An alternative report

prepared by the Public Council of the Talysh People in Azerbaijan
on implementation of CE Framework Convention for the Protection
of National Minorities in the Republic of Azerbaijan for the
protection of Talysh people, covering the period of 2016 – 2021
years

Baku – 2021
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Introduction

This year, the ratification of the CE Framework Convention for the Protection of National Minorities by the Republic of Azerbaijan (RA) marks its 20th anniversary. This Report is prepared by the Public Council of the Talysh People in Azerbaijan (PCTA) to be presented to the Council of Europe (CoE) highlighting progress (or setbacks) in the fulfillment of CE Framework Convention for the Protection of National Minorities for the protection of the Talysh minorities in the Republic of Azerbaijan during 2016-2021.

This document focuses on the real situation by referring to the specific facts and the requirements of the Framework Convention for the Protection of National Minorities and the ways these requirements implemented with regards to the Talysh minority in Azerbaijan.

1. The talysh people

The talysh are the aboriginal people of Azerbaijan. Historically, they live compactly in the south-east of the country, in the historical talysh region - Astara, Lerik, Lankaran, Masalli, as well as in Yardimli, Jalilabad, Bilasuvar, Salyan and Neftchala, additionally, live dispersely across the cities of Baku and Sumgayit in the Absheron peninsula of Azerbaijan, and in other cities and districts. Talysh language belongs to the Indo-European language family. The state always has falsified data on number of talysh people. Recent officials census puts the number of talysh at 112,000, however, the independent researchers claim that the number of talysh is at least 10 times higher, between one million to 2 million¹.

2. Issues mentioned in the introductory part of the framework convention

“The introductory section of the Framework Convention for the Protection of National Minorities provides its main principles (protection of human rights and

¹ Talışlar - 29 Декабря 2016 - Информационный-аналитический портал Талыш (talish.org)
fundamental freedoms; commitment of the signatory states to protect within their respective territories the existence of national minorities; supremacy of law, respecting the state territorial integrity and the obligation of States become Party to/membered States to ensure the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states; the States Parties shall implement the principles set out in this framework Convention through national legislation and appropriate governmental policies).

The implementation of these four principles with regards to the Talysh minority in the Republic of Azerbaijan is under question.

The first principle is generic and covers not only the protection of national minorities, but also the protection of human rights as a whole. The general picture of human rights protection in Azerbaijan is to be well known to the Council of Europe.

As to the second principle (commitment of the signatory states to protect within their respective territories the existence of national minorities), it is clear that the present regime in Azerbaijan not only fails to protect the existence of talysh as a national minority within its respective territories, but the facts show that the regime strives to vanish the talysh people. De facto, it is obvious in the country that the authorities imposed an embargo on use of the term "Talysh" in the political lexicon. Though the talysh people comprises of almost 20% of the total population of the republic, but people cannot remember when the word of talysh has been uttered in the parliament for the last time. Or the historical area called "Talysh" by geographers all over the world, but it is purposefully called differently now.²

The third principle: the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities can be observed only when these rights and freedoms are provided by the government. Such rights do not exist or no wish to have them even on paper in the Republic of Azerbaijan.

Otherwise, the Law on the Protection of National Minorities that the Republic of Azerbaijan had undertaken to adopt when she became the member of the Council of Europe, would have been adopted by the Azerbaijani government. In

² Azərbaycan Prezidentinin Rəsmi internet sahifasi - SƏNƏDLƏR » Farmanlar (president.az)
general, such an indifferent attitude towards the principles of international law by a state is very rare in international relations. The fourth principle: “Parties/signatory state shall endeavour, in the framework of their legal system including taking into account the articles provided in the framework convention”, however, all measures implemented by the Republic of Azerbaijan towards the national minorities are absolutely against the article of the framework convention.

Since the ratification of the framework convention, no measures have been implemented in this regard in the state policy, and the position of adviser on national relations under the President of the country was abolished with an aim that there are no national minorities in the republic. In fact, there is no such a position listed any more in the official website of the President of the Republic of Azerbaijan, even though the post once existed. Its existence was formal and the main role of the person holding the post was to participate in the events organized by European institutions.

3. Rights guaranteed by the Framework Convention

The Article 1 of the convention stated that the protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation and is considered as a subject of the framework convention. In this respect, it should be noted that expressing any kind of opinion about the talysh and their rights in Azerbaijan is not acceptable, even it is expressed in a very soft or polite way. Those who take initiative become subject harassment and insulation. Those who speak out against the violation of right of people to whom they belong, are usually accused of collaborating with security services of foreign states such as Russia, Iran and Armenia. Just a briefly review of mass-media published in the AR is a good example to proof the aforementioned.

