalist Movement" newspaper.
54. After returning to Azerbaijan in 2002-2005, he worked as a lawyer at Internews, an international humanitarian organisation that helps the development of mass media in the United States. Here, he conducted numerous training seminars on the legal protection of the press and the safety of journalists. During this period, Mr. Mammadli was one of the authors of the books "Journalist's Legal Adviser," "Teleradio Broadcasting Regulatory Boards," "Legal Basis of Media Participation in Elections" and "Public Broadcasting in Azerbaijan." Also, in 2004, he co-founded the Media Law Institute within the media project framework of the Internews.
55. Later, from 2004 to 2014, he worked as a lawyer and director at the International Research and Exchange Council (IREX) Azerbaijan, part of IREX. This international nonprofit organisation specialises in global education and development.
56. From 2002 to 2013, he conducted more than 200 training seminars dedicated to the legal education of journalists, media workers, and young lawyers at the Media Law Institute. From 2009 to 2013, the American Bar Association educated young lawyers in more than 40 training seminars conducted by the Legal Initiative in Central Europe and Eurasia (ABA-CEELI) and the DAI Foundation.
57. In February 2016, Mr Mammadli became one of the founders of the "Civil Society Platform," along with well-known civil society figures, human rights defenders, and journalists (the Platform is now defunct). The Platform's founders declared they would

discuss Azerbaijan's political and social discontents, conduct a detailed exchange of ideas, and deduce tangible recommendations.

58. That same year, Mr. Mammadli took on the role of legal founder for Toplum TV, another media outlet and a beacon of objective information. Toplum TV was dedicated to placing human rights, freedoms, and freedom of expression at the forefront of its operations, a mission that Mr. Mammadli was deeply committed to.
59. Since 2005, he has worked as an expert on media law for the OSCE, Council of Europe, and other regional and international institutions.
60. He is the author of dozens of books and scientific articles covering media law, election law, local self-government law, the right to access information, constitutional law, and human rights and freedoms. His articles have been published in local and foreign publications. He has also hosted hundreds of training sessions for lawyers and journalists.
61. The Office of the Prosecutor General (OPG) summoned Mr. Mammadli in 2014 in connection with the joint criminal case against international and local NGOs in Azerbaijan as a representative of the IREX Azerbaijan. The same year, the OPG searched its office and seized documents and electronic devices, and the local courts ordered it to freeze its bank accounts. IREX applied to the European Court of Human Rights concerning search and seizure and freeze of bank accounts. The Court found violations of Article 1 of Protocol 1 to the Convention and Article 8 of the Convention (*International Research and Exchanges Board v. Azerbaijan*, 7668/15, 2/03/2023).
62. The pro-governmental media regularly targeted Mr Mammadli, libelling him as a 'wrongdoer,' 'puppet of Western states,' and 'sabotage.' Since November 2023, these libelous allegations about him increased. Before his arrest, he prepared to sue relevant pro-governmental media organisations for the smear campaign.

### **B. Date of detention**

63. Mr Mammadli was detained on 08 March 2024.

### **C. Legal status of the prisoner**

64. Mr Mammadli is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

### **D. Legal accusation**

65. On 9 March 2024, the BMGPD officially charged Mr Mammadli with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Mr Mammadli was charged with the following:
  - a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (*qeyriləri*) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (*xeyli miqdarda*) of foreign currency to [Azerbaijan];
  - b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);
  - c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 145342,18 AZN.

