

ASLAN GURBANOV



A. FACTS

Personal data:

1. Aslan Gurbanov (DOB: 18 January 1993) is an Azerbaijani citizen and Talysh blogger/activist from Lerik district. Before his arrest, he lived in Baku. He was active on social media networks, primarily through Facebook, Instagram, and WhatsApp, where he was active on various political topics, including the questions of national identity and self-determination, as well as promoted Talysh language, literature, music, history, and identity; public reporting also links his online activity to calls for the release of detained political figures.
2. Gurbanov was detained on 14 July 2020 and charged under Articles 281.2 and 283.1 of the Criminal Code with repeated public anti-state calls, allegedly aimed at undermining Azerbaijan's territorial integrity and disseminated through social media and messaging platforms, as well as with incitement of national, racial, social, or religious hatred and enmity through the media.¹
3. His case is widely reported as politically motivated, in connection with his Talysh-focused online activity and as part of a broader pattern in which Talysh bloggers/activists and other critical voices in Azerbaijan are prosecuted on various fabricated charges. Media reporting noted that his visible online activity largely involved sharing Talysh songs, literature, language, and cultural material, as well as calls for the release of detained opposition-linked figures.

4. The allegations against A. Gurbanov 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.²

Date of detention:

5. On 14.07.2020, Aslan Gurbanov was detained as a suspect by the authorities, and on 16.07.2020, pursuant to a court decision, a pre-trial detention measure was imposed on him.

Legal accusations:

6. On 14 July 2020, following his detention by the State Security Service (SSS), the investigating authorities formally accused Aslan Gurbanov of the following offences:

- repeated public calls against the state, allegedly aimed at undermining the territorial integrity of Azerbaijan and disseminated through social media and messaging platforms, under Article 281.2 of the Criminal Code;
- incitement of national, racial, social, or religious hatred and enmity through media/social-media dissemination, under Article 283.1 of the Criminal Code.

7. His case has been publicly discussed as politically motivated, as part of a broader pattern in which Talysh activists/bloggers and other critical voices in Azerbaijan are prosecuted on speech-related accusations. Public reporting indicates that his visible online activity is largely concerned with the promotion of the Talysh language, literature, music, and identity, rather than any genuine threat to public order or national security.

Legal status of prisoner:

8. Aslan Gurbanov is a convicted prisoner. On 15 April 2021, the Baku Assize Court found him guilty under Articles 281.2 and 283.1 of the Criminal Code and sentenced him to 7 years' imprisonment. He appealed, but the appellate court upheld the first-instance judgment.

Legal proceedings:

9. On 14 July 2020, Aslan Gurbanov was detained as a suspect by the authorities, and on 16 July 2020, a court decision imposed a pre-trial detention measure on him; the trial judgment records that he then remained continuously in custody throughout the first-instance proceedings.

10. The first-instance trial concluded on 15 April 2021, when the Baku Assize Court found him guilty under Articles 281.2 and 283.1 of the Criminal Code and sentenced him to 7 years' imprisonment. The court also ordered that the custodial measure remain in place until the judgment entered into legal force and held that the sentence should be calculated from 14 July 2020.

11. Gurbanov appealed the first-instance judgment and on 23 June 2021, the Baku Court of Appeals upheld the judgment of the Baku Assize Court.
12. The judgment itself shows that the case was constructed by recharacterizing the expression as violent anti-state criminality. The conduct described by the court consisted overwhelmingly of Facebook posts, WhatsApp voice messages, photographs with the so-called “Talysh-Mughan Republic” flag, and the circulation of a video of graffiti. Yet the court treated these expressive acts as sufficient proof of repeated calls against the state and incitement of ethnic hatred, without identifying any concrete operational plan, violent act, or imminent threat. Most strikingly, one expert report treated a photograph of Gurbanov displaying a flag and making a victory sign as a “non-verbal” open call for violent change to the constitutional order and separatism. That is a hallmark of fabrication: symbolic and political speech was not assessed as speech, but was instead converted into proof of grave security offences by means of expansive official interpretation.
13. The judgment also reveals that the evidentiary chain was thin and circular. The court relied heavily on Gurbanov’s own partial admission/remorse and on witnesses whose knowledge of authorship was often indirect. For example, one WhatsApp-group witness stated that he had heard the audio messages in the group, but only learned during the investigation that the speaker was allegedly Aslan; another similarly said that the messages had been posted in the group, but that it became known to him only later that they had allegedly been sent by Gurbanov. A further witness admitted that he was not an active Facebook user and had not directly followed the relevant pages but had mainly seen the material when Gurbanov himself showed it to him on his phone. Despite these gaps, the court described the evidence as credible and irrefutable. In substance, the judgment shows a prosecution built not on independently verified dangerous conduct, but on ideological interpretation, derivative witness testimony, and the criminalization of Talysh-oriented speech, symbols, and historical narratives.

