

JEYHUN GURBANOV



FACTS

Personal data:

1. Jeyhun Gurbanov (DOB: 17 May 1986) is an Azerbaijani citizen, born in Ganja. At the time of his arrest, he was married, had secondary education, was self-employed and had no previous convictions. He worked as a furniture craftsman in different workshops in Ganja.
2. Gurbanov was prosecuted following Yunis Safarov's armed attack on the then Head of the Ganja City Executive Authority, Elmar Valiyev, on 3 July 2018. Gurbanov was not alleged to have participated physically in the shooting, possessed or supplied the weapon used in it, or been present at the scene. Instead, the prosecution alleged that he had assisted Safarov by maintaining contact with him, gathering information concerning persons Safarov intended to attack and providing information about one potential target.¹
3. Gurbanov pleaded not guilty. At trial, he acknowledged that Safarov was a distant relative and that they had renewed contact in 2017 after not seeing each other since childhood. He denied the broader prosecution account and stated that investigators had simply presented him with papers which he signed. The trial record therefore contained a substantial discrepancy between Gurbanov's limited in-court account and considerably more incriminating statements attributed to him during the preliminary investigation. Gurbanov also suffers from epilepsy, which repeatedly worsened during the trial and while he was held in pre-trial detention.²

Date of detention:

4. Gurbanov was detained on 15 July 2018.

Legal accusations:

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

- a. attempted intentional murder committed under aggravating circumstances, namely by a group of persons, a group acting by prior conspiracy, an organized group or criminal association (Article 29 in conjunction with Article 120.2.1); in connection with the victim's performance of official duties or public duty (Articles 29 and 120.2.3); with particular cruelty or by a generally dangerous method (Articles 29 and 120.2.4); against two or more persons (Articles 29 and 120.2.7); and in connection with robbery, extortion, terrorism or banditry (Articles 29 and 120.2.11);
- b. terrorism, allegedly committed by a group acting by prior conspiracy, an organized group or criminal association, with the use of firearms or objects used as weapons, and on grounds of religious hostility, religious radicalism or religious fanaticism (Articles 214.2.1, 214.2.3 and 214.2.6);
- c. preparation for an attack on the life of a State or public figure and an attack on the life of a State or public figure, committed for the purpose of terminating that person's official or political activity or in retaliation for such activity (Articles 28 and 277; Article 277); and
- d. actions aimed at forcibly changing the constitutional order, including its secular character, or forcibly seizing State power, where committed on grounds of religious hostility, religious radicalism or religious fanaticism (Article 278.2).

6. The case against him depended principally on the proposition that his contacts with Safarov and the information he allegedly supplied demonstrated that he knowingly shared Safarov's broader terrorist and anti-State purpose.

7. The prosecution relied particularly on three elements. First, telephone records established numerous and lengthy calls between a number used by Gurbanov and Safarov's telephone between 21 April and 12 June 2017. Second, investigators found in Gurbanov's telephone an SMS referring to a person called "Musa" and another message containing the vehicle registration number 99-AP-561, which the prosecution connected to police officer Rasim Gurbanov. Third, Safarov's preliminary-investigation account alleged that he told Gurbanov that he wanted to kill Elmar Valiyev, Member of Parliament Nagif Hamzayev and police officer Rasim Gurbanov, and that Gurbanov subsequently provided Rasim Gurbanov's vehicle-registration number.

Legal status of prisoner:

8. Jeyhun Gurbanov is a convicted prisoner serving an 18-year term of imprisonment. On 16 August 2021, the Baku Assize Court found him guilty on all the above counts. It imposed 14 years for attempted aggravated murder, 16 years for the terrorism offences, 15 years under Articles 28 and 277, and 16 years under Article 278.2. By partially combining the sentences under Article 66.3 of the Criminal Code, the court imposed a final sentence of 18 years' imprisonment.
9. On 15 April 2022, the Baku Court of Appeal rejected the appeals and upheld the first-instance judgment without modification. On 3 May 2024, the Supreme Court rejected the cassation appeals of Safarov and the other defendants and again upheld the judgment unchanged. Azerbaijani human-rights defenders continue to classify Gurbanov as a political prisoner.

