ELMIR ABBASOV



FACTS

Personal data:

1. Elmir Abbasov (DOB: 20.09.1994) is an Azerbaijani media worker and civic activist from Baku. He worked as a social media manager at Toplum TV, one of Azerbaijan's leading independent media outlets. Abbasov was also a member of the N!DA Civic Movement.

2. In September 2022, Abbasov joined Toplum TV as a social media manager. His work consisted principally of publishing edited reports and news items prepared by the outlet's journalists on its website and social media platforms, monitoring other news sources and disseminating relevant material with attribution.

3. Abbasov's work contributed to the online distribution of independent reporting in a media environment in which critical outlets faced increasing censorship and criminal prosecution.

4. Abbasov was detained during the police raid on Toplum TV on 06.03.2024 and released two days later under police supervision and a travel ban. On 27.07.2026, the Baku Assize Court convicted him of financial and related offences arising from Toplum TV's alleged receipt and use of foreign funding and sentenced him to 12 years' imprisonment. He was taken into custody in the courtroom. International press-freedom organizations regard the prosecution and sentence as politically motivated retaliation against Toplum TV and independent journalism in Azerbaijan.[1]

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Date of detention

5. E. Abbasov was initially detained by police officers of the Baku Metropolitan General Police Department (BMGPD) on 6 March 2024. E. Abbasov was initially detained by police officers of the BMGPD on 6 March 2024.

6. Following questioning, he was released from initial custody on the same day and placed under the non-custodial preventive measure of police supervision throughout the pre-trial investigation and court hearings.

7. On 27 July 2026, upon delivery of the verdict by the Baku Assize Court, his measure of restraint was replaced, and he was remanded into custody directly in the courtroom to serve his prison sentence.

Legal accusation

8. On 8 March 2024, the BMGPD officially charged E. Abbasov with conspiracy to commit bulk cash smuggling under Article 206.3.2 of the Azerbaijani Criminal Code.

9. His case is being prosecuted under the colloquial name of the Toplum TV case. Subsequently, the prosecuting authorities brought additional charges against E. Abbasov.

10. On 12 March 2025, the BMGPD issued the indictment. According to the indictment, the following conspiracy charges were submitted against E. Abbasov:

- Conspiracy to commit illegal entrepreneurship in the form of an organized criminal group and an aggravated and significant amount (Article 192.3.2 of the Azerbaijani Criminal Code);
- Conspiracy to commit money laundering in the form of an organized criminal group and a substantial amount (Articles 193-1.3.1 and 193-1.3.2 of the Azerbaijani Criminal Code);
- Conspiracy to commit bulk cash smuggling in the form of an organized criminal group (Article 206.4 of the Azerbaijani Criminal Code);
- Conspiracy to commit tax evasion in the form of an organized criminal group (Article 213.2.1 of the Azerbaijani Criminal Code);
- Arranging employment of a substantial number of employees without labor contracts (Article 162-1.1 of the Azerbaijani Criminal Code).

Legal status of the prisoner

11. E. Abbasov was not remanded in pre-trial custody; he remained under the alternative preventive measure of police supervision during the proceedings. Following the conclusion of the trial at the Baku Assize Court on 27 July 2026, he was sentenced to 12 years of imprisonment and taken into custody directly in the courtroom. He is currently held in detention as a convicted prisoner.

Legal proceedings

12. On 6 March 2024, dozens of BMGPD police officers conducted a raid based on an operational search order, targeting the joint office of the IDI and Toplum TV.

13. The BMGPD extended operational search measures to the private apartments of several staff members, including Elmir Abbasov. According to police reports, 2,700 euros were discovered at his residence in Sumgayit. Abbasov denied the allegations and claimed the money did not belong to him.

14. Unlike several co-defendants remanded in custody, E. Abbasov was released from initial detention and placed under police supervision as a preventive measure.

15. On 12 March 2025, the BMGPD issued the indictment and sent the criminal case against E. Abbasov and his co-defendants to the Baku Assize Court for trial.

Legal Analysis
Reasons for which Elmir Abbasov should be regarded political prisoner

16. The assessment of whether E. Abbasov should be regarded as a political prisoner is based on Resolution 1900 (2012), "The Definition of Political Prisoner," of the Parliamentary Assembly of the Council of Europe and the criteria established in that Resolution (paragraph 3). The legal proceedings against E. Abbasov, including his detention, satisfy two criteria set out in paragraph 3 of the Resolution for defining political prisoners: (a) and (e).[2]

- (a) His 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.
- (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.

17. 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 overall assessment within the general contextual evaluation of a distinct state of affairs (mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan, 2020, §§ 113–131):

- The prisoner's public profile;
- The sequence of events;
- The manner in which the investigation and trial were carried out;
- The authorities' conduct.

Elmir Abbasov's public profile:

18. The circumstances manifestly reveal that the prisoner's affiliated organization, Toplum TV, was one of the Government's targets. The prisoner was targeted due to his affiliation with Toplum TV and his professional activities as a social media manager there. The following factors should be emphasized in this regard:
    a. The long-standing and constant negative media coverage of the prisoner's affiliated media organization, which intensified after November 2023, when pro-government media depicted independent outlets and associated personnel as "one of the leaders of the fifth column of the Western powers";
    b. The prisoner's dedicated role as a social media manager at Toplum TV, responsible for the distribution, public dissemination, and online presence of the outlet's independent investigative and news content.