## E. Legal proceedings

66. On 09 March 2024, the prosecution authorities applied to the Khatai District Court to remand Mr Mammadli in custody, citing the gravity of the offences and the risk of the his absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai District Court ordered Mr Mammadli remand in custody for four months (until 6 July 2024), endorsing the remand application.
67. Mr Mammadli appealed against the detention order. On 15 March 2024, the Baku Appeal Court dismissed the appeal.
68. The prosecution applied to the Khatai District Court requesting an extension of the his remand in custody. The reasoning for the extension application was the same reasoning of the remand application and added an extension of the preliminary investigation period including potential new charges against Mr Mammadli.
69. On 04 July 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Mammadli for four months by 06 October 2024 (Annex 13).
70. Mr Mammadli appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 11 July 2024, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
71. On 03 October, 2024 the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Mammadli for three months by 06 January 2025
72. On 27 December 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Mammadli for three months by 06 April 2025.
73. Mr Mammadli appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 January 2025, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
74. On 17 January 2025, Mr Mammadli was charged with additional 6 articles of Criminal code:<sup>125</sup>
  - Article 162-1 (*Hiring workers without a labor contract*);<sup>126</sup>
  - Article 192.3.2 (*Illegal entrepreneurship with significant income*);<sup>127</sup>
  - Article 193-1.3.1 (*Money laundering obtained by criminal means by an organized group*);<sup>128</sup>

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<sup>125</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>126</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>127</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>128</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

- Article 193-1.3.2 (The same actions committed on a large scale);<sup>129</sup>
- Article 206.4 (Smuggling by an organized group);<sup>130</sup>
- Article 213.2.1 (Tax evasion by an organized group).<sup>131</sup>

75.

#### **F. Reasons for which Mr Mammadli should be regarded political prisoner**

76. The assessment of reasonable suspicion basic threshold regarding a particular case should also be scrutinised subsidiarily in all relevant matters. The following considerations should be emphasised in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.
77. **The detainee's status:** The circumstances manifestly reveal that the detainee is a well-known media law expert who founded and represented ToplumTV, an independent media outlet known for critical coverage against the government. It is indisputable that the Government has long targeted the detainee through statements from pro-governmental public media entities. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee and his affiliated media organisation, which intensified since November 2023 by the pro-governmental media depicting him as 'one of the leaders of the fifth column of the Western powers; b) The detainee's involvement in founding and legally representing Toplum TV. Accordingly, the detainee's profile sufficiently shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee's status (civil society (legal) and media activities) put him in jeopardy with the current political state of affairs.
78. **Sequence of events:** The detainee's arrest occurred during the new repressive wave proceeding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested. In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained. In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh. Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were made against Labor Desk (*İşçi Masası*) activists, who aim to be the country's only alternative trade union organisation. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. 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. Imran Aliyev, the head of the

<sup>129</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

<sup>130</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>131</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;

Meclis.info portal that monitors the parliament, was detained in April 2024. At the beginning of May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the previous round of repression). On December 6, 2024, 7 journalists of Meydan TV were arrested.<sup>132</sup> Following on December 8, 2024, a prominent public figure Azer Gasimli was put behind the bars.<sup>133</sup> On February 4, 2025 Shamshad Aga<sup>134</sup> the head of Arqument.az was arrested within “Meydan TV” case, while Shahnaz Baylargizi presenter and editor of “Toplum TV” was arrested on February 5, 2025 as a result of opened second case related to “Toplum TV” and later she was released under house arrest<sup>135</sup>. Additionally, 2 more journalists were arrested within “Meydan TV” case in February 2025.<sup>136</sup>

These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

79. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee’s case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee’s arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 119). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee’s initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities

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<sup>132</sup> Azerbaijan’s Post-COP29 Crackdown

Authorities Target Critical Media (December 11, 2024)

<https://www.hrw.org/news/2024/12/11/azerbaijans-post-cop29-crackdown>

<sup>133</sup> Former deputy chair of the REAL Party detained in Azerbaijan (December 10, 2024) <https://oc-media.org/azar-gasimli-was-sentenced-to-four-months-of-pre-trial-detention-after-being-detained-on-charges-of-extortion/>

<sup>134</sup> Arqument.az Editor in Chief Shamshad Agha Detained in Baku, (February 24, 2025)

<https://fom.coe.int/en/alerte/detail/107642144;globalSearch=false>

<sup>135</sup> Shahnaz Baylargizi Released Under House Arrest, (February 26, 2025)

<https://www.meydan.tv/en/article/shahnaz-baylargizi-released-under-house-arrest/>

<sup>136</sup> Azerbaijan arrests 2 more journalists in Meydan TV case ( March 4, 2024)

<https://cpj.org/2025/03/azerbaijan-arrests-2-more-journalists-in-meydan-tv-case/>

took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainees' alleged involvement in bulk cash smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.