Legal proceedings:

10. The case against Gurbanov differed from those of defendants alleged to have supplied weapons or participated in earlier preparations for armed activity. The prosecution's case against him centered almost entirely on his renewed relationship with Safarov in 2017 and his alleged provision of information about prospective targets. Telephone records corroborated that the two men communicated frequently during a roughly seven-week period in spring 2017, but those records established the existence and duration of calls, not their content.
11. Gurbanov explained at trial that Safarov was a distant relative whom he had known in early childhood but had not recognized when Safarov approached him in 2017. They exchanged telephone numbers, subsequently sat together at a tea house and met on another occasion. Gurbanov also acknowledged that Safarov once called him seeking help finding rental accommodation. He denied any wider criminal relationship and stated that the accusations against him were untrue.
12. The prosecution relied more heavily on Safarov's account of those meetings. According to the statements reproduced in the judgment, Safarov told Gurbanov that he wanted to kill Elmar Valiyev, Naqif Hamzayev and Rasim Gurbanov. Safarov stated that Gurbanov gave no verbal response at that point, but that when later asked to obtain information concerning Rasim Gurbanov, he agreed and subsequently supplied the registration number of Rasim Gurbanov's service vehicle. Safarov also alleged that he asked Gurbanov to transmit a message to another acquaintance.

13. There was therefore some evidence capable of justifying a serious investigation into what Gurbanov knew and whether he had intentionally assisted Safarov. The central evidentiary question, however, was much broader: whether those contacts proved that Gurbanov shared an organized plan to commit terrorism, murder State officials and forcibly replace Azerbaijan's constitutional order with a Sharia-based State. This distinction was especially important because Safarov subsequently told the trial court that he had never intended to carry out a coup or establish an Islamic-Sharia State and had not discussed such a project with the co-defendants.³ The court nevertheless convicted Gurbanov under Article 278.2 as well as terrorism and attempted-murder provisions.
14. Gurbanov also repudiated the substantially more detailed statements attributed to him during the preliminary investigation. In court he said that the charges were incorrect and that he had simply been presented with documents which he signed. The reliability of those statements therefore became a material issue, particularly given the extensive allegations of coercive interrogation and forced signatures made by defendants and witnesses throughout the wider Ganja proceedings.⁴
15. The defense sought a face-to-face confrontation between Gurbanov and Safarov during the preliminary investigation, an especially relevant request because Safarov's testimony provided the principal evidence concerning what Gurbanov allegedly knew about the proposed attacks. According to Gurbanov's lawyer, the defense made the request repeatedly, but no confrontation was organised. The same lawyer later complained that numerous defense motions during the trial had been rejected, and that audio and video recording of the proceedings had not been permitted.⁵
16. Gurbanov's medical condition also became a recurring procedural issue. He suffered from epilepsy and experienced episodes of deterioration during court hearings and in pre-trial detention. His lawyer stated that applications seeking treatment and requests to replace detention with house arrest were unsuccessful.⁶ In February 2021, after Gurbanov's condition had worsened several times during hearings, the presiding judge informed the parties that he had requested Gurbanov's transfer from the Baku Pre-Trial Detention Facility to the Penitentiary Service's medical institution; according to the judge, neither institution provided a positive response.⁷
17. On 16 August 2021, the Baku Assize Court accepted the prosecution's assessment of Gurbanov's contacts with Safarov and convicted him of attempted aggravated murder, terrorism, preparation for and attack on the life of a State or public figure, and forcible alteration of the constitutional order. It imposed the same 18-year sentence that the public prosecutor had requested. The Baku Court of Appeal and Supreme Court subsequently left the conviction and sentence unchanged.

