

ZAUR ASGAROV



FACTS

Personal data:

1. Zaur Asgarov (DOB: 30 December 1977) is an Azerbaijani citizen and a senior opposition activist of the Azərbaycan Xalq Cəbhəsi Partiyası/Popular Front Party of Azerbaijan (AXCP/PFPA). Public reporting identified him as the chair of the AXCP/PFPA Qaradağ district branch, while the case materials record that he had been politically active in AXCP/PFPA circles, participated in rallies, and by September 2024 was serving as head of that district branch.
2. Asgarov was detained on 7 March 2025 and charged under Article 281.2 of the Criminal Code over alleged anti-government audio messages shared in WhatsApp groups such as “Azərbaycan Naminə Birlik” and “AXCP-nin dostluq qrupu.” On 5 June 2025, he was sentenced to 5 years and 6 months’ imprisonment, and on 28 July 2025, the Baku Court of Appeal upheld that conviction.¹
3. Asgarov’s case is plainly politically motivated and should be understood as a fabricated prosecution aimed at punishing opposition activity. He was not treated as an ordinary defendant but as an AXCP/PFPA district leader whose political speech and messaging-app discussions were recast as a grave state-security offence, in the context of a wider campaign against AXCP/PFPA members. Public reporting at the time of arrest and trial placed his case squarely within that pattern.

4. The allegations against Z. Asgarov lack credibility and are widely regarded as politically driven and part of a wider crackdown on civil society and independent media launched by the Azerbaijani authorities starting from 2022.²

Date of detention:

5. On 07.03.2025, Zaur Asgarov was detained by law enforcement authorities. On the same date, by decision of the Binagadi District Court, a pre-trial detention measure for a period of two months was imposed on him. The trial judgment likewise states that his detention was calculated from 07.03.2025 and that he remained in custody pending the judgment's entry into force.

Legal accusations:

6. On 07.03.2025, following his detention earlier that day, the investigating authorities of the Prosecutor General's Office Investigation Department formally charged Zaur Asgarov with the following bogus accusation:

- public anti-state calls, allegedly committed repeatedly or by a group of persons, under Article 281.2 of the Criminal Code; in substance, the accusation was based on alleged statements and audio messages in the WhatsApp groups "Azərbaycan Naminə Birlik" and "AXCP-nin dostluq qrupu", which the authorities portrayed as calls for the violent seizure or retention of power and the violent change of the constitutional order.

7. Asgarov's case was publicly discussed as part of the campaign against AXCP/PFPA rather than as a genuine criminal prosecution. He was the chair of the AXCP/PFPA Qaradağ district branch and was arrested together with Gunduz Mirzayev on 7 March 2025 under Article 281.2, while AXCP/PFPA said that roughly fifteen of its members were already behind bars. The authorities were therefore not responding to any real public danger; they were using a grave criminal charge to neutralize an opposition organizer and to intimidate the wider party structure.

Legal status of prisoner:

8. Zaur Asgarov is a convicted prisoner. On 5 June 2025, the Baku Assize Court found him guilty under Article 281.2 of the Criminal Code and sentenced him to 5 years and 6 months' imprisonment, to be served in an ordinary-regime penitentiary institution, with the sentence calculated from 7 March 2025.

Legal proceedings:

9. On 07.03.2025, Zaur Asgarov was detained by law-enforcement authorities, and by decision of the Binagadi District Court of the same date, a pre-trial detention measure for a period of two months was imposed on him. He remained in custody throughout the proceedings until the first-instance judgment.
10. The first-instance trial concluded on 05.06.2025, when the Baku Assize Court found Asgarov guilty under Article 281.2 of the Criminal Code and sentenced him to 5 years and 6 months' imprisonment, to be served in an ordinary-regime penitentiary institution. The court ordered that the sentence be calculated from 07.03.2025 and that the custodial measure remain in place until the judgment entered into legal force.
11. Asgarov appealed, and his lawyer also filed a separate appeal seeking acquittal. On 28.07.2025, the Baku Court of Appeal dismissed both appeals and upheld the judgment of 05.06.2025 unchanged.
12. The appellate court's reasoning was formulaic and deferential. It expressly endorsed the first-instance court's assessment and stated that guilt was established by the totality of the evidence, in particular Asgarov's investigation-stage incriminating statement, witness testimony, expert opinions, DVD audio recordings, material evidence and procedural documents. Rather than subjecting that package to rigorous scrutiny, the appellate court simply ratified it.
13. At trial and on appeal, Asgarov denied any intention to seize power by force. He stated that, although he regretted the coarse and intemperate language he had used, his aim had been political change through elections, not a violent overthrow; the defense also argued that the statements relied on by the prosecution were expressions of political dissatisfaction, not open calls within the meaning of Article 281.2. Even so, the appellate court dismissed those arguments as an attempt to evade criminal responsibility and accepted the prosecution's framing without meaningful analysis. That approach confirms the essentially fabricated nature of the case, namely, the courts did not test whether the legal elements of the offence were truly made out but instead converted oppositional political speech into a state-security conviction.

LEGAL ANALYSIS

Reasons why Zaur Asgarov should be regarded as a political prisoner:

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

(a) Zaur's detention and imprisonment violate his fundamental rights under the European Convention on Human Rights, particularly freedom of expression and the right to freedom of association, as well as the right to a fair trial and to liberty and security.

(e) The political motives (ulterior motives) were sole and predominant in pursuing and conducting unfair criminal proceedings against him, which caused preliminary detention and imprisonment.

15. The European Court of Human Rights' jurisprudence on Article 18 of the ECHR, which prohibits restrictions on rights for improper purposes, reinforces this analysis. The following considerations based on quadripartite test should be emphasized in this totality assessment in the general contextual evaluation of a distinct state of affairs (*mutatis mutandis*, *Ibrahimov and Mammadov v. Azerbaijan*, 2020, §§ 113-131):

- 1) The prisoner's public profile;
- 2) The sequence of the events;
- 3) The manner in which the investigations and trial were carried out;
- 4) The authorities' conduct.

Zaur Asgarov's public profile:

16. The circumstances indicate even more clearly that Zaur Asgarov was a politically identifiable opposition figure. The case materials state that he became involved in political activity, joined the AXCP/PFPA, took part in rallies, and from September 2024 served as chair of the AXCP/PFPA Qaradağ district branch. Public reporting consistently described him in the same way, namely as the head of that district branch. Unlike a peripheral sympathizer, Asgarov occupied an organizational role inside the opposition and was therefore an obvious target for politically motivated enforcement.

17. Asgarov's prosecution is best understood as part of the broader campaign to incapacitate AXCP/PFPA organizers by recasting political speech and internal mobilization as a state-security crime. Public reporting linked his arrest to the already ongoing detention of numerous AXCP/PFPA members, and ODIHR had already documented detentions of AXCP members and a sharply restricted environment for opposition politics. In that context, charging a district branch chair on the basis of speech in WhatsApp groups was not a neutral application of criminal law. It was a deliberate act of political repression aimed at removing a local opposition organizer from active political life, intimidating the party structure below the national leadership level, and warning others that rally participation, anti-government speech and party work may be recoded as anti-state calls carrying years of imprisonment.

The sequence of events:

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

23. In April 2024, Imran Aliyev, the head of the Meclis.info portal monitoring the parliament, was detained.¹⁰ In May 2024, Anar Mammadli, the head of Election Monitoring and Democracy Studies (EMDS), was arrested (he had also been arrested in the previous round of repression).¹¹ These arrests demonstrate that a new wave of repression had already begun. The objective of this wave was to paralyze the activities of post-2014 informally networked NGOs and critical media. But it also expanded beyond NGOs and media into academia and peace advocacy: Igbal Abilov¹², a Talysh historian/ethnographer, was detained in July 2024 and later sentenced to 18 years' imprisonment in May 2025 on treason-related accusations and political scientist Bahruz Samadov¹³ was detained in August 2024 on treason charges similarly and later sentenced to a 15 years' prison term. Both of their arrests are widely condemned as politically motivated.
24. Repression further continued against independent media through the Meydan TV case¹⁴: Human Rights Watch reported that the investigation targeted the outlet and that its newsroom staff were held in pre-trial detention from December 2024, with subsequent arrests feeding into a consolidated trial that began in December 2025. Finally, repression widened to formal opposition politics in late 2025, when Ali Karimli¹⁵, the long-standing leader of the Popular Front Party, was detained (29 November 2025) and remanded into pre-trial custody, amid a broader escalation against the party documented by human rights monitors.
25. This process was preceded by restrictive legislation: the Law on Media (2021)¹⁶ and the Law on Political Parties (2022)¹⁷. Both laws were criticized by the Venice Commission of the Council of Europe for being restrictive. Nevertheless, they remain valid and enforceable. A similar process took place during the repression of 2013–2014: restrictive laws were first adopted, and arrests followed.
26. In this regard, the persons arrested in this process, including the detainee, are victims of the political repression of 2023–2025. The main objective of this campaign of political arrests is to dismantle the informal, networked NGOs and critical media that revived and assumed a new format in the post-2014 era. Political arrests in this context serve an instrumental purpose.

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

27. The investigation and trial in Zaur Asgarov's case were carried out in a manner incompatible with a genuine criminal process. The authorities relied on speech in WhatsApp groups and recast it as a coordinated campaign for the violent seizure or retention of power, even though the factual narrative disclosed no concrete preparatory act beyond recorded statements and their circulation. The case was thus built on an inflated interpretation of political expression rather than on evidence of a real violent conspiracy.

28. The evidentiary structure was narrow and prosecution driven. The conviction was anchored in selected audio extracts, expert opinions describing them as open calls, a DVD containing the recordings, and witness material filtered through the prosecution's theory. At the same time, Asgarov stated that, although he regretted his coarse language, his aim had been political change through elections, not a forcible overthrow; Elshan Karimov, the relevant group administrator and witness, also told the court that there had been no discussions in the group about seizing power.
29. The appellate materials make the legal flaw explicit. Defense counsel argued that the impugned statements were, at most, expressions of dissatisfaction with the authorities and did not satisfy the legal requirements of Article 281.2, which the appellate court itself summarized as requiring open calls with a public and active character. That was the decisive issue. Yet the Court of Appeal did not seriously analyze whether statements made in these circumstances actually met that threshold. Instead, it dismissed the defense position as unfounded and upheld the conviction by mechanically invoking the same prosecution materials relied on at first instance.
30. The appellate court's reasoning confirms the fundamentally predetermined character of the case. Rather than testing whether the offence had been made out, it treated Asgarov's denial as an attempt to evade responsibility and deferred to its own internal conviction based on the investigation-stage evidence. The appeal was dealt with formally rather than substantively. The court endorsed the prosecution's account without properly engaging with the defence evidence or the legal threshold of Article 281.2.

The authorities' conduct:

31. The authorities likewise dealt with Zaur Asgarov's case in a manner directed toward conviction, not careful legal review. They treated his voice messages and political rhetoric as open calls for the violent seizure of power, kept him in detention until the judgment entered into force, and on appeal failed to engage properly with the core defense argument that the impugned statements were expressions of political dissatisfaction rather than conduct falling within Article 281.2. Asgarov expressly stated that he had not called for the violent seizure of power and that his objective had been political change by electoral means; the group administrator also confirmed that no discussions had taken place in the group about overthrowing the state. The Court of Appeal nevertheless accepted the first-instance evidentiary package at face value and dismissed the appeal without real scrutiny. In substance, the authorities converted opposition speech into a criminal-security case and then insulated that characterization from meaningful review.

CONCLUSION

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

RECOMMENDATION

33. Based on this conclusion, Zaur Asgarov should be released unconditionally and immediately. Furthermore, he should be compensated restitutio in integrum.

¹ AzadlıqRadiosu, ‘Daha iki cəbhəçi dövlət əleyhinə çağırış ittihamı ilə həbs edilib’ (14 March 2025) <https://www.azadliq.org/a/axcp-hebs/33347535.html> accessed 13 March 2026.