80. **The authorities' conduct:** The relevant authorities, at first, denied the detainee procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## CONCLUSION

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

## RECOMMENDATION

82. Based on this conclusion, Mr Alasgar Mammadli should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Mammadli should be compensated *restitutio in integrum*.

## 7. MUSHFIG JABAROV (JABAROV MUSHFIG MOVSUM OGLU)

### A. Personal data

83. Mr Mushfig Jabarov was born on 22 September 1985. He was a video journalist who previously cooperated with RFE/RL's (Radio Free Europe/Radio Liberty) Baku office. At the time of his detention, he was employed as a video editor at Toplum TV.

### B. Date of detention

84. Mr Jabarov was arrested on 06 March 2024.

### **C. Legal status of the prisoner**

85. Mr Jabarov is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

### **D. Legal accusation**

86. On 8 March 2024, the BMGPD officially charged Mr Jabarov with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Jabarov was charged with the following:

- a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (*qeyriləri*) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (*xeyli miqdarda*) of foreign currency to [Azerbaijan];
- b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);
- c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totalling 123.048,96 AZN.

### **E. Legal proceedings**

87. On 08 March 2024, the prosecution authorities applied to the Khatai District Court to remand Mr Jabarov in custody, citing the gravity of the offences and the risk of the his absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai District Court ordered Mr Jabarov's remand in custody for four months (until 6 July 2024), endorsing the remand application.
88. Mr Amrahov appealed against the detention order. On 15 March 2024, the Baku Appeal Court dismissed the appeal.
89. The prosecution applied to the Khatai District Court requesting an extension of his remand in custody. The reasoning for the extension application was the same reasoning of the remand application and added an extension of the preliminary investigation period including potential new charges against Mr Jabarov.
90. On 03 July 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Jabarov for four months by 06 October 2024 (Annex 13).
91. Mr Jabarov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 July 2024, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
92. On 03 October, 2024 the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Jabarov for three months by 06 January 2025
93. Mr Jabaov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 10 October, 2024 the Baku Appeal Court dismissed the appeal.



94. On 27 December 2024, the Khatai District Court granted an extension of the remand in custody application, citing, *inter alia*, potential new charges against Mr Jabarov for three months by 06 April 2025.
95. Mr Jabarov appealed the district court's extension order, relying on the absence of an objective basis for the extension. On 09 January 2025, the Baku Appeal Court dismissed the appeal, endorsing the reasoning of the first-instance court.
96. On 17 January 2025, Mr Jabarov was charged with additional 6 articles of Criminal code:<sup>137</sup>
- Article 162-1 (Hiring workers without a labor contract);<sup>138</sup>
  - Article 192.3.2 (Illegal entrepreneurship with significant income);<sup>139</sup>
  - Article 193-1.3.1 (Money laundering obtained by criminal means by an organized group);<sup>140</sup>
  - Article 193-1.3.2 (The same actions committed on a large scale);<sup>141</sup>
  - Article 206.4 (Smuggling by an organized group);<sup>142</sup>
  - Article 213.2.1 (Tax evasion by an organized group).<sup>143</sup>
- 97.