B. LEGAL ANALYSIS

Reasons why Aslan Gurbanov should be regarded as a political prisoner:

14. Assessment of whether A. Gurbanov 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 the conviction of A. Gurbanov satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((a) and (e)):

- (a) Aslan’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.

Aslan Gurbanov's public profile:

16. The circumstances indicate that Aslan Gurbanov is not a conventional party-political opposition figure, but rather a Talysh blogger/activist whose public engagement was expressed primarily through online speech about Talysh identity, language, history, symbols, and alleged discrimination. On the Instagram page attributed to him, he mainly shared songs by well-known Talysh singers, poems and stories by Talysh writers, and materials about Talysh heroes; Freedom House similarly described him as a blogger who regularly wrote about the Talysh. The judgment itself shows that the authorities built his public profile around several Facebook pages, participation in the "ƏZ TOLİŞİM" WhatsApp group, and photographs and videos with the so-called "Talysh-Mughan Republic" flag, treating those materials as evidence of anti-state activity.

17. From the outset and in the broader context, Gurbanov's case appears consistent with a pattern in which Talysh-oriented expression is recast as separatism, anti-state propaganda, or ethnic hatred. He was prosecuted for social-media materials that allegedly falsely claimed discrimination against the Talysh, while his relatives maintained that some posts may have been emotional but that he remained loyal to the country; the visible content of his accounts was overwhelmingly cultural and identity-based, rather than operational or violent. Seen in the broader context of measures taken against Talysh public figures in Azerbaijan, Gurbanov's case indicates that the authorities did not limit such prosecutions to party leaders or well-known dissidents; persistent minority-rights advocacy and the public expression of Talysh identity could themselves trigger repression.

The sequence of events:

18. Aslan Gurbanov'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 quantities 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 suggest a state-driven strategy to criminalise dissenting political affiliation and criticism rather than a legitimate process aimed at individual wrongdoing. The relevant sequence of events should therefore be assessed synthetically, as a single wave of repression with a clear policy logic and continuity.
19. Already in 2022, a discernible pattern of repression was emerging through a series of arrests that disproportionately affected persons deported/returned from abroad (notably Germany), individuals perceived as affiliated with the PFPA/AXCP, Musavat and certain minority figures. This early hunt functioned as a clear precursor to, and warning sign of, the wider crackdown that would later expand across independent media, NGOs, and other segments of civil society.
20. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.⁴ In June 2023, protests against the gold mine in the village of Soyudlu, Gadabay, and their coverage by informally networked NGOs and critical media (including Toplum TV) accelerated the process of repression. After suppressing these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events.⁵
21. In July 2023, politician and economist Gubad Ibadoglu was detained.⁶ In August 2023, pro-government media 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 organization.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 case:¹⁴ Human Rights Watch reported that the investigation targeted the outlet and that its newsroom staff were held in pre-trial detention from December 2024, with subsequent arrests feeding into a consolidated trial that began in December 2025. Finally, repression widened to formal opposition politics in late 2025, when Ali Karimli¹⁵, the long-standing leader of the Popular Front Party, was detained (29 November 2025) and remanded into pre-trial custody, amid a broader escalation against the party documented by human rights monitors.
25. This process was preceded by restrictive legislation: the Law on Media (2021)¹⁶ and the Law on Political Parties (2022)¹⁷. Both laws were 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 in Aslan Gurbanov's case appears to have been constructed around a pre-selected political narrative, rather than around evidence of any concrete violent or operational threat. As reflected in the judgment, the prosecution was built from a retrospective compilation of Facebook posts from 2017, a video connected to graffiti from December 2018, photographs and videos with the so-called "Talysh-Mughan Republic" flag, WhatsApp audio messages from May 2020, and items seized during the search of his home. The file, as reproduced by the court, does not identify any weapons, operational planning, organizational structure, or imminent violent act. Instead, the authorities assembled disparate acts of speech, symbolism, and online activity over several years and then reclassified that accumulated material as grave offences against state security and public order.