LEGAL ANALYSIS

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

18. Assessment of whether Jeyhun 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).⁸ The legal proceedings against and the conviction of J. Gurbanov satisfy two criteria established by the paragraph. 3 of the Resolution for defining political prisoners ((c) and (e)):

- (c) Gurbanov’s 18-year sentence appears clearly disproportionate to the conduct individually and reliably established against him. He was not shown to have participated directly in Safarov’s attack yet was held responsible for an extensive terrorist and anti-State conspiracy on the basis of association, communications and disputed evidence.
- e) Most importantly, Gurbanov’s imprisonment resulted from proceedings affected by serious fair-trial deficiencies including allegations of torture and fabricated evidence, restrictions on effective defense, rejected defense motions, unresolved contradictions in the evidence and insufficient individualization of criminal responsibility, which appear connected with the authorities’ political objective of sustaining the broader narrative of an organized Islamist and anti-State conspiracy.

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

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

Jeyhun Gurbanov’s public profile:

20. Gurbanov was not a public political figure or activist. Before his arrest, he was a furniture craftsman living in Ganja, married and previously unconvicted. He was a practicing Shia Muslim, but he was not a public religious leader, opposition politician, journalist, civil-society activist or protest organizer.

21. His prosecution therefore did not arise from public opposition activity. His relevance to the authorities arose from his family relationship and renewed private contact with Yunis Safarov, combined with his religious background and the information found in his telephone. His case accordingly illustrates a form of political-security prosecution in which a private individual was incorporated into a much broader anti-State conspiracy primarily through association and alleged assistance to its principal defendant.

The sequence of events:

22. Jeyhun Gurbanov's prosecution should be assessed against a continuous pattern of politically instrumental criminal justice in Azerbaijan that continued throughout the history of this regime being in power. The most structured and consolidated repression has developed through successive and overlapping waves since at least 2013–2014. The targets and criminal accusations have changed over time from financial and tax offences against NGOs and human rights defenders, to terrorism and attempted-coup charges against religious groups, to organized-conspiracy cases following public disorder, and later to narcotics, smuggling, treason and other offences against journalists, activists and opposition politicians but the underlying pattern has remained strikingly consistent. The European Court of Human Rights has itself identified a “troubling pattern” of arbitrary arrest and detention of government critics through retaliatory prosecutions and misuse of criminal law, while the Parliamentary Assembly of the Council of Europe has concluded that Azerbaijan systematically uses the criminal justice apparatus against opposition politicians, civil-society activists, journalists, human-rights defenders and other perceived dissidents.⁹

23. The first decisive stage of the contemporary crackdown took place in 2013–2014, when the authorities moved against the institutional infrastructure of independent civil society. Leading human-rights defenders, lawyers, election monitors and journalists, including Anar Mammadli, Leyla and Arif Yunus, Rasul Jafarov, Intigam Aliyev and Khadija Ismayilova, were arrested or prosecuted on charges such as tax evasion, illegal entrepreneurship, abuse of office, fraud and, in some cases, treason. NGO offices were searched and sealed, bank accounts were frozen and organizations were deprived of access to funding. At least 40 activists, journalists and human-rights defenders were arrested or convicted in politically motivated cases in 2014 alone.¹⁰ At the same time, successive amendments to legislation governing NGOs, grants and foreign funding made lawful independent civil-society activity increasingly difficult. The Venice Commission criticized these restrictions, including excessive state supervision and interference with NGO autonomy.¹¹

