

# AYNUR ELGUNESH

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## FACTS

### Personal data:

1. Aynur Ganbarova (Elgunesh), (DOB: 29.05.1975) is an Azerbaijani journalist and the editor-in-chief of Meydan TV. She is known for long-standing reporting and editorial work on politically sensitive issues in Azerbaijan, including human rights abuses, corruption, and social issues such as domestic violence and children's rights.

### Date of detention:

2. Aynur Ganbarova was detained on 6 December 2024 by the Baku Metropolitan General Police Department (BMGPD) in connection with the criminal case known publicly as the "Meydan TV case".

### Legal accusations:

3. On 8 December 2024, Aynur Ganbarova was charged under Article 206.3.2 of the Criminal Code (conspiracy to commit bulk cash smuggling) and remanded in custody by the Khatai District Court.
4. On 28 August 2025, the investigative authorities requalified the accusations and announced the following additional charges:
  - 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),
- Forgery and the use of forged documents (Articles 320.1 and 320.2 of the Azerbaijani Criminal Code).

### Legal status of the remand prisoner:

5. Aynur Ganbarova is in pre-trial detention and a remand prisoner. Despite numerous appeals to release her during the trial period, the Court kept her in custody. At the time of writing, her case is pending before the Baku Assize Court together with other defendants in the “Meydan TV case”.

### Legal proceedings:

6. On 6 December 2024, Aynur Ganbarova was detained. Public reporting indicates that law-enforcement officers searched her home and seized electronic devices; her representatives and observers have alleged physical pressure and other ill-treatment during arrest and interrogation, including questioning without her lawyer present.
7. On 8 December 2024, the Khatai District Court ordered her pre-trial detention for 4 months, calculated from 6 December 2024.
8. On 2 April 2025, the Khatai District Court extended her detention until 6 July 2025.
9. On 24 June 2025, the Khatai District Court extended her detention until 6 October 2025; the investigation period was also extended to the same date.
10. On 28 August 2025, the investigative authorities announced re-qualified, expanded charges under Articles 192.3.2, 193-1.3.1, 193-1.3.2, 206.4, 213.2.1, 320.1 and 320.2 of the Criminal Code.
11. On 20 September 2025, the Khatai District Court extended her detention until 6 January 2026.
12. In mid-December 2025, the trial began at the Baku Assize Court; international press freedom organizations called for the charges to be dropped and for the defendants’ release.

## LEGAL ANALYSIS

### Reasons why Aynur Ganbarova should be regarded as a political prisoner:

13. Assessment of whether A. Ganbarova 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). The legal proceedings against A. Ganbarova satisfy two criteria established by paragraph 3 ((a) and (e)):

(a) Her detention and imprisonment violate her 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 her, which caused preliminary detention and imprisonment.

14. 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:

- 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.

### Aynur Ganbarova’s public profile:

15. Aynur Ganbarova is a well-known journalist and influential figure in Azerbaijan’s independent media environment. As editor-in-chief of Meydan TV, she has been responsible for sustaining and coordinating coverage of government accountability, rights abuses, and socially sensitive issues, in a context where independent media are systematically constrained. Her long professional record and editorial role make her a natural target in a crackdown aimed at neutralizing independent journalism.

16. From the outset and the circumstances of the “Meydan TV case,” the prosecution appears consistent with a pattern of targeting independent media by reframing journalistic work and professional networks as financial or foreign-funding criminality. In this context, Aynur Ganbarova’s public profile provides reasonable grounds to believe she was targeted not for genuine criminal conduct, but because of her journalistic activity and leadership role within a major independent outlet.

## Sequence of events and contextual factors:

16. Aynur Ganbarova's arrest is part of a larger, coordinated campaign against independent journalism in Azerbaijan, in which journalists and media workers have been detained on a strikingly repetitive set of financial accusations (notably currency smuggling and related offences). This uniformity, and the way charges and detention measures have been applied across different media cases, strongly suggests a state-driven strategy to criminalize independent journalism 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.
17. The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.<sup>1</sup> 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.<sup>2</sup>
18. In July 2023, politician and economist Gubad Ibadoglu was detained.<sup>3</sup> In August 2023, pro-government media organized a smear campaign against peace activists protesting military operations in Nagorno-Karabakh.<sup>4</sup> 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.<sup>5</sup>
19. 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.<sup>6</sup> 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.
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21. In April 2024, Imran Aliyev, the head of the Meclis.info portal monitoring the parliament, was detained.<sup>7</sup> 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).<sup>8</sup> 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 Abilov<sup>9</sup>, 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 Samadov<sup>10</sup> 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.

22. Repression further continued against independent media through the Meydan TV case:<sup>11</sup> Human Rights Watch reported that the investigation targeted the outlet and that its newsroom staff were held in pre-trial detention from December 2024 (including Aynur Ganbarova) feeding into a consolidated trial that began in December 2025. Finally, repression widened to formal opposition politics in late 2025, when Ali Karimli<sup>12</sup>, 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.

23. This process was preceded by restrictive legislation: the Law on Media (2021)<sup>13</sup> and the Law on Political Parties (2022)<sup>14</sup>. 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.

24. 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.