19. Accordingly, the prisoner's profile clearly demonstrates that he was constantly at risk of persecution through unlawful legal measures within the generally restrictive political environment of the Azerbaijani political system. On this account, the prisoner's status, stemming from his media activities, placed him in direct jeopardy in the current political state of affairs.

Sequence of events:

20. The prisoner's arrest occurred during the new repressive wave unfolding in Azerbaijan. Therefore, the relevant sequence of events should be synthetically assessed.

21. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.[3] In June 2023, protests against the gold mine located 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 the suppression of these protests, the government imposed a blockade on the village and blamed NGOs and the media for inciting the events.[4]

22. In July 2023, politician and economist Gubad Ibadoglu was detained.[5] In August 2023, pro-government media organized a smear campaign against peace activists protesting military operations in Nagorno-Karabakh.[6] 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.[7]

23. The primary follow-up campaign began in November 2023. First, pro-government media published smear articles targeting almost all NGOs and media outlets. Later, at the end of November 2023, the *AbzasMedia* arrests began.[8] These arrests continued into early March 2024 with a police raid against the detainee's affiliated organization and the arrest of several individuals associated with those institutions.

24. In April 2024, Imran Aliyev, the head of the *Meclis.info* portal that monitors the parliament, was detained.[9] At the beginning of 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).[10] These arrests demonstrate that a new wave of repression had already begun. The objective of this wave is to paralyze the activities of post-2014 informally networked NGOs and critical media.

25. This process was preceded by the adoption of restrictive legislation: the Law on Media in 2021[11] and the Law on Political Parties in 2022[12]. 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 the current process, including the prisoner, are victims of the political repression of 2023–2024. 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 were carried out:

27. The investigative authorities acted in bad faith in E. Abbasov's case and deliberately circumvented basic procedural safeguards. As established in the case materials, the primary initial grounds underlying the prisoner's apprehension, criminal prosecution, and subsequent preventive restrictions were unverified operational information and the disputed outcomes of search and seizure measures. The following observations concerning operational information must be underscored:

- It is undisputed that the prisoner had no prior criminal record or history of involvement in smuggling or any related economic offenses prior to the events at issue (mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan, 2020, § 119).
- Neither the initial police reports nor the subsequent procedural orders contained any concrete specifics regarding the receipt, verification, or origin of the alleged operational information. The domestic files fail to substantiate how the police obtained the information, who the confidential source was, or how that source became aware of the alleged contraband (mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan, 2020, § 120).
- The underlying operational material was entirely withheld from the defense, completely depriving E. Abbasov of an effective opportunity to challenge the plausibility or legality of the suspicion.

28. As regards the investigative measures taken by the authorities:

- The investigative actions against E. Abbasov consisted predominantly of a raid on his home in Sumgayit and the seizure of cash (2,700 euros) allegedly found during that search.
- The failure of the police to conduct an immediate search following detention, coupled with the lack of independent oversight, raises substantial, well-founded concerns regarding the 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).
- The search and seizure procedures completely disregarded statutory procedural safeguards: they were conducted without legal counsel present, while the detainee and his family were held under the coercive control of law enforcement officers, and were executed under the pretext of urgent operational search measures rather than lawful, judicial criminal-procedural search standards. These cumulative circumstances substantiate that the investigative authorities operated in bad faith.

The authorities' conduct:

29. The relevant authorities systematically denied E. Abbasov his procedural rights from the inception of the proceedings. The domestic judicial bodies routinely rubber-stamped the prosecution's applications without conducting an independent judicial assessment of the evidentiary basis or the criminal procedural criteria. Simultaneously, the pro-government media orchestrated a sustained defamation campaign against Toplum TV personnel, portraying the outlet as an illicit Western-backed operation. The investigative authorities facilitated this hostile environment by unlawfully seizing and selectively leaking private data and confiscated materials to State-aligned press outlets, resulting in the direct weaponization of the detainee's personal information to construct a prejudicial public narrative.

CONCLUSION

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

RECOMMENDATION

31. Based on this conclusion, Elmir Abbasov should be released unconditionally and immediately. At this stage of the criminal case, the investigative authorities can terminate the proceedings without requiring judicial intervention. Furthermore, E. Abbasov should be compensated by way of *restitutio in integrum*.

[1] Committee to Protect Journalists, 'CPJ Condemns Shocking Sentences Handed Down in Toplum TV Case' (27 July 2026) https://cpj.org/2026/07/azerbaijan-cpj-condemns-shocking-sentences-handed-down-in-toplum-tv-case/ accessed 17 September 2026; Reporters Without Borders, 'Sham Trial in Azerbaijan: Five Toplum TV Staff Members Sentenced to Over a Decade in Prison' (28 July 2026) https://rsf.org/en/sham-trial-azerbaijan-five-toplum-tv-staff-members-sentenced-over-decade-prison accessed 17 September 2026.

[2] 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..

[3] 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

[4] 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

[5] 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

[6] Musavat, "No-Warçılarin 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

[7] Eurasianet, Azerbaijan authorities smash unionization efforts for gig workers https://eurasianet.org/azerbaijan-authorities-smash-unionization-efforts-for-gig-workers accessed 28 August 2025

[8] 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

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

[10] 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

[11] 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?pdffile=CDL-AD(2022)009-e

[12] 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

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