

AZERBAIJAN

	2012	2013
INTERNET FREEDOM STATUS	PARTLY FREE	PARTLY FREE
Obstacles to Access (0-25)	13	13
Limits on Content (0-35)	16	17
Violations of User Rights (0-40)	21	22
Total (0-100)	50	52

POPULATION: 9.3 million

INTERNET PENETRATION 2012: 54 percent

SOCIAL MEDIA/ICT APPS BLOCKED: Yes

POLITICAL/SOCIAL CONTENT BLOCKED: Yes

BLOGGERS/ICT USERS ARRESTED: Yes

PRESS FREEDOM 2013 STATUS: Not Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- Some websites were temporarily blocked during protests or other anti-government events (see **LIMITS ON CONTENT**).
- In addition to the dominance of state-owned media outlets, the government further manipulated the online sphere through intimidation tactics like requiring students to “like” government policies on Facebook, and threatening those who support anti-government political causes online (see **LIMITS ON CONTENT**).
- New regulations were implemented in 2013 that required all mobile phones to be registered according to their IMEI identification code (see **VIOLATIONS OF USER RIGHTS**).
- Authorities broadly applied existing laws to prosecute journalists and citizens for their online activities (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

Over the course of the last few years, Azerbaijan has acquired a vibrant and rapidly growing online community. The internet in Azerbaijan has not only become a platform for information sharing, but as the country's traditional media outlets continue to fall under strict government control, it has become a medium for alternative voices and popular political dissent. Its limited, though growing, community of users has yet to see any major restrictions imposed on the technical level, given the country's ongoing commitment and eagerness to promote itself as a leader of information and communication technology (ICT) innovation in the region.

When it comes to the internet, the Azerbaijani government is practicing what some have called “networked authoritarianism”¹—a middle path between open access and censorship, where online content remains relatively uncensored, and most often the state lets users discuss the country's problems and sometimes openly call for action. On the surface, such an approach generates a relatively democratic image for the country at home and abroad. However, behind the scenes, those who speak out on the internet are more likely to face intimidation, threats, arrests, and fines from the state.

Exemplifying this model, Azerbaijani authorities engage little in filtering and direct censorship. Nonetheless, they discourage the use of online technology in three ways: demonizing technology through the practice of media framing, as in the case with the state psychiatrist who called users of social media mentally ill;² gradually instilling a sense of fear and inevitably self-censorship in users of online media through constant monitoring and surveillance; and putting online activists behind bars, such as the case in 2009 of the arrests of two prominent bloggers, Emin Milli and Adnan Hajizade.³

While the internet was first introduced in Azerbaijan in 1994 and became available for all citizens in 1996, it was not until the late 2000s that the internet became a more widely-used tool. Despite an increase in internet penetration, the lowering of costs, and the growth of various internet service providers (ISPs), the overall quality of internet access has remained low, especially outside the capital, where many users still rely on dial-up services. Since 2005, authorities have sporadically blocked access to certain antigovernment websites (including satirical ones). The crackdown intensified in 2011 with bloggers and online activists joining the usual group of targeted suspects—outspoken journalists and opposition party members. The uprisings of the Arab Spring created further grounds for fear, turning the government's attention to social networks in search of “violators” of public order.

¹ Katy E. Pearce, Sarah Kendzior, “Networked Authoritarianism and Social Media in Azerbaijan,” *Journal of Communication* ISSN 0021-9916, 2013, http://www.academia.edu/1495626/Networked_Authoritarianism_and_Social_Media_in_Azerbaijan

² “Social network users have ‘mental problems’,” *trend.az*, March 7, 2011, <http://en.trend.az/news/society/1841409.html>

³ Adam Hug, “Spotlight on Azerbaijan,” *Information and Communication Technology in Azerbaijan*, The Foreign Policy Center, 2012, fpc.org.uk/fsblob/1462.pdf

In 2012, Azerbaijan hosted two major international events: the Eurovision Song Contest in May and the Internet Governance Forum in November. In the wake of these events, once international attention had been diverted, the government continued to crack down on protestors and suppress antigovernment media coverage. From 2012-2013, the number of attacks on opposition websites and arrests of online activists increased, alongside an increase in the use of ICTs to mobilize protests against the government.