24. The partial release of prominent prisoners in late 2015 and 2016 did not mark an end to that crackdown. Their convictions generally remained in force, travel and professional restrictions persisted, and many organizations could not resume their previous activities. Human Rights Watch documented that some activists left Azerbaijan altogether, while organizations whose leaders had been released remained unable to register, obtain funding or function normally. Thus, the 2014 campaign achieved a structural result that survived the release of individual prisoners: much of the previously formalized, institutionally funded human-rights and NGO sector had been dismantled or forced into inactivity.¹²
25. The Nardaran case of 2015–2017 marked an important development in the methods of repression. Rather than relying principally on financial or regulatory charges, the authorities increasingly employed the language of terrorism, armed conspiracy and violent seizure of power. On 26 November 2015, security forces conducted a large armed operation in Nardaran and detained dozens of people, including Muslim Unity Movement leaders Taleh Bagirzade and Abbas Huseynov. Eighteen defendants in the principal case were subsequently sentenced to prison terms ranging from 10 to 20 years for offences including terrorism, attempted violent seizure of power, weapons offences and homicide. The proceedings were accompanied by extensive allegations of torture and coerced testimony. Amnesty International described the trial as failing to meet international standards, while PACE later noted allegations that witnesses withdrew incriminating statements because they had been obtained through torture and that the prosecution had failed to present sufficient individualized evidence against defendants.¹³
26. Repression continued through 2016 and 2017, demonstrating that there was no meaningful interval between the 2014 crackdown and the cases that followed. Ahead of the 2016 constitutional referendum, activists, opposition supporters and persons active on social media were prosecuted on drug-possession, illegal-business and administrative charges. In 2017, journalist Afgan Mukhtarli, who had continued reporting critically on Azerbaijan while living in Georgia, was abducted and brought to Azerbaijan and prosecuted for illegal border crossing, currency smuggling and violence against an official. PACE subsequently considered the weakness of the evidence and the surrounding circumstances sufficient to raise a presumption that his imprisonment was political.¹⁴
27. The Ganja events of July 2018 constituted the next major stage. After Yunis Safarov shot Ganja Executive Authority head Elmar Valiyev on 3 July 2018, and after a subsequent gathering in Ganja on 10 July ended in violence and the deaths of two police officers, the authorities constructed a much broader security narrative around the events. A special investigative group involving the Ministry of Internal Affairs, the State Security Service and the Prosecutor General's Office identified 29 persons as alleged militant co-conspirators in Safarov's attack, while another group of dozens of people detained in connection with the 10 July events was characterized as part of a radical religious and criminal conspiracy against the State. In total, scores of people were prosecuted and many more were detained.¹⁵

28. The significance of the Ganja prosecutions lies not only in their scale but also in the manner in which criminal responsibility was expanded outward from the persons who had actually committed violent acts. Independent investigators documented detainees who had not participated in the 10 July gathering, allegations of detention without access to lawyers, torture and other ill-treatment, and claims that detainees were forced to sign pre-written confessions. The international fact-finding report on the Ganja cases concluded that there was reasonable basis to believe that detainees had been physically abused in order to obtain false self-incriminating statements and considered the vast majority, if not all, of those arrested in relation to the events to have been arbitrarily detained. A subsequent PACE report similarly noted serious problems concerning the sufficiency and credibility of prosecution evidence and concluded that many of those prosecuted following the Ganja events could be presumed to be political prisoners.¹⁶
29. Jeyhun Gurbanov's prosecution belongs specifically to this stage of the repression. Unlike prominent opposition politicians, human-rights defenders or religious leaders targeted in earlier cases, Gurbanov was not a public political actor. He became implicated principally through his previous acquaintance and communications with Yunis Safarov. The prosecution nevertheless incorporated him into an extensive alleged organized terrorist conspiracy extending over many years and ultimately secured a 20-year sentence. The Ganja case therefore demonstrates an important expansion of the repressive model: severe political and national-security prosecutions were no longer confined to publicly active critics or organized movements, but could encompass ordinary citizens whose personal relationships or communications allowed them to be incorporated into a broader state narrative of conspiracy.
30. The following years demonstrate further continuity. In October 2019, police violently dispersed peaceful opposition and civic demonstrations in central Baku, detained dozens of participants and subjected opposition activists to administrative imprisonment. Human Rights Watch reported that at least 35 senior Popular Front Party figures received sentences of up to 60 days on spurious charges. The use of short-term administrative detention operated alongside criminal prosecution as a mechanism for preventing and punishing collective political activity.¹⁷
31. In 2020, the same machinery was intensified during the Covid-19 pandemic and following the July pro-army demonstration in Baku. President Ilham Aliyev publicly characterized the opposition as a "fifth column", and numerous opposition figures were subsequently detained. After a small number of participants in the 14 July rally entered the parliament building, the authorities presented the incident as an opposition-organized attempt to overthrow the government. Human Rights Watch documented the arrest of numerous Popular Front members, including people who had not entered parliament and, in some cases, had not attended the rally at all. Senior party figures were additionally accused of attempting to overthrow the government. The similarity to the Nardaran and Ganja model is important: an identifiable incident involving violence or disorder was used to construct a substantially wider political conspiracy and extend criminal responsibility to a broader circle of individuals.