## F. Reasons for which Mr Jabarov should be regarded political prisoner

98. The following considerations should be emphasised in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.
99. **The detainee's status:** The circumstances manifestly reveal that the detainee's affiliated organisation –ToplumTV was one of the targets of the Government. The detainee was targeted due to his affiliation with ToplumTV and his activities as a video editor at ToplumTV. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee's affiliated media organisation, which intensified since November 2023 by the pro-governmental media depicting him as 'one of the leaders of the fifth column of the Western powers; b) The detainee's role as a video editor in the ToplumTV. Accordingly, the detainee's profile

<sup>137</sup> Accusations against the Toplum TV Case Defendants Aggravated ( January 17,2025)

(<https://turaz.az/en/politics/accusations-against-the-toplum-tv-case-defendants-aggravated-789454>)

<sup>138</sup> Maddə 162-1. Əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi

162-1.1. Azərbaycan Respublikasının Əmək Məcəlləsində nəzərdə tutulmuş qaydada əmək müqaviləsi (kontraktı) hüquqi qüvvəyə minmədən xeyli sayda işçilərin hər hansı işlərin (xidmətlərin) yerinə yetirilməsinə cəlb edilməsi —yeddi min manatdan on min manatadək miqdarda cərimə və ya iki ilədək müddətə islah işləri və ya iki ilədək müddətə azadlığın məhdudlaşdırılması və ya iki ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

162-1.2. Eyni əməllər təkrar törədildikdə —üç ilədək müddətə azadlığın məhdudlaşdırılması və ya üç ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>139</sup> 193.3.2. xüsusilə külli miqdarda gəlir əldə etməklə törədildikdə —üç ilədək müddətə müəyyən vəzifə tutma və ya müəyyən fəaliyyətlə məşğul olma hüququndan məhrum edilməklə və ya edilməməklə cinayət nəticəsində vurulmuş ziyanın (əldə edilmiş gəlirin) dörd misli miqdarında cərimə və ya beş ildən yeddi ilədək müddətə azadlıqdan məhrumetmə ilə cəzalandırılır.

<sup>140</sup> 193-1.3.1. mütəşəkkil dəstə və ya cinayətkar birlik (cinayətkar təşkilat) tərəfindən törədildikdə;

<sup>141</sup> 193-1.3.2. xeyli miqdarda törədildikdə –

<sup>142</sup> 206.4. Bu Məcəllənin 206.1 — 206.3-cü maddələrində nəzərdə tutulmuş əməllər mütəşəkkil dəstə tərəfindən törədildikdə—

<sup>143</sup> 213.2.1. mütəşəkkil dəstə tərəfindən törədildikdə;

sufficiently shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee's status (media activities) put him in jeopardy with the current political state of affairs.

100. **Sequence of events:** The detainee's arrest occurred during the new repressive wave proceeding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested. In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained. In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh. Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were made against Labor Desk (*İşçi Masası*) activists, who aim to be the country's only alternative trade union organisation. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. 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. Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained in April 2024. At the beginning of May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the previous round of repression). On December 6, 2024, 7 journalists of Meydan TV were arrested.<sup>144</sup> Following on December 8, 2024, a prominent public figure Azer Gasimli was put behind the bars.<sup>145</sup> On February 4, 2025 Shamshad Aga<sup>146</sup> the head of Arqument.az was arrested within "Meydan TV" case, while Shahnaz Baylargizi presenter and editor of "Toplum TV" was arrested on February 5, 2025 as a result of opened second case related to "Toplum TV" and later she was released under house arrest<sup>147</sup>. Additionally, 2 more journalists were arrested within "Meydan TV" case in February 2025.<sup>148</sup>
101. These arrests show a new wave of repression has already begun. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of

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<sup>144</sup> Azerbaijan's Post-COP29 Crackdown

Authorities Target Critical Media (December 11, 2024)

<https://www.hrw.org/news/2024/12/11/azerbaijans-post-cop29-crackdown>

<sup>145</sup> Former deputy chair of the REAL Party detained in Azerbaijan (December 10, 2024) <https://oc-media.org/azar-gasimli-was-sentenced-to-four-months-of-pre-trial-detention-after-being-detained-on-charges-of-extortion/>