OBSTACLES TO ACCESS

Indicators for Azerbaijan's internet penetration vary based on available sources, although most would agree that the number of internet users has risen significantly in recent years. Figures reported by the Ministry of Communication and Information Technologies (MCIT) indicate an internet penetration rate of 70 percent for 2012; these statistics include mobile internet users as well as anyone who has accessed the internet, including one-time users.⁴ The International Telecommunication Union (ITU), on the other hand, estimates Azerbaijan's internet penetration rate at 54 percent for 2012,⁵ while research conducted by academics suggest that the penetration figure could be as low as 25 percent.⁶

Despite a growing penetration rate, diversifying ISPs, and gradually declining costs, access to the internet remains highest in the capital and lowest in rural areas, where there is a scarcity of providers. The quality of access also remains low, with paid prices not corresponding to advertised speeds and with many users still relying on slow dial-up connections. An ambitious state program (worth \$131 million in total) is underway to build a broadband internet infrastructure, particularly in rural regions. The plan intends to provide users across the country with 10 Mbps speed and generate an internet penetration rate of 85 percent by 2017.

At present, the cost of internet access at an average speed of 1 Mbps is a minimum of AZN 12 (approximately \$15.30), which is equivalent to 3 percent of the average monthly wage, according to official data distributed by the Ministry of Communication and Information Technologies.⁷ The ministry intends to further decrease prices; however, no specific amounts were mentioned in any of the recent statements that the ministry issued.⁸

Privately owned but government controlled Delta Telecom (previously known as AzerSat) is the primary ISP in the country, holding an 88 percent share of the overall internet market and selling

⁴ "Internet penetration rate reaches 70% in Azerbaijan," *ann.az*, January 16, 2013, <http://ann.az/en/?p=109281>

⁵ International Telecommunications Union (ITU), "Percentage of Individuals Using the Internet, 2012," accessed July 3, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

⁶ İşdən sonra- Azərbaycanca internet statistikas, *azadliq.org*, November 7, 2012, <http://www.azadliq.org/audio/broadcastprogram/635687.html> [in Azerbaijani/English]

⁷ "Minister: In Azerbaijan, the cost of connection to the Internet at speeds of 1Mbit/s is about 3% of the average monthly wage", *apa.az*, January 16, 2013, <http://en.apa.az/news/186053>

⁸ "Azərbaycanda mobil danışiq qiymətləri və internet tarifləri ucuzlaşacaq", *Kanal13AZ* via *youtube.com*, January 9, 2013, <http://www.youtube.com/watch?v=nCtwmMv0CRo> [in Azerbaijani]

traffic to almost all other ISPs.⁹ It was the first company to implement a WiMAX technology project in the country in February 2010, laying the foundation for the use of wireless, broadband, and unlimited internet access. The largest ISP operating outside of Baku is the state-owned AzTelekom, with ownership ties to the Ministry of Communication and Information Technologies (MCIT).¹⁰ Azertelecom, owned by Azerfon, completed its fiber-optic network in 2011 and is now competing for Delta Telecom's business.¹¹

Up until 2000, ISPs in Azerbaijan were required to obtain a license; however, in 2000 this licensing procedure was no longer required. As a result, according to the information provided by the Ministry of Communication and Information Technologies, today there are over 40 ISPs operating in the country with only three—Aztelekomnet, Bakinternet, Azdatakom—being state owned.¹² Delta Telecom and Azertelecom are two private companies that provide access to the international internet.

With Azertelecom's growing role in the internet business, government control over ICTs has become more apparent, particularly after it was uncovered in 2011 that Azerfon is largely owned by President Ilham Aliyev's daughters.¹³ Furthermore, there is a lack of transparency over the ownership of other ICT resources. While there are no specific legal provisions or licensing requirements for ISPs in Azerbaijan, the MCIT refuses to answer inquiries regarding the ownership of license holders.¹⁴

According to clause 4.2(a) of the "Rules for Using Internet Services," internet providers can unilaterally suspend services provided to subscribers in cases that violate the rules stipulated in the law "On Telecommunications." Furthermore, a provider can suspend the delivery of internet services in certain circumstances including in times of war, events of natural disasters, and states of emergency, though none of these legal provisions were employed in 2012-2013.¹⁵

Usage of mobile phones in Azerbaijan has continued to grow steadily. There are three mobile service providers using the Global System for Mobile Communications (GSM) standard: Azercell, Azerfon, and Bakcell. In 2009, Azerfon, in a partnership with Britain's Vodafone, was the only company with a license for 3G service; however, in response to a number of critical media reports, Azercell and Bakcell were issued licenses in 2011, breaking Azerfon's monopoly over the 3G market. Azercell and Bakcell reduced prices to increase demand for mobile internet when they launched 3G services.¹⁶ As a result, the number of mobile internet users on the Azercell network—

⁹ "Azerbaijan country profile," Open Net Initiative, November 17, 2010, <http://opennet.net/research/profiles/azerbaijan>.