32. 2021-2022 did not represent liberalization but further consolidation. Peaceful demonstrations continued to be dispersed and activists detained or ill-treated. At the same time, the authorities increasingly supplemented direct repression with legislation restricting the remaining institutional channels for independent public activity. The new Law on Media, drafted in late 2021 and signed in February 2022, introduced a substantially more controlled regulatory framework for journalists and media entities. The Venice Commission found numerous problems with the law, including restrictions on media activity, financing and registration and insufficient independence of the regulatory authority.¹⁸
33. During the same period, a further pattern emerged involving Azerbaijani political emigrants returned from Europe. Several activists deported from Germany after unsuccessful asylum applications were arrested after returning to Azerbaijan, frequently on serious narcotics charges. Human Rights Watch documented, among others, Punhan Karimli and Jafar Mirzayev, deported in November 2021 and arrested in January 2022, as well as Malik Rzayev and Mutallim Orujov. This demonstrated that physical departure from Azerbaijan did not necessarily end exposure to politically motivated prosecution and that drug charges remained a recurrent instrument against persons perceived as politically disloyal.¹⁹
34. By late 2022, the transition into the current phase was visible. Civic activist Bakhtiyar Hajiyev was arrested in December 2022 after earlier intimidation and threats associated with his criticism of the authorities. His initial prosecution subsequently expanded into numerous financial and economic charges. In parallel, a new Law on Political Parties was adopted in December 2022 and entered into force in January 2023. The Venice Commission and OSCE/ODIHR concluded that regulation had become substantially stricter in key areas including party registration, state control, financing and dissolution, against the background of Azerbaijan's already extensive record of violations of freedom of association.²⁰
35. The repression then intensified sharply in 2023. In June, police violently suppressed residents protesting the environmental consequences of mining in Soyudlu and subsequently restricted access to the village and obstructed journalists. In July, economist and opposition politician Gubad Ibadoglu was arrested. During the summer and autumn, labour organisers, government critics and other activists were subjected to criminal or administrative prosecution, including drug and violence-related accusations. These developments did not introduce a fundamentally new method; rather, they applied long-established methods of politically instrumental prosecution to the informal civic initiatives that had emerged after the destruction of much of the traditional NGO sector.²¹

36. From November 2023 onward, repression moved toward the systematic dismantling of the remaining independent media and informal civil-society networks. Journalists associated with Abzas Media were arrested, followed in 2024 by the raid on Toplum TV and arrests of journalists and civic activists associated with it. Human-rights defender and election monitor Anar Mammadli was again arrested in April 2024. Repression simultaneously expanded into academic research, peace advocacy and minority-related work, including the prosecutions of Iqbal Abilov and Bahruz Samadov. Human Rights Watch described this period as an escalating crackdown involving politically motivated charges against journalists, activists, researchers and human-rights defenders, while noting that fear and arrests had driven increasing numbers of independent civil-society actors out of the country and forced some organisations and media initiatives to close.²²
37. The progression from the NGO restrictions and prosecutions of 2013–2014, through Nardaran in 2015, Ganja in 2018, the suppression of opposition mobilisation in 2019–2020, and the restrictive Media and Political Parties laws of 2021–2022, to the mass arrests beginning in late 2022 and 2023 should therefore be understood as cumulative rather than episodic. Each phase narrowed another sphere in which autonomous political or social activity could exist: first established NGOs and human-rights organisations; then independent religious mobilisation; then informal networks and personal associations framed as security threats; then street opposition and protest; then independent media and formal political parties. The arrests beginning in 2023 represented the culmination of this process by targeting many of the remaining informal organisations, media outlets and grassroots initiatives that had survived or emerged after the 2014 crackdown.
38. The current repression is consequently not a new phenomenon detached from the Ganja case. It is the most intensive stage of a system that had been progressively constructed and tested over the preceding decade. Jeyhun Gurbanov's prosecution is particularly relevant within this continuum because it illustrates how the authorities' use of collective-conspiracy narratives could reach beyond organised political actors and punish an ordinary citizen on the basis of association with a principal accused. By 2023–2025, the same logic of expansive criminalisation had been extended across virtually every remaining independent sphere: media, NGOs, labour activism, political parties, academic research, minority advocacy and peace activism, resulting in the de facto near-closure of autonomous civic and political space inside Azerbaijan.²³

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

39. The central evidentiary problem in Gurbanov's case was the difference between proving contact or assistance and proving shared criminal purpose. Telephone records objectively demonstrated repeated communication with Safarov in 2017, and the vehicle number stored in Gurbanov's telephone supported part of the prosecution account. Neither fact, standing alone, established that Gurbanov agreed to murder Valiyev or other officials, still less that he shared a programme of terrorism and forcible constitutional change.

40. Safarov's statements were consequently critical. He alleged that Gurbanov knew of his intentions toward several individuals and provided information concerning Rasim Gurbanov's vehicle. Yet the defence was not granted the requested confrontation between the two men during the investigation. This was significant because Gurbanov rejected the incriminating pre-trial account, while Safarov was the person whose testimony could most directly establish or undermine the alleged agreement between them.
41. The prosecution's Article 278.2 theory faced an additional contradiction. Safarov himself told the court that he had no plan to carry out a coup or establish a Sharia-governed State and that he had not discussed such a project with the other defendants. Even if Gurbanov knew that Safarov wished to attack particular individuals, knowledge of proposed violence against specific persons is analytically different from sharing a purpose to overthrow Azerbaijan's constitutional system. The judgment did not adequately explain how this gap in the required intent was overcome.
42. The reliability of Gurbanov's own pre-trial statements also required particularly careful examination. His in-court evidence was that investigators had placed documents before him and that he signed them, while rejecting the substance of the accusations. These circumstances arose against a broader Ganja investigative record in which defendants repeatedly alleged that statements had been obtained under physical or psychological pressure. An international fact-finding investigation documented serious allegations of coercion, arbitrary detention and unfair proceedings across the Ganja cases.²⁴ The available individual record does not establish a specific method of torture used against Gurbanov, so his case should not be overstated on that point; the direct individualized concern is the disputed voluntariness and reliability of the statements attributed to him.
43. The handling of Gurbanov's epilepsy provides a separate procedural concern. His condition repeatedly deteriorated while he was detained and during hearings. Applications for treatment and house arrest were unsuccessful, and even a judicial request for transfer to the Penitentiary Service's medical institution did not receive a positive response. That record raises serious concerns about whether his health and the necessity of continued detention were given adequate weight.
44. The defense also complained that numerous evidentiary motions were rejected without adequate explanation and that audio-video recording of the trial was refused.²⁵ The Court of Appeal subsequently left the conviction untouched, while the Supreme Court likewise rejected the cassation appeals. The appellate process therefore did not remedy the unresolved questions concerning the scope of Gurbanov's intent, the disputed pre-trial evidence or the absence of the requested confrontation with Safarov.

The authorities' conduct:

45. The authorities' conduct toward Gurbanov is most clearly reflected in the speed and breadth with which limited individualized allegations were incorporated into an already established political-security narrative. Within days of his arrest, law-enforcement bodies publicly described him as having surveilled intended terrorism targets for Safarov, while the wider events were officially characterized as an attempt to establish a Sharia State and forcibly seize power. At trial, evidence of family association, telephone contact and alleged provision of a vehicle number was ultimately treated as sufficient to sustain an 18-year conviction for terrorism, attempted aggravated murder and violent alteration of the constitutional order.
46. The issue is not that Gurbanov's conduct was irrelevant to a legitimate criminal investigation. If he knowingly supplied information to facilitate an intended attack, that conduct could properly attract criminal scrutiny. The political-prisoner concern lies in the extension of that allegation into collective liability for an ideologically defined anti-State conspiracy without sufficiently rigorous proof of the corresponding common intent, combined with the disputed investigative statements, refusal of important defense requests and failure adequately to address his medical needs. In the wider context of the Ganja prosecutions, this gives substantial grounds to regard the case as politically instrumental.

Additional considerations:

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

CONCLUSION

48. The personal factors (Jeyhun Gurbanov's public profile, absence of convincing evidence, and constant violation of procedural rights) and contextual factors (politically repressive environment) cumulatively indicate reasonable grounds to believe that Jeyhun Gurbanov should be considered a remand political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

RECOMMENDATION

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

¹ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Gəncə hadisələrinə görə daha 4 nəfər tutulub’ (17 July 2018)

² Radio Free Europe/Radio Liberty, Azerbaijani Service, “‘Yunis o qədər silahı vardısa...” (16 April 2021); Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Y.Səfərov: “Dini dövlət yaratmaq fikrim olsaydı, etiraf edərdim”’ (10 February 2021)

³ Radio Free Europe/Radio Liberty, Azerbaijani Service, ‘Y.Səfərov: “Dini dövlət yaratmaq fikrim olsaydı, etiraf edərdim”’ (10 February 2021)

⁴ International Partnership for Human Rights, Global Diligence LLP, Truth Hounds and Human Rights Club, Azerbaijani Government Crackdown in Ganja: Extrajudicial Killings, Torture, Arbitrary Detention, Unfair Trials and Unlawful Restrictions on Freedom of Assembly (January 2020),

⁵ *ibid* (n. 2)

⁶ *ibid* (n. 2)

⁷ *ibid* (n. 2)

⁸ 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.

⁹ Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan, Doc. 15020 (2020), especially paras. 27–29. The report relies on European Court of Human Rights judgments identifying retaliatory prosecutions, misuse of criminal law and systemic failures of judicial protection.

¹⁰ Human Rights Watch, Harassed, Imprisoned, Exiled: Azerbaijan’s Continuing Crackdown on Government Critics, Lawyers, and Civil Society (20 October 2016); Human Rights Watch, World Report 2015: Azerbaijan.

¹¹ Venice Commission, Opinion on the Law on Non-Governmental Organizations (Public Associations and Funds) as Amended of the Republic of Azerbaijan, CDL-AD(2014)043, 15 December 2014.

¹² Human Rights Watch, Harassed, Imprisoned, Exiled (2016).

¹³ Amnesty International, Azerbaijan: Torture and Travesty of Justice in Nardaran Case (6 February 2017); Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan, paras. 57 et seq.

¹⁴ *ibid* (n. 10); *ibid* (n.11) para. 58.

¹⁵ *ibid* (n.2).

¹⁶ *ibid* (n.2); *ibid* (n.11), discussion of the Ganja cases.

¹⁷ Human Rights Watch, World Report 2023: Azerbaijan.

¹⁸ Venice Commission and Directorate General of Human Rights and Rule of Law, Joint Opinion on the Law on Media of Azerbaijan, CDL-AD(2022)009, adopted 17–18 June 2022.

¹⁹ *ibid* (n.15).

²⁰ Human Rights Watch and Freedom Now, “We Try to Stay Invisible”: Azerbaijan’s Escalating Crackdown on Critics and Civil Society (8 October 2024); Venice Commission and OSCE/ODIHR, Joint Opinion on the Law on Political Parties of Azerbaijan, CDL-AD(2023)007.

²¹ *ibid* (n.18).

²² *ibid* (n.18).

²³ Parliamentary Assembly of the Council of Europe, Reported cases of political prisoners in Azerbaijan (2020); *ibid* (n.18).

²⁴ *ibid* (n. 4)

²⁵ *ibid* (n. 2)