Part two of Article 3 of the convention states: “persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the

3 Azərbaycan Prezidentinin Rasmi internet sahifasi - ADMINISTRASIYA » Struktur (president.az)
4 You can look at the following sources: “Xainlər” Filmi - YouTube; Talış separatçılıları Taleh Bağırzadəni dastəklədi (paralel.az); Talışdan separatçı çıxmaz (femida.az); Azərbaycana qarşı separatizm harakatı: xəyanat kadrosu ermanlar va Milli Şura ilə barabardır – böyük təhlükə! (musavat.com); Cavanşir Paşazadə: “Talışların əltəmiri Şurası adlı təskələtin iddiaları taxrəbat karakterliddir” - Modern.Az Azərbaycan və dünya xəbərləri;
principles enshrined in the present framework Convention individually as well as in community with others”.

At present, it is very difficult for a small group of people of talysh origin to gather and discuss socio-political issues in Azerbaijan. Those who take such an initiative have to consider restrictions and deprivations that will be imposed by the authority and get themselves psychologically ready for such a mistreatment. For example, those who speak about or promotes the talysh ethnic identity are treated as criminals by the Special Service Department of the Republic of Azerbaijan as special case is formed by law enforcement agencies, they are kept under strict control, all their telephone conversations and other communications are intercepted, prosecuted, intruded upon their privacy.

After the appointment of the new, the current head of the State Security Service of the Republic of Azerbaijan, the new head ruthlessly struggles against talysh activists as we have detailed.

As an evidence, it is enough just to get acquainted with the verdict of the Baku Court of Grave Crimes on the 22 years old young Talysh activist Aslan Gurbanov, dated April 15, 2021.

Section II of Articles 4 to 19 of the Framework convention details the rights to be guaranteed by the State Party to persons belonging to national minorities.

3.1. The right of equality or any discrimination based on belonging to a national minority shall be prohibited

The Parties undertake to adopt, where necessary, adequate measures to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities. In this respect, measures implemented by the Azerbaijani government does not guarantee any equality but implements discriminatory policy against the minority. In fact, the word “talysh” has been prohibited. The word “talysh” has been officially listed as the words expressing humiliation5. It is impossible to set up and get NGO, political party or even small business entity registered with a

5 Azarbaycanda bu adlar qadağan olundu - [siyahi] (azadliq.org)
name containing the word of talysh in the republic. The Republic Talysh Cultural Center established to function as an NGO cannot get official registration up to now since its establishment. No NGOs with a title containing the word of talysh registered in the republic. The NGO of Azeri-Talysh Union for which the European Court of Human Rights has issued decision in favor of the NGO but the official registration of this Azeri-Talysh Union is still being rejected. Public Council of the Talysh People in Azerbaijan has repeatedly submitted application for official registration but also has been rejected.

3.2. Refraining from policies or practices aimed at assimilation

According to the framework convention, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation. Practices and policies aimed at assimilation of person belonging to talysh minority are being openly promoted in the Republic of Azerbaijan. The talysh people with an ancient history are subjected to general mockery or ridicules in the corridors of big government offices in the Republic of Azerbaijan, on TV channels and even the name of the people sometimes becomes a laughingstock at official concerts.

There is only one reason behind this: to make the talysh people deny their national roots, refuse of being belonged to talysh minority, and feel ashamed of being a talysh.

This kind of approach and maltreatment had repeatedly been practiced by the former “KGB” on nations and now it becomes one of the “effective” tools in Azerbaijan Republic to “successfully” implement the assimilation policy.

3.3. Freedom of speech

Websites belong to the Talysh, of namely, the website of www.talish.org, the electronic version of the Tolish Sado newspaper, http://www.tolishstan.com/, http://tolishpress.org/ have been blocked by the Azerbaijani government in the

6 Rahim Şaliyev: Azerbaycan höküməti yerli xalqlara və madaniyyatlara qarşı respressiya va nifrat siyasatı yeridir – Tolish Media
7 Talysh question is an unanswered question (turan.az)
8 Talış Birliyi faaliyyatını dondurdu - BƏYANAT (mia.az)
9 ABDULLAYEV AND OTHERS v. AZERBAIJAN (coe.int)
10 Talysh Public Council of Azerbaijan (TPCA) created (turan.az)
11 Ədəbsizliyin kulminasiyasi » Avrasiya
territory of the Republic of Azerbaijan\textsuperscript{12}. At present, no access to these sites in the territory of the Republic of Azerbaijan. Every year, financial support is allocated from the state support fund for the development of media in Azerbaijan. During the past 30 years, since the Azerbaijan Republic declared its independence, the talysh media have not received any financial supports.

