ILKIN AMRAHOV

FACTS

Personal data:

1. Ilkin Amrahov (DOB: 04 December 2001) is a young civil society activist who has dedicated himself to improving Azerbaijan through his involvement in civic activities. He is one of the young researchers in international relations. I. Amrahov completed the Institute for Democratic Initiatives' (IDI) Young Project Managers program. He fully engaged in the program and later interned at IDI. Subsequently, Mr. Amrahov worked for IDI as a group coordinator for the Young Project Managers-2 program.

Date of detention

6. I. Amrahov was detained by police officers of the Baku Metropolitan General Police Department (BMGPD) on 6 March 2024.[1]

Legal accusation

3. On 8 March 2024, the BMGPD officially charged I. Amrahov with conspiracy to commit bulk cash smuggling under Section 206.3.2 of the Criminal Code and served him with an arraignment.

4. His case is being prosecuted under the colloquial name of the Toplum TV case. Subsequently, the prosecuting authorities brought additional charges against I. Amrahov.

5. On 12 March 2025, the BMGPD issued the indictment. According to the indictment, the following conspiracy charges were submitted against I. Amrahov:

· Conspiracy to commit illegal entrepreneurship in the form of an organised 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 organised 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 organised criminal group and (Article 206.4 of the Azerbaijani Criminal Code),
· Conspiracy to commit tax evasion in the form of an organised criminal group (Article 213.2.1 of the Azerbaijani Criminal Code),
· Arranging employment of a substantial number of employees without labour contracts (Article 162-1 of the Criminal Code).

[1] Meydan TV, Trial of journalists accused in the Toplum TV case begins https://www.meydan.tv/en/article/trial-of-journalists-accused-in-the-toplum-tv-case-begins/ accessed 28 August 2025

Legal status of the prisoner

6. I. Amrahov is a detainee. He was remanded in custody and is currently held at Baku Pre-Trial Detention Facility No. 1.

Legal proceedings

7. On 06 March 2024, dozens of BMGPD police officers conducted a raid based on the above-mentioned operational search order. The raid targeted the joint office of the IDI and Toplum TV, as well as the separate office of the TRP. Police officers arrested personnel and brought most of them to the BMGPD premises. Those not subjected to further operational search measures were released later the same day after being questioned and forced to surrender their mobile phone data. Meanwhile, police officers conducted operational search measures at the offices, seizing equipment and documents, as well as the phones of all staff present.

8. Subsequently, the BMGPD extended operational search measures to the private apartments of several arrested staff members, including Akif Gurbanov, Ilkin Amrahov, Ali Zeynalov, Ramil Babayev, Mushfig Jabarov, Elmir Abbasov, and Farid Ismayilov. These searches were conducted without the presence of legal counsel. According to the police reports from 6 March 2024, the operational search measures led to the discovery of bulk cash (local and foreign currency) totalling 123,048.96 AZN at the offices and apartments. The arrested staff claimed that the discovered cash did not belong to them and alleged that it was planted by police officers while they were under police control. Subsequently, the arrested staff were brought to the BMGPD premises. Later, two of them, Farid Ismayilov and Elmir Abbasov, were released.

9. On 08 March 2024, the prosecution authorities applied to the Khatai District Court to remand I. Amrahov in custody, citing the gravity of the offences and the risk of his absconding or obstructing the investigation. By a decision of 8 March 2024, the Khatai District Court ordered I. Amrahov to be remanded in custody for four months, endorsing the remand application.

10. Subsequently, pre-trial detention of I. Amrahov was extended several times during the preliminary investigation until the trial.

11. On 12 March 2025, the BMGPD issued the indictment and sent the case to the Baku Assize Court.

12. On 02 April 2025, the trial started before the Baku Assize Court. Currently, the trial is ongoing.

LEGAL ANALYSIS

Reasons for which Ilkin Amrahov should be regarded political prisoner

The assessment of whether I. Amrahov 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 I. Amrahov, 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.

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 emphasised 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):

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

Ilkin Amrahov's public profile:

The circumstances manifestly reveal that the detainee's affiliated organisation, the IDI, was one of the Government's targets. The detainee was targeted due to his affiliation with the IDI and his activities as a project coordinator there.

The following factors should be emphasised in this regard: a) the long-standing and constant negative media coverage of the detainee's affiliated civil society organisation, which intensified after November 2023, when pro-government media depicted him as "one of the leaders of the fifth column of the Western powers"[3];

[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] Qafqazinfo, 'Topluma rüşvətdən "dərs keçənlər" niyə məxfi işləyib? – 8 ildə 44 səfər…' https://qafqazinfo.az/news/detail/topluma-rusvetden-ders-kecenler-niye-mexfi-isleyib-8-ilde-44-sefer-472707 accessed 28 August 2025 and Musavat, "Qərbin Azərbaycana qarşı media hücumu: ikinci dalğa" https://musavat.com/news/qerbin-azerbaycana-qarsi-media-hucumu-ikinci-dalga_1051251.html?d=1 accessed 28 August 2025

b) the detainee's role as a project coordinator at the IDI.