¹⁰ Yashar Hajiyev, "Azerbaijan," European Commission, accessed August 30, 2012, <http://bit.ly/1fz6jF9>.

¹¹ "Azerbaijan Network," Azertelecom.az, accessed September 5, 2012, <http://www.azertelecom.az/en/aznetwork/>.

¹² Ministry of Communications and Information Technologies of the Republic of Azerbaijan, <http://www.mincom.gov.az/activity/information-technologies/internet/>

¹³ Khadija Ismayilova, "Azerbaijani President's Daughter's Tied to Fast-Rising Telecoms Firm," Radio Free Europe/Radio Liberty, June 27, 2011, http://www.rferl.org/content/azerbaijan_president_aliyev_daughters_tied_to_telecoms_firm/24248340.html.

¹⁴ Response of the Ministry of Communication to a written request for information.

¹⁵ "Searching for Freedom: Online Expression in Azerbaijan," The Expression Online Initiative, November 2012, http://www.irfs.org/wp-content/uploads/2012/12/Report_EO_1.pdf

¹⁶ "Azercell reduces prices for mobile internet services (Azerbaijan)," Wireless Federation, November 28, 2011, <http://wirelessfederation.com/news/90875-azercell-reduces-prices-for-mobile-internet-services-azerbaijan/>.

the country's largest mobile communication provider with 55 percent of the market¹⁷—increased 300 fold in 2011, according to a company representative.¹⁸

Introduction of 3G services and changes in mobile phone data packages provided by the phone companies brought down the average costs of mobile internet from AZN 40.5 (approximately \$50) in 2011 to AZN 7.75 (approximately \$10) in 2012. The connection speed improved significantly in 2011, increasing from 3.48 Mbps to 7.05 Mbps.¹⁹

Azerbaijan does not have an independent regulatory body for the telecommunications sector, and the MCIT performs the basic regulatory functions pursuant to the 2005 Law on Telecommunications. The MCIT also has a monopoly over the sale of the “.az” domain, which cannot be obtained online and requires an in-person application and Azerbaijani citizenship, subjecting the process to bureaucratic red tape and possible corruption.

On February 14, 2013, the Azerbaijani Press Council established a commission under the government-controlled National Television and Radio Council to handle citizen's complaints about ethical violations online, hacking attacks on web pages, and other issues related to online media.²⁰ This is another alarming development, as the Press Council is known for its progovernment stance. Already last year, the council restricted the activities of several critical newspapers by describing them as “rackets” and putting them on a “black list.”²¹ As a result, these papers are banned from publishing. Aflatun Amashov, chair of the Press Council, argues that since the number of internet news outlets is growing, the situation calls for the council to take concrete action in this direction.²²

In another worrisome development, on February 20, 2013, the National Television and Radio Council announced the introduction of possible licensing measures for online television channels, seeing free operation of these outlets as “unfair” when compared to traditional TV channels.²³ Proponents of free speech and free access to information describe this move as the government's attempt to “gag freedom of expression and deprive people of alternative sources of information” through new forms of control.²⁴

¹⁷ “About us,” Azercell, accessed September 5, 2012, <http://company.azercell.com/en/>.

¹⁸ Nijat Mustafayev, “Number of mobile internet users of Azercell increased sharply over the past year,” APA-Economics, November 18, 2011, <http://en.apa.az/news.php?id=159794>.