28. The investigative steps described in the judgment were also heavily security-service controlled. The case materials show that the SSS organized the main inspections and searches and itself recruited the attesting witnesses for those procedures. One witness stated that he was asked by a colleague to attend a SSS inspection and was then taken to the SSS building, where the inspection was carried out; another said that SSS officers themselves phoned him and asked him to participate as an attesting witness in the search of Gurbanov's home. During that search, the authorities seized his phone and several flags, including the so-called "Talysh-Mughan Republic" flag, an Iranian flag, a Hizbullah flag, and a religious flag. The problem is not simply that these items were found, but that the investigation treated such symbolic and political material as inherently criminal, without demonstrating why possession or display of them established the constituent elements of the charged offences.
29. The expert evidence played the decisive role in transforming Gurbanov's expression into a criminal-security case. The judgment relies on expert reports stating that his posts contained anti-state calls and incitement to hatred. Most strikingly, one expert report concluded that a photograph of Gurbanov displaying the so-called "Talysh-Mughan Republic" flag and making a victory sign in front of the Azerbaijani state flag amounted to a "non-verbal open call" for the violent change of the constitutional order, the dismemberment of territorial integrity, separatism, and ethnic hostility. That conclusion reveals the basic mechanism by which the case was fabricated: the authorities did not prove a concrete plan or violent act, but instead used expert interpretation to convert symbolic conduct and ideological expression into proof of extremely serious crimes.
30. Read as a whole, the judgment suggests that the case against Gurbanov was manufactured by criminalizing Talysh-oriented speech and symbolism. The court relied on a circular evidentiary structure: SSS-organised inspections produced the materials; expert reports assigned those materials the most incriminating possible meaning; indirect witnesses repeated or validated that official interpretation; and the court then treated the resulting package as conclusive proof. No serious effort is visible in the judgment to distinguish between cultural-national expression, historical grievance, offensive political rhetoric, and genuine incitement to violence. Instead, the authorities treated the assertion of Talysh identity, the display of a flag, historical claims, and hostile rhetoric toward the government and Turks as sufficient to sustain charges under Articles 281.2 and 283.1.

The authorities' conduct:

31. In Aslan Gurbanov's case, the authorities treated Talysh-oriented expression as a state-security matter from the outset and then proceeded on that basis with little sign of restraint. The judgment shows that key investigative steps, including the inspection of online material and the search of his home, were organized by the SSS, and that the attesting witnesses for those procedures were brought in through the SSS itself. The first-instance court then accepted the prosecution case in full, describing the evidentiary record as credible and irrefutable, and adopted a notably formalistic approach to custody: it expressly held that the detention measure should remain unchanged because a custodial sentence had been imposed and had to be served. After conviction, the same punitive approach continued. While his appeal was still pending, Gurbanov was transferred from pre-trial detention to Prison No. 10; his lawyer stated publicly that this was unlawful because the judgment had not yet entered into force, and his family also complained that they had been unable to contact him and had been excluded from the hearings¹⁸. Taken together, these features suggest that the authorities did not approach the case as one requiring careful procedural safeguards in view of its evident connection to political speech and minority identity, but rather treated Gurbanov as someone to be isolated and punished before legal finality had been reached.

Additional considerations:

32. Finally, international human rights observers such as Freedom House¹⁹ have criticized the charges against A. Gurbanov as politically motivated.

CONCLUSION

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

RECOMMENDATION

34. Based on this conclusion, Aslan Gurbanov should be released unconditionally and immediately. Furthermore, he should be compensated *restitutio in integrum*.

- ¹ OC Media, ‘Talysh blogger sentenced to 7 years in Azerbaijan’ (OC Media, 20 April 2021) <https://oc-media.org/talysh-blogger-sentenced-to-7-years-in-azerbaijan/> accessed 12 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-nece-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 Geybullayeva, ‘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

¹⁵Amnesty 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.

¹⁶Venice 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?pdffile=CDL-AD\(2022\)009-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)009-e)

¹⁷Venice 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>

¹⁸OC Media, 'Talysh blogger "illegally moved" from pre-trial detention' (OC Media, 5 May 2021) <https://oc-media.org/talysh-blogger-illegally-moved-from-pre-trial-detention/> accessed 12 March 2026.

¹⁹Freedom House, 'Azerbaijan: Freedom on the Net 2021 Country Report' (2021) <https://freedomhouse.org/country/azerbaijan/freedom-net/2021> accessed 12 March 2026