3.4. Right to use the language belonging to national minority

The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities. According to this article, the talysh people has right to use the talysh language in appealing to the state institutions. It has never been practiced or evidenced in the Republic of Azerbaijan that someone applies to government agencies in Talysh language. Even appeals in the state language regarding the problems of the Talysh are remained unanswered. The history, ethnography and toponyms of the talysh in Azerbaijan are being falsified and, as a rule, introduced as belonging to the turks. The talysh people cannot demonstrate their national attributes anywhere. Because, in practice, such cases are considered a crime.

3.5. Right to use his or her surname (patronym)

The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system. The article 11 of the framework convention as well says that The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public. In areas traditionally inhabited by substantial numbers of

\textsuperscript{12} Azərbaycan hökūmatı TALISH.ORG saytına giriş dayandırıb - 16 февраля 2017 - Информационный-аналитический портал Талыш
persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language. Taking into account the article 11 of the framework convention the topographic name should in both language along the way to Lanakaran, for example Lankaran – Lancon, this is what required by the articles of the framework convention from the Parties. However, it not possible in Azerbaijani Republic. It is obvious that the government is pursuing a policy of replacing traditional place names in talysh populated area. The renaming of the village of Ozobicon in the Lerik district is a clear example, which was done in very short period. In the best case, place names in talysh language are changed into new forms similar to the words in Turkish language with strangely written names but lose their original meaning. As a result, it is now impossible to find a single official place name of which the meaning is clearly understood in the talysh language and even in official language. No settlement with name in talysh language can be traced in the region where talyshes compactly live. On July 7, 2021, President of the Republic of Azerbaijan Ilham Aliyev signed a decree on formation of new economic regions in the Republic of Azerbaijan. According to this decree, the area of the country is divided into 14 economic regions. As a rule, the new economic regions are called based on its historical name and ethnography; Nakhchivan, Karabakh, Central Aran, Mil-Mugan, etc. In this decree, the hysterically called talysh region, where the talysh people live compactly, was named "Lankaran-Astara" region. However, in all historical sources, the geographical name of the region is introduced as "talysh region".

3.6. Right to education and research to foster knowledge of language in mother tongue
The right to receive education in the Talysh language has not been granted in the Republic of Azerbaijan. There is a decision on providing teaching in talysh language in primary school of up to 4th grade, but this is just a formality and a deception of the public opinion and provided for the purpose of reports.

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13 GÜNƏŞLİ (OZOBİJON) KƏNDİ – DODO qazeti (dodoqezeti.az)
14 Davam edir 37??? | Rafiqibloq (wordpress.com)
15 Azərbaycan Prezidentinin Rasmi internet sahifası - SƏNƏDLƏR » Farmanlar (president.az)
submitted to international communities. These classes (talysh language classes) are optional and not mandatory. The level of teaching talysh classes is very low with no teaching quality. Just the fact is that there is no facilities or education establishment allowed to train talysh language specialists in Azerbaijan. Talysh language textbooks are deliberately published in small quantity and the schools in Talysh regions are supplied in a small number of textbooks in an acute shortage. No initiatives to improve the textbooks. In addition, up to date, the "subject curriculum" of the subject of "talysh language" has not been developed in secondary schools in Azerbaijan. Talysh language classes are virtually non-existent. Latest publication of textbooks for teaching talysh language was in 2006.

3.7. Right to refrain from measures resulting in demographic changes
The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

The Azerbaijani Authority has a “strategic” policy to drastically alter the ethnic composition of the talysh region by all means in Azerbaijan. All posts in talysh region are occupied by people from outside talysh region /by non-talysh. The heads of all districts executive authorities in the talysh region are not of talysh origin.

In many cases, the parliamentary deputies appointed to represent talysh people from the Talysh region are people who have nothing to do with the Talysh people. In most cases, people invited from other part of the country, people of not talysh origin, are given preference in engagement in newly established job, even for the junior / ordinary positions in substantially talysh inhabited area. The government officials who are employed from outside they destroy the forest along the roadside connecting the districts centers in talysh region. Many significant & rare tress recorded in Red Data Book from the talysh forest are cut.