¹⁹ “Mobile internet tariffs in Azerbaijan and explanations,” mobiz.az, October 2012, <http://mobiz.az/n909/Azerbaycanda-mobil-internet-tarifleri--tehlil> [in Azerbaijani]

²⁰ “Press Council created commission for internet media,” mediaforum.az, February 14, 2013, <http://bit.ly/18eZnGI> [in Azerbaijani]

²¹ “Statement: The Online Expression is Under Assault in Azerbaijan,” Expressiononline.net, <http://expressiononline.net/pressreleases/statement-the-online-expression-is-under-assault-in-azerbaijan-2>

²² “Aflatun Amasov: commission on internet portals is not censorship,” proses.az, February 21, 2013, <http://proses.az/?m=xeber&id=8014> [in Azerbaijani]

²³ “Nushirvan Maharramli: ‘We should license Internet TV,’” contact.az, February 20, 2013, <http://contact.az/docs/2013/Economics&Finance/011000024138en.htm#.USyg-uhhNAD>

²⁴ “Statement: Expression Online Demands Azerbaijani Government Keep Hands Off the Internet,” irfs.org, February 15, 2013, <http://expressiononline.net/pressreleases/statement-expression-online-demands-azerbaijani-government-keep-hands-off-the-internet-5>

LIMITS ON CONTENT

From 2012-2013, the government did not engage in widespread blocking or filtering of websites, preferring instead to exert control over the online sphere through intimidation and arrests of users. However, some sites were temporarily blocked, usually in connection to protests in specific areas of the country. In addition, the government continued its attempt to influence users' online activities by threatening students who criticize the government online, and causing indirect self-censorship and intimidation of users through high-profile arrests of online activists.

A few websites and social media platforms were sporadically blocked from 2012-2013. For example, the popular image-sharing website Imgur was temporarily blocked in early 2013.²⁵ On January 19, 2013, hackers from Anonymous obtained and released 1.7 GB worth of documents from the Special State Protection Service of Azerbaijan, posting the material as images on Imgur, after which the entire platform was temporarily blocked for users in Azerbaijan.²⁶ Websites such as Musavat, Azadliq, Bizim Yol, Turan News Agency, and Radio Free Europe/Radio Liberty's Azerbaijan service, were also subject to occasional blocking. Other websites, such as Tinsohbeti.com, a website with satirical articles, caricatures, and videos about government and government corruption, and Susmayaq.biz, a website for public campaigning, were both shut down.²⁷

There is still no established process through which affected entities can appeal in cases where opposition websites or other materials have been censored. Sporadic filtering has also become a problem for opposition websites from the Azerbaijani diaspora, such as Azdiaspora.org. Meanwhile, both the MCIT and the Ministry of Education run a hotline program to uncover allegedly illegal and dangerous content.²⁸

Another concern is the possible introduction of a new bill that will grant the government broad powers to restrict online content, allegedly in order to protect children from pornography and other inappropriate material. On February 23, 2013, the chairman of the Azerbaijani Parliament's Social Policy Committee, Hadi Rajabli, told the local press service that a draft law is likely to be developed to limit children's access to the internet. In his statement, Rajabli assured that the law would not mean restrictions on content, but rather the introduction of limitations based on age groups.²⁹ However, according to Emin Huseynov, the Director of the Institute for Reporters'

²⁵ "Imgur.com blocked in Azerbaijan?", advocacy.globalvoicesonline.org, February 7, 2013,

<http://advocacy.globalvoicesonline.org/2013/02/07/imgur-com-blocked-in-azerbaijan/>

²⁶ "1.7GB Documents leaked from Special State Protection Service of Azerbaijan", [cyberwarnews.info](http://www.cyberwarnews.info), January 19, 2013,

<http://www.cyberwarnews.info/2013/01/19/1-7gb-documents-leaked-from-special-state-protection-service-of-azerbaijan/>

²⁷ "Focus on Internet and Human Rights in Azerbaijan: Interview with Vugar Gojayev", Global Information Society Watch, [giswatch.com, http://www.giswatch.org/en/focus-internet-and-human-rights-azerbaijan-interview-vugar-gojayev](http://www.giswatch.org/en/focus-internet-and-human-rights-azerbaijan-interview-vugar-gojayev)

²⁸ Yaman Akdeniz, "Freedom of Expression on the Internet," Organization for Security and Cooperation in Europe, 2010, <http://www.osce.org/fom/80723>.

²⁹ "Children's access to internet may be limited in Azerbaijan", APA.az, February 23, 2013, <http://en.apa.az/news/188419>

Freedom and Safety (IRFS), this is merely an attempt to start censoring the internet and is likely to lead to additional restrictions.³⁰

There are limited deletions of online content based on a takedown notice system, primarily related to personal data. Subject to Articles 5.7 and 7.2 of the law “On Personal Data,” personal data published without the consent of an individual must be removed from websites following a written demand from the individual concerned, a court, or the executive branch.