<sup>146</sup> Arqument.az Editor in Chief Shamshad Agha Detained in Baku, (February 24, 2025)

<https://fom.coe.int/en/alerte/detail/107642144;globalSearch=false>

<sup>147</sup> Shahnaz Baylargizi Released Under House Arrest, (February 26, 2025)

<https://www.meydan.tv/en/article/shahnaz-baylargizi-released-under-house-arrest/>

<sup>148</sup> Azerbaijan arrests 2 more journalists in Meydan TV case ( March 4, 2024)

<https://cpj.org/2025/03/azerbaijan-arrests-2-more-journalists-in-meydan-tv-case/>

Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

102. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee's case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee's arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 119). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee's initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainees' alleged involvement in bulk cash smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.

103. **The authorities' conduct:** The relevant authorities, at first, denied the detainee's procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## CONCLUSION

104. The personal factors (Mushfig Jabarov's profile, absence of convincing evidence, and constant violation of procedural rights) and contextual factors

(defamatory media campaign and new wave of political repression) cumulatively indicate reasonable grounds to believe that Mr Jabarov should be considered a political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

## RECOMMENDATION

105. Based on this conclusion, Mr Mushfig Jabarov should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Jabarov should be compensated *restitutio in integrum*.

## 7. FARID ISMAYILOV (ISMAYILOV FARID ALIHUSEYN OGLU)

### B. Personal data

106. Farid Ismayilov was born on 4 September 1998. He was a video journalist at Toplum TV since 2022.

### B. Date of detention

107. Mr Ismayilov was arrested on 17 January, 2025.

### C. Legal status of the prisoner

108. Mr Ismayilov is a detainee. He was remanded in custody and is currently held in Baku Pre-Trial Detention Facility no 1.

### D. Legal accusation

109. On 8 March 2024, the BMGPD officially charged Ismayilov with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment. According to the arraignment, Mr Ismayilov was charged with the following:

- a) acting with the intention of greed and the purpose of gaining illicit income, conspired beforehand with co-conspirators [their names were mentioned above] and other persons (*qeyriləri*) whose identities were sought under preliminary investigation, unlawfully to transport a significant amount (*xeyli miqdarda*) of foreign currency to [Azerbaijan];
- b) committed bulk cash smuggling that obtained currency in foreign countries, whose source is unknown to the preliminary investigation currently, at different dates, including 2023-2024, upon returning from various foreign trips to [Azerbaijan], either by evading customs control or misusing fraudulent documents or customs identification means or violating financial reporting requirements (either not declaring or wrongly declaring);
- c) With other co-conspirators, they divided these among themselves and conducted various financial transactions, thus gaining considerable [illicit] income totaling 123.048,96 AZN.

### G. Legal proceedings

110. On March 8, the Khatai District Court sentenced Farid Ismayilov to restrictive police control.
111. On 17 January 2025, the prosecution authorities applied to the Khatai District Court to remand Mr Ismayilov in custody. By a decision of 17 January 2025, the Khatai District Court ordered Mr Ismayilov's remand in custody for two months and 20 days (until 6 April, 2025), endorsing the remand application.
112. Mr Ismayilov appealed against the detention order. On 24 January 2025, the Baku Appeal Court dismissed the appeal.

#### **H. Reasons for which Mr Ismayilov should be regarded political prisoner**

113. The following considerations should be emphasised in this totality assessment in the general contextual evaluation of a distinct state of affairs (*Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131): 1) The detainee's status; 2) The sequence of the events; 3) The manner in which the investigations were carried out; 4) The authorities' conduct.
114. **The detainee's status**: The circumstances manifestly reveal that the detainee's affiliated organisation –ToplumTV was one of the targets of the Government. The detainee was targeted due to his affiliation with ToplumTV and his activities as a video editor at ToplumTV. The following factors should be forwarded in this regard: a) Long-time and constant negative media coverage of the detainee's affiliated media organisation, which intensified since November 2023 by the pro-governmental media depicting him as 'one of the leaders of the fifth column of the Western powers; b) The detainee's role as a video editor in the ToplumTV. Accordingly, the detainee's profile sufficiently shows that he was constantly at risk of being persecuted through unlawful legal means in the general restrictive political environment of the Azerbaijani political system. On this account, the detainee's status (media activities) put him in jeopardy with the current political state of affairs.
115. **Sequence of events**: The detainee's arrest occurred during the new repressive wake proceeding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested. In June 2023, the protests against the gold mine located in the village of Soyudlu, Gadabay, and the coverage of those protests by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events. In July 2023, politician and economist Gubad Ibadoglu was detained. In August 2023, pro-government media organised a smear campaign against peace activists protesting military operations in Nagorno-Karabakh. Four activists were administratively detained for one month in September 2023. In August and September 2023, arrests were made against Labor Desk (*İşçi Masası*) activists, who aim to be the country's only alternative trade union organisation. However, the primary follow-up campaign started in November 2023. First, the pro-government media shared smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, AbzasMedia arrests began. 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. Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained in April 2024. At the beginning of May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (A. Mammadli was also arrested in the

previous round of repression). On December 6, 2024, 7 journalists of Meydan TV were arrested.<sup>149</sup> Following on December 8, 2024, a prominent public figure Azer Gasimli was put behind the bars.<sup>150</sup> On February 4, 2025 Shamshad Aga<sup>151</sup> the head of Arqument.az was arrested within “Meydan TV” case, while Shahnaz Baylargizi presenter and editor of “Toplum TV” was arrested on February 5, 2025 as a result of opened second case related to “Toplum TV” and later she was released under house arrest<sup>152</sup>. Additionally, 2 more journalists were arrested within “Meydan TV” case in February 2025.<sup>153</sup>

These arrests show a new wave of repression has intensified. The goal of this wave of repression is to paralyse the activities of post-2014 informally networked NGOs and critical media. This process started with passing the Law on Media in 2021 and the Law on Political Parties in 2022. The Venice Commission of the Council of Europe criticised both laws for being restrictive. Nevertheless, both Acts are valid and enforceable. It should be noted that a similar process took place in the repression of 2013-14. Earlier restrictive laws were passed. Later, there were arrests. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023-2024. The main goal of this campaign of political arrests is to destroy the informal, networked NGOs and critical media, which have revived and taken a new format in the post-2014 era, and political arrests have an instrumental purpose here.

116. **The way the investigations were carried out:** The investigative authorities acted in bad faith regarding the detainee’s case and circumvented procedural safeguards. As described above, at the present time, the two kinds of initial proofs brought the detainee’s arrest, initial detention, and following remand in custody are operational information and outcomes of the search and seizure procedures. The following observations concerning operation information can be asserted in this connection. Firstly, it is not disputed that the detainee had no criminal history of being involved in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 119). Secondly, neither the police reports nor any decisions taken subsequently contained any specifics as regards the collection and receipt of the operational information in question. Notably, it remains unknown how the police allegedly received that information, the source of information, and how that source became aware of the information (*mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan*, 2020, § 120). Thirdly, the operational information was withheld from the detainee’s initial defence, and he was deprived of challenging this evidence in any way. Regarding investigative measures the authorities took, the following line of argumentation should be reiterated. The investigative measures carried out into the detainees’ alleged involvement in bulk cash

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<sup>149</sup> Azerbaijan’s Post-COP29 Crackdown

Authorities Target Critical Media (December 11, 2024)

<https://www.hrw.org/news/2024/12/11/azerbajians-post-cop29-crackdown>

<sup>150</sup> Former deputy chair of the REAL Party detained in Azerbaijan (December 10, 2024) <https://oc-media.org/azar-gasimli-was-sentenced-to-four-months-of-pre-trial-detention-after-being-detained-on-charges-of-extortion/>

<sup>151</sup> Arqument.az Editor in Chief Shamshad Agha Detained in Baku, (February 24, 2025)

<https://fom.coe.int/en/alerte/detail/107642144;globalSearch=false>

<sup>152</sup> Shahnaz Baylargizi Released Under House Arrest, (February 26, 2025)

<https://www.meydan.tv/en/article/shahnaz-baylargizi-released-under-house-arrest/>

<sup>153</sup> Azerbaijan arrests 2 more journalists in Meydan TV case ( March 4, 2024)

<https://cpj.org/2025/03/azerbaijan-arrests-2-more-journalists-in-meydan-tv-case/>

smuggling consisted mainly of searches of their office premises and the seizure of cash allegedly discovered due to those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest without good reason raises legitimate concerns about the possible "planting" of evidence (see *Sakit Zahidov v. Azerbaijan*, no. 51164/07, § 53, 12 November 2015, and *Layijov v. Azerbaijan*, no. 22062/07, § 69, 10 April 2014). As submitted above, the search and seizure procedures were conducted with violation of procedural safeguards such as denial of the presence of a counsel, the detainee's and others' placement under the effective control of police officers, and executing the procedures under the guise of the operational search measures instead of criminal procedural search and seizure procedure, therefore, acting in bad faith.

117. **The authorities' conduct:** The relevant authorities, at first, denied the detainee's procedural safeguards. The domestic courts failed to assess criminal procedural legislation properly. Moreover, the pro-governmental media constantly published defamatory coverage about the detainee. Investigative authorities leaked personal files obtained through investigative measures to the pro-governmental media in a selective way. That led to misuse of the personal data obtained unlawfully from the detainees in this case and for the construction of defamatory content.

## CONCLUSION

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

## RECOMMENDATION

119. Based on this conclusion, Mr Farid Ismayilov should be released unconditionally and immediately. Currently, the investigative authorities at this stage of the criminal case can terminate the case without requiring judicial proceedings. Furthermore, Mr Ismayilov should be compensated *restitutio in integrum*.

## CONCLUDING REMARKS

Based on the examination conducted in the framework of this report, the reasonable observer can perceive that there exist reasonable grounds to believe the current remand prisoners who were charged and remanded in custody in connection with joint criminal against the IDI, Toplum TV, and the TRP shall be regarded as political prisoners within the meaning Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe. Concerning the definitional standpoint of a political prisoner, the research focuses on two essential dimensions of political imprisonment - procedural injustice and political motivation.

This examination presented aggregated primary factual and comprehensive contextual corroboration of evidence that satisfies the prima facie standard of proof for consideration of the status of political prisoners.

The examination follows the contemporary concept and criteria of political imprisonment (detention), which positive international human rights law prescribed *sensu stricto*. The foundations of the inquiry not only include case-related (procedural) particularities which demonstrate the severe failure of procedural justice (denial of the presence of the legal counsel during searches that is the sole decisive evidence of initiation of the criminal case) but also prior and subsequent contextual matters (such as endorsement of the high ranking officials and pro-governmental media to the criminal case and their constant pursuit of smear campaign against, *inter alia*, the remand prisoners) that demonstrate as an evident manner political motivation of the authorities against the remand prisoners.

Consequently, satisfying both substantive and procedural aspects of the positive law concept of political imprisonment, the inquiry observed that international stakeholders (international public bodies and international human rights NGOs) concerning human rights issues in Azerbaijan should acknowledge remand prisoners of the joint criminal case against the IDI, ToplumTV, and the TRP as political prisoners.

In the end, the examination offers for consideration of legal remedies for the political prisoners mentioned above in the forms of immediate cessation of deprivation of liberty within the practical manners and *restitutio in integrum*.