² European Parliament, ‘Resolution on the crackdown on independent media in Azerbaijan, notably the case of Abzas Media’ (2024) P9_TA(2024)0074 https://www.europarl.europa.eu/doceo/document/TA-10-2024-0074_EN.html accessed 29 May 2025.

³ Parliamentary Assembly of the Council of Europe (PACE), ‘Resolution 1900 (2012): The definition of political prisoner’ (3 October 2012) <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150> accessed 29 May 2025.

⁴ Eurasianet, Prominent activist detained following U.S. sanctions on Azerbaijani official <https://eurasianet.org/prominent-activist-detained-following-us-sanctions-on-azerbaijani-official> accessed 28 August 2025

⁵ Reporters Without Borders, Police prevent coverage of protests about environmental scandal in Azerbaijan <https://rsf.org/en/police-prevent-coverage-protests-about-environmental-scandal-azerbaijan> accessed 28 August 2025

⁶ Human Rights Watch, Azerbaijan: Free Academic Facing Bogus Charges <https://www.hrw.org/news/2024/07/23/azerbaijan-free-academic-facing-bogus-charges> accessed 28 August 2025

⁷ Musavat, “No-Warçılarının dosyesi: onlar harada və necə yetişiblər” https://musavat.com/news/no-war-cilarin-dosyesi-onlar-harada-ve-necə-yetisibler_1001622.html accessed 28 August 2025

⁸ Eurasianet, Azerbaijan authorities smash unionization efforts for gig workers <https://eurasianet.org/azerbaijan-authorities-smash-unionization-efforts-for-gig-workers> accessed 28 August 2025

⁹ Amnesty International, Azerbaijan: Seven journalists sentenced in latest shocking crackdown on free speech <https://www.amnesty.org/en/latest/news/2025/06/azerbaijan-seven-journalists-sentenced-in-latest-shocking-crackdown-on-free-speech/> accessed 28 August 2025

¹⁰ Council of Europe, Safety Of Journalists — FOM Alert <https://fom.coe.int/en/alerte/detail/107640886> accessed 28 August 2025

¹¹ Council of Europe Commissioner for Human Rights, Azerbaijan: authorities should release imprisoned human rights defenders, journalists and civil society activists <https://www.coe.int/en/web/commissioner/-/azerbaijan-authorities-should-release-imprisoned-human-rights-defenders-journalists-and-civil-society-activists> accessed 28 August 2025

¹² Scholars at Risk, ‘Release academic Iqbal Abilov, wrongfully imprisoned for one year’ (22 July 2025) <https://www.scholarsatrisk.org/2025/07/release-academic-igbal-abilov-wrongfully-imprisoned-for-one-year/> accessed 7 January 2026

¹³ Human Rights Watch, 'Azerbaijan: Escalating Crackdown on Critics' (30 August 2024)

<https://www.hrw.org/news/2024/08/30/azerbaijan-escalating-crackdown-critics> accessed 7 January 2026.

¹⁴ Arzu Geybulla, 'Another Courageous Journalist Jailed in Azerbaijan' (Human Rights Watch, 16 May 2025)

<https://www.hrw.org/news/2025/05/16/another-courageous-journalist-jailed-azerbaijan> accessed 7 January 2026.

¹⁵ Amnesty International, 'Azerbaijan: Arrest of opposition leader is further evidence of consolidation of authoritarian practices' (1 December 2025)

<https://www.amnesty.org/en/latest/news/2025/12/azerbaijan-arrest-of-opposition-leader-is-further-evidence-of-consolidation-of-authoritarian-practices/> accessed 7 January 2026.

¹⁶ Venice Commission. 'Opinion on On The Law On Media in Azerbaijan.' Council of Europe, Opinion No.

1078/2022, 2022, available at [https://www.venice.coe.int/webforms/documents/default.aspx?](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)009-e)

[pdffile=CDL-AD\(2022\)009-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)009-e)

¹⁷ Venice Commission and OSCE/ODIHR. Joint Opinion On The Law On Political Parties, 2023 available

at <https://www.osce.org/files/f/documents/1/4/543922.pdf>