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16 Azərbaycanda talış dili dərsi keçilir, amma sakinlar bu dildə matbuat da istayırlar (azadliq.org)
17 «Cadvalda talış dili var, amma keçilmir» (azadliq.org)
18 OSTA proposed measures for the development of the Talysh language (turan.az)
19 Ataxan Əbilov : Astaraşa heç bir aidiyəti olmayan Ziyafət Əşgarov 15 ildir deputat tayin edirsz - 28 December 2019 - WWW.TOLISHSTAN.COM
by these newly appointed government officials and transported to parquet factory in Baku city.
The results of the government’s demographic policy against the Talysh people are obvious. As of now, the talysh region is in first place not only in the Republic of Azerbaijan, but in the entire region in terms of spread of AIDS, drug addiction, tuberculosis, and infant mortality.

3.8. Right to maintain free and peaceful contacts across frontiers with persons lawfully staying in other States

The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage. The talysh is among the people in the world divided by the state borders, the Azerbaijani Iranian borders divided the talysh people into two parts. As the talysh are an Indo-European-speaking people by origin, the Azerbaijani government has always a negative opinion on relationship between Talysh intellectuals on both sides, and the state special services consider all sort of relationship as espionage.

It is openly stated on the verdict of the court for Novruzali Mammadov’s case that Ali Abdoli- a talysh intellectual and ethnographer living in Iran (although he is in opposition to current regime of Iran), is an employee of the Iranian Special Services and his relations with talysh intellectuals in Azerbaijan is considered as espionage. Thus, by this, the Republic of Azerbaijan not only refusing fulfillment of its obligation provided in the framework convention that undertaken not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, but also by all means prevents its implementation. It is impossible to get any materials and resources (newspapers, books, textbooks, movies, teaching aids etc.) into the country if these materials contain a single
word "Talysh" in its title or text. Such materials shall be confiscated without question and shall not be returned, regardless of their content and form.

4. Arest, Murdering, persecution and other violations
Facts on arrests and persecution of activists belonging to Talysh minority who struggled for the rights of Talysh people by the Azerbaijani government during the reporting period:

4.1. Kidnapping of Fakhraddin Abbasov-scientist in foreign country, his arrest and murdering
Fakhraddin Aboszoda (Abbasov), a Talysh scholar, historian, political scientist, author of several dictionaries and of many works on the Talysh language, was kidnapped in the Russian Federation in 2019 and brought to Azerbaijan. Abbasov was charged under Article 274 (treason) of the Criminal Code of the Republic of Azerbaijan and allegedly accused of cooperating with Armenian special services and sentenced to 16 years in prison.
F. Abbasov, who was detained in the closed/high security Gobustan prison, was mysteriously murdered in the prison on November 13, 2020 and the cause of his deaths explained to the public by the authorities that as if he committed "suicide". A week before his death, F. Abbasov informed his relatives about the threats that he would be killed in prison.
The Azerbaijani government didn’t take any action towards investigation of Abbasov’s death in a high security/ closed prison. Abbasov is the second Talysh scholar to be killed in prison. Earlier, on August 17, 2009, Talysh researcher, philologist, professor Novruzali Mammadov was killed in an Azerbaijani prison.

4.2. Arrest and judgement of young activist Aslan Gurbanov
Young activist Aslan Gurbanov was arrested for his activities on the social network. Aslan Gurbanov, who was arrested by the State Security Service (SSS) in July 2020, was sentenced on April 15, 2021. He was accused of political incitement by the Baku Court of Grave Crimes under Articles 281 (incitement against the state) and 283.1 (incitement to national, racial, social, religious hatred and hostility) of the Criminal Code and sentenced to seven years in

24 Faxraddin Abbasov Bəkiya gətirildi - Rəsmi (axar.az)
25 PX: Faxraddin Abbasov Şuşanın işğaldan azad olunmasından darin psixoloji sarsıntı keçirərək intihar edib (apa.az)
prison. It is alleged that the blogger carried out anti-government propaganda on social media platforms such as Facebook and Instagram and shared information on national discrimination. The blogger is accused of disseminating materials, publications on discrimination, violation of the rights of the Talysh people. Before issuance of the verdict against Aslan Gurbanov, he was urgently transferred to cell of penitentiary service where he was tortured. The appellate court was addressed to review the case, but the appellate court affirmed the judgement of the court of first instance. Aslan Gubanov’s relatives have expressed concern that Aslan Gurbanov was portrayed as a "separatist" and there is a fear that he would be killed in prison.

4.3. Interference with freedom of expression

4.3.1. Irada Malikova, a folk practitioner and editor-in-chief of the “Dodo” newspaper, was detained at Baku airport in the night of September 21-22, 2016, she had Talysh language dictionary with her, she was taken to the Interior Ministry’s Main Department for Combating against Organized Crime;

4.3.2. Rafig Jalilov, editor-in-chief of the Tolishon Sado newspaper, was detained in Lankaran, on June 12, 2018 and taken to the district police station, where 200 copies of the Tolishon Sado newspaper were taken from his car and confiscated;

4.3.3. Fadail Bagirov, a resident of Boladi village in Lankaran district, was persecuted through January of 2019 because of painting the Talysh flag on the gate of his own yard and was immediately forced to erase the flag by repainting the gate;

4.3.4. On October 12, 2018, Talysh activist, Mirismayil Mirismayilov was detained at the Baku airport by employees of the Ministry of Internal Affairs of the Republic of Azerbaijan, tortured and sentenced to 30 days imprisonment. A

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26 Talysh blogger sentenced to 7 years in Azerbaijan (oc-media.org)
27 "Aslan Qurbanovun hayatı tahliye altındadır" - Meydan.TV
28 Irada Malikova talışca lüğətlərə görə saxlanıb görlənini düşünür (azadliq.org)
29 'Toloşon sado' qəzetinin redaktoru saxlanıb (azadliq.org)
30 Azərbaycan sakinını etiraz aləməti olaraqevin darvazasını talış bayrağının rangları ilə boymışdır - 27 January 2019 - WWW.TOLISHSTAN.COM
Talysh activist was found guilty of taking a picture with Talysh flag during a rally in St. Petersburg, Russia, and disseminated it through the Internet\textsuperscript{32}.

4.3.5. On January 27, 2016, the house of Musarza Shabanov, inhabitant of the village of Havzava in Lankaran district, was raided by a group of unknown persons, and Musarza Shabanov was beaten unmercifully, injured without having been questioned. Musarza Shabanov is the father of Ismail Shabanov, the head of a Talysh diaspora organization in Russia. Ismail Shabanov called the attack a political revenge associated with his public activities\textsuperscript{33}.

4.3.6. A group of Talysh intellectuals established an organization called the Public Council of the Talysh people in Azerbaijan (PCTA) in 2019. Application was submitted to the Ministry of Justice of the Republic of Azerbaijan for registration to gain the legal status. PCTA also prepared a concept document on the "problems of the Talysh language"\textsuperscript{34}, addressed the government agencies proposing ways to solve these problems. Despite the fact that more than a year has passed since the concept paper sent to government, no reaction so far by the authorities and the request remained unanswered...

**Summary**

The Talysh People are not recognized by the government in Azerbaijan as a people or national minority. The government is pursuing a policy of de facto assimilation of the Talysh and striving to vanish the talysh people in a very short period. The name "Talysh" has been prohibited. There are no Talysh NGOs registered in the country. The word "Talysh" is not pronounced in the Azerbaijani parliament and in the speeches of officials. Talysh public and cultural figures have been persecuted and harassed and called as "separatists" since the country gained independence. There is no radio or television in Talysh, and Talysh are deprived of rights to education in their mother tongue.

Talysh society has no right to self-government. The heads of the executive power in the Talysh region are non-Talysh people. In some cases, member of

\textsuperscript{32} Talışların hansı hüquqları pozulur? (aqregator.az)
\textsuperscript{33} İsmail Şabanov atasının evina edilan başqın sahəb kimi öz ictimai faaliyyətini görür - 28 Января 2016 - Информационный-аналитический портал Талыш (talish.org)
\textsuperscript{34} Statement by The Talysh Public Council of Azerbaijan in the Republic of Azerbaijan on current status of the Talysh language - Voice of Talysh - Voice of Talysh - Информационный-аналитический портал Талыш (talish.org)
parliament appointed from the Talysh region are people who have nothing to do with the talysh people and do not represent the talysh people. Based on the aforementioned, the Public Council of the Talysh people in Azerbaijan considers that the Council of Europe's Framework convention for the Protection of National Minorities has not yet been implemented by the Republic of Azerbaijan in relation to the Talysh people.

Co-chairmen of the Public Council of the Talysh People in Azerbaijan
Atakhan Abilov
Hilal Mammadov
Mehdibey Safarov

The Public Council of Talysh People in Azerbaijan (PCTA), brief information and contact

The Public Council of Talysh People Azerbaijan (PCTA) was established in 2019 by a group of Azerbaijani citizens. The goal of PCTA is to prevent the on-going assimilation or hinder isolation of the Talysh people from the rest of society and to achieve integration into Azerbaijani society in a development manner. For this purpose, PCTA functions within the opportunities granted by the Constitution and laws of the Republic of Azerbaijan and set it as a priority to contribute to promoting rule of law and civil society in the Republic of Azerbaijan.

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