Access to social media applications such as Facebook and Twitter is unrestricted, and such sites are increasingly used to disseminate content critical of the government. Facebook, in particular, has become a key source of information on rallies, protests, and social issues such as housing demolitions. The number of registered Facebook users grew from approximately 700,000 in December 2011 to over 1,000,000 users in 2013,³¹ with the largest age group between the ages of 18-24. The second biggest age group of Facebook users consists of young people between the ages of 25-34. The majority of Facebook users in Azerbaijan are male, at 64 percent.³²

Blogging in Azerbaijan began gaining popularity in 2007. With the introduction of Azerbaijani-language blogging platforms, active bloggers writing in the native language provide an alternative source of information on many subjects that are ignored or distorted by the traditional media. Together with microblogs, there are over 150,000 bloggers and microblog users in Azerbaijan.³³ Most of these blogs are written in the Azerbaijani language, and only about 1,000 blogs are written in English, Russian, and other languages. Many bloggers, such as Ali Novruzov, Emin Milli, Emil Bagirov, Etibar Salmanli, Arzu Geybullayeva, and Zaur Gurbanly, are well known for their independent views, and an estimated 50,000 to 70,000 users read blogs online. Additionally, according to the head of the Press Council in Azerbaijan, more than 10 internet radio stations and television channels operate in the country’s virtual space, and over 100,000 users watch television online. There are also more than 40 online news websites.³⁴

As journalists, activists, and those critical of the government have increasingly turned to the internet to express their views, the Azerbaijani authorities have amplified their efforts to clamp down on online activities and stifle opposition voices through tactics such as internet cafe raids, netizen arrests, and other extralegal intimidation (see “Violations of User Rights”). Some state universities warn students that they will encounter problems, including threats of bad grades or detention, if they participate in online political activism. Students are instead urged to be very active in defending the government and its positions in their posts and comments on Facebook and other social media. These efforts have had a chilling effect on internet users who may be practicing self-censorship out of fear of government reprisals, although the extent of self-censorship is not as

³⁰ “Statement: Internet censorship in Azerbaijan ready to go live,” irfs.org, February 27, 2013, <http://www.irfs.org/news-feed/statement-internet-censorship-in-azerbaijan-ready-to-go-live/>

³¹ “Facebook Statistics Azerbaijan,” Socialbakers, accessed February 2013, <http://bit.ly/qVuzuT>.

³² “Facebook Statistics Azerbaijan,” Socialbakers, accessed February 2013.

³³ “Bloggers are passive: in Azerbaijan blog users are not active”, video, YurdTV, March 5, 2013, <http://yurd.tv/yurdxeber/20130302085717673.html> [in Azerbaijani]

³⁴ “The number of Internet users in Azerbaijan is 45% of the population,” Regnum News Agency, February 3, 2011. <http://regnum.su/news/fd-abroad/azeri/1379705.html> [in Russian].

widespread as in the traditional media. Furthermore, government-friendly online media outlets are the main beneficiaries of the advertisement market. As is the case in the traditional media sphere, state-owned and private companies tend to refrain from advertising their products in independent or opposition online media.

To further discourage young Azerbaijanis from using the internet and social networks, a number of different tactics were introduced. Early in 2011, the country's chief psychiatrist, Garay Geraybeyli, described "people who prefer communication on social networks [as] having mental problems."³⁵ Not surprisingly, the statement came four days prior to the March 11 Great People's Day in Azerbaijan, an online initiative organized through Facebook calling people join in the struggle for freedom and democracy in Azerbaijan in a civil way, without provocations, in villages and cities across the country.³⁶ In another attempt, a television program featured stories of "severe Facebook trauma" and "illness" as a result of use of social media. On April 2, 2013, an article published online on Xezerxeber.com described social networks as "cholera of the 21st century." The paper claims that social networks create jealousy among its users.³⁷

Despite these manipulative efforts, youth activists, organizations, and political movements are widely represented in social media, providing information, organizing activities and events, and arranging flash mobs via the internet. Inspired by the Arab Spring uprisings in early 2011, young activists in Azerbaijan continue to use social media to organize demonstrations against the government's authoritarian rule, calling for democratic reforms and an end to pervasive government corruption.³⁸