Accordingly, the detainee'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 detainee's status, stemming from his civil society activities, placed him in jeopardy in the current political state of affairs.

Sequence of events:

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

The proto-repression began in the last quarter of 2022. In December 2022, civic activist Bakhtiyar Hajiyev was arrested.[4] 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.[5]

In July 2023, politician and economist Gubad Ibadoglu was detained.[6] In August 2023, pro-government media organised 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 *Workers' Desk* (İşçi Masası) activists, who sought to establish the country's only alternative trade union organisation.[8]

The primary 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]

[3] Qafqazinfo, 'Topluma rüşvətdən "dərs keçənlər" niyə məxfi işləyib? – 8 ildə 44 səfər…' https://qafqazinfo.az/news/detail/topluma-rusvetden-ders-kecenler-niye-mexfi-isleyib-8-ilde-44-sefer-472707 accessed 28 August 2025 and Musavat, "Qərbin Azərbaycana qarşı media hücumu: ikinci dalğa" https://musavat.com/news/qerbin-azerbaycana-qarsi-media-hucumu-ikinci-dalga_1051251.html?d=1 accessed 28 August 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-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

[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 speechhttps://www.amnesty.org/en/latest/news/2025/06/azerbaijan-seven-journalists-sentenced-in-latest-shocking-crackdown-on-free-speech/ accessed 28 August 2025

These arrests continued into early March 2024 with a police raid against the detainee's affiliated organisation and the arrest of several individuals associated with those institutions.

In April 2024, Imran Aliyev, the head of the Meclis.info portal that monitors the parliament, was detained.[10] 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).[11] These arrests demonstrate that a new wave of repression had already begun. The objective of this wave is to paralyse the activities of post-2014 informally networked NGOs and critical media.

This process was preceded by the adoption of restrictive legislation: the Law on Media in 2021[12] and the Law on Political Parties in 2022[13]. Both laws were criticised 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.

In this regard, the persons arrested in the current process, including the detainee, 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:

The investigative authorities acted in bad faith in the detainee's case and circumvented procedural safeguards. As described above, at present, the two kinds of initial proof underlying the detainee's arrest, initial detention, and subsequent remand in custody are operational information and the outcomes of search and seizure procedures.

The following observations concerning operational information can be made in this connection. Firstly, it is not disputed that the detainee had no criminal history of involvement in bulk cash smuggling or any other crimes whatsoever prior to the events at stake (mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan, 2020, § 119).

[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] 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

[13] 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

Secondly, neither the police reports nor any subsequent decisions contained specifics regarding the collection or receipt of the operational information in question. Notably, it remains unknown how the police allegedly obtained that information, the source of the information, and how that source became aware of it (mutatis mutandis, Ibrahimov and Mammadov v. Azerbaijan, 2020, § 120). Thirdly, the operational information was withheld from the detainee's initial defence, depriving him of any opportunity to challenge this evidence.

As regards the investigative measures taken by the authorities, the following line of argumentation should be reiterated. The investigative measures into the detainee's alleged involvement in bulk cash smuggling consisted mainly of searches of office premises and the seizure of cash allegedly discovered during those searches. In this connection, the Court has already found in two cases against Azerbaijan, albeit under Article 6 of the Convention, that the police's failure to conduct a search immediately following an arrest, without good reason, raises legitimate concerns about the possible "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).

As submitted above, the search and seizure procedures were carried out in violation of procedural safeguards. These included denial of the presence of legal counsel, the placement of the detainee and others under the effective control of police officers, and the execution of the procedures under the guise of operational search measures instead of proper criminal procedural search and seizure procedures. These circumstances demonstrate that the authorities acted in bad faith.

The authorities' conduct:

The relevant authorities initially denied the detainee procedural safeguards. The domestic courts failed to properly assess the applicable criminal procedural legislation. Moreover, the pro-government media constantly published defamatory coverage about the detainee. Investigative authorities selectively leaked personal files obtained through investigative measures to the pro-government media. This led to the misuse of personal data obtained unlawfully from the detainee and to the construction of defamatory content.

CONCLUSION

The personal factors (Ilkin Amrahov'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 I. Amrahov should be considered a political prisoner in light of Resolution 1900 (2012) of the Parliamentary Assembly of the Council of Europe (PACE).

RECOMMENDATION

Based on this conclusion, Ilkin Amrahov 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, I. Amrahov should be compensated by way of restitutio in integrum.