## **Manner in which the investigation and detention measures were carried out:**

25. The case materials indicate that the investigation relied heavily on operational information and a police-controlled operational episode on 6 December 2024, when a sum of foreign currency was discovered in the luggage of another defendant (Ramin Jabrayilzade/Deko) at the time of his detention following arrival at Baku airport. On the same day, Aynur Ganbarova and several other Meydan TV journalists were detained as suspects. In substance, the evidentiary narrative extends liability from the seizure of cash and the alleged activities of certain individuals to a broad group of journalists through inference and association rather than through individualized proof of conduct attributable to each defendant.
26. The investigative authorities acted in bad faith in Aynur Ganbarova's case and systematically circumvented procedural safeguards. As reflected in the indictment, the core evidentiary foundation for the initiation of the case and the immediate deprivation of liberty was formed by (i) vaguely described operational-search inputs and (ii) the results of operational-search measures carried out on 6 December 2024, including the discovery of cash during a police-controlled interception shortly after a passenger arrived through the Baku airport border checkpoint.
27. According to the indictment, the investigation proceeded from generic allegations that a group of persons, linked to Meydan TV, allegedly transported undeclared foreign currency into Azerbaijan and coordinated the handling of these funds. The main tangible evidentiary episode described at the outset of the indictment concerns the seizure of 38,000 EUR from another defendant (Ramin Jabrayilzade/Deko) during the 6 December 2024 operational-search measures conducted after his entry through the state border checkpoint at Heydar Aliyev International Airport. On the same date, Aynur Ganbarova was detained, together with several others, notwithstanding that the seizure described in the initiating episode is not attributed to her possession, custody, or exclusive control. Yet the indictment does not provide verifiable specifics about the provenance of the operational inputs that triggered the operation: it does not disclose how the police allegedly obtained the information, what the source was, what methods were used, or why the information was reliable. This opacity is legally significant: reliance on such undisclosed operational material deprives the defense of any realistic opportunity to contest the lawfulness and credibility of the information forming the basis for detention and prosecution (*mutatis mutandis*, *Ibrahimov and Mammadov v Azerbaijan*, 2020, §§ 119–120).

28. This structure of the case is indicative of an evidentiary shortcut: the prosecution's narrative uses a single, police-controlled seizure event as a gateway to detain and later prosecute multiple journalists, without demonstrating individualized conduct satisfying the elements of bulk-cash smuggling for each accused. In analogous contexts, the European Court has noted that police-dominated evidence-generation practices can raise legitimate concerns as to evidentiary integrity and the risk that material is used to support a pre-determined accusation (see, by analogy, *Sakit Zahidov v Azerbaijan*, no 51164/07, § 53, 12 November 2015; *Layijov v Azerbaijan*, no 22062/07, § 69, 10 April 2014).
29. The later evolution of the case, as reflected in the indictment, reinforces the appearance of a detention-driven investigation. The authorities expanded/requalified the accusations from the initial smuggling charge to a broad package of financial offences (illegal entrepreneurship, money laundering, tax offences, and document-related charges), a prosecutorial pattern that routinely converts journalistic and organizational activity into purported criminal enterprise by inference and association. The indictment's approach effectively treats professional roles, communications, and alleged project-related funding flows as an indication of criminality, despite the absence (within the initiating narrative) of an individualized transaction trail or forensic accounting analysis demonstrating that Aynur Ganbarova personally handled criminal proceeds or engaged in the alleged laundering/entrepreneurship scheme.
30. Finally, the procedural conduct surrounding detention further supports an inference of bad faith. The indictment records repeated extensions of Aynur Ganbarova's pre-trial detention following the initial remand order of 8 December 2024 (including an extension ordered on 2 April 2025), reflecting a pattern in which continued incarceration is maintained through successive, standardized extensions rather than a concrete assessment of the credibility of evidence and individual necessity. Taken together, opaque operational inputs, a police-controlled seizure event not inherently individualized to her, and a rapidly expanding set of financial charges, the investigative approach appears designed not to establish individual criminal responsibility through adversarially testable evidence, but to legitimize the continued detention of an independent media leader in a politically charged case.
31. In analogous contexts, the European Court of Human Rights has emphasized that deficiencies surrounding police-dominated search-and-seizure operations can raise legitimate concerns about evidentiary integrity and the risk of evidence being used to support a pre-determined accusation (*Sakit Zahidov v Azerbaijan* (2015) § 53; *Layijov v Azerbaijan* (2014) § 69).

### **Authorities' conduct:**

32. The relevant authorities have pursued the case in a manner consistent with a broader strategy of reputational and legal pressure against independent media. Meydan TV has been blocked in Azerbaijan for years and has operated largely from exile; in this context, the authorities' narrative framing of the outlet and its staff as participants in a financial-crimes scheme contributes to the stigmatization of independent journalism. The scale of the detentions in the Meydan TV case, the repeated extensions of custody, and the timing of arrests around politically sensitive periods reinforce the appearance of an ulterior purpose: to silence and deter critical reporting.

### **Additional considerations:**

33. International human rights and press freedom organizations have condemned the arrests and called for the release of the defendants in the Meydan TV case, treating the prosecutions as politically motivated reprisals against independent journalism.

## **CONCLUSION**

34. The personal factors (Aynur Ganbarova's public profile, the absence of convincingly individualised evidence, and repeated procedural concerns) and contextual factors (defamatory narratives and the broader wave of political repression) cumulatively indicate reasonable grounds to believe that Aynur Ganbarova should be considered a political prisoner in light of PACE Resolution 1900 (2012).

## **RECOMMENDATION**

35. Based on this conclusion, Aynur Ganbarova should be released unconditionally and immediately. Furthermore, she should be compensated *restitutio in integrum*.

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