Beginning in September 2012, Elshad Abdullayev, the former director of the now-defunct Azerbaijan International University, began uploading videos to YouTube that exposed corruption on the part of Gular Ahmedova, a high-ranking figure and member of the ruling party.³⁹ The first video footage of this scandal, referred to as "GularGate," exposed Ahmadova attempting to sell a parliamentary seat to Abdullayev for AZN 500,000 (approximately \$636,000). Ahmadova was stripped of her parliamentary mandate, expelled from the ruling party, and placed under house arrest. On February 13, 2013, the Prosecutor General's Office announced that Ahmadova had been charged under Article 178.3.2 for fraud (embezzlement) and Article 307.2 for concealment of a serious crime without agreement.⁴⁰

On January 12, 2013, a large, unsanctioned rally was organized through the Facebook page "Əsgər Ölümlərinə SON" (End soldiers' deaths)⁴¹ and held in Baku to protest against the death of military

³⁵ "Social network users have 'mental problems'," trend.az, March 7, 2011, <http://en.trend.az/news/society/1841409.html>

³⁶ <https://www.facebook.com/events/192209267477787/>

³⁷ "Social networks create jealousy", Xezerxeber.com, April 2, 2013, <http://xezerxeber.com/XeberOxu.aspx?id=55717#.UV33UxlhOal> [in Azerbaijani]

³⁸ Natasha Schmidt, "Freedom of expression online," Chapter 8, *Running Scared: Azerbaijan's Silenced Voices*, Article 19: Global Campaign for Free Expression, 2012, <http://www.article19.org/data/files/medialibrary/3003/12-03-26-azerbaijan.pdf>.

³⁹ As of February 2013, eight videos have been released.

⁴⁰ "Azerbaijani Politician Arrested on Corruption Charge," rferl.org, February 14, 2013, <http://www.rferl.org/content/azerbaijan-corruption/24901860.html>

⁴¹ <https://www.facebook.com/Esgar.olumlerine.son?ref=ts&fref=ts>

conscript Ceyhun Qubadov. According to local reports, hundreds to thousands of people gathered at the Fountain Square holding signs with slogans about the mistreatment of military conscripts in Azerbaijan. While there were no arrests, police issued fines to 29 protestors. Facebook was quickly put to use once again to organize an online fundraiser through the “5 Gəpik” (5 Cents) Campaign. The campaign managed to raise 12,500AZN (approximately US\$16,000) from seven thousand people over a two week period. Thirteen activists paid their fines from this amount, while the rest was donated to the family of the conscript. Those who refused to pay their fines began a civil disobedience campaign.⁴²

Most likely related to this campaign, as well as the upcoming presidential election in October 2013, a new subarticle was added to the Code on Administrative Offenses, based on which anyone providing or donating monetary assistance of more than AZN 200 (approximately \$255) to political parties, civil society organizations, or international NGOs must register the donation with the Ministry of Justice.⁴³ Those who fail to do so will receive fines ranging from AZN 250 to AZN 7,000 (approximately \$300-9,000).⁴⁴ The article divides “providers” into three categories: individuals, officials, and legal entity representatives. Institutions that accept these donations are also subject to fines, ranging from a minimum of AZN 1,000 to a maximum of AZN 10,000 (approximately \$1,300-13,000).

VIOLATIONS OF USER RIGHTS

In 2012–2013, there were seven lawsuits against various opposition newspapers and their journalists, and five of these cases were related to their online activity. The government continued to restrict online activity through surveillance, monitoring of independent blogs, and extralegal intimidation of users. Additionally, new regulations were implemented in 2013 that require all mobile phones to be registered according to their IMEI identification code.

Articles 47 and 50 of the constitution guarantee freedom of thought and speech, provide the right to distribute information, and prohibit state censorship of the mass media.⁴⁵ In addition, as a member of the Council of Europe, the OSCE, and the UN, and as a signatory of the International Covenant on Civil and Political Rights (ICCPR), Azerbaijan is obliged to respect the right to freedom of expression. In practice, however, the authorities aggressively use various forms of legislation to stifle free speech in print and broadcast media. The judiciary lacks independence and is largely subservient to the executive branch.

⁴² <https://www.facebook.com/notes/khadija-ismayil/civil-disobedience-campaign-read-and-share/10151477615056535>

⁴³ Mina Muradova, “Azerbaijan Restricts NGO Funding,” *The Central Asia-Caucasus Analyst*, February 20, 2013, <http://www.cacianalyst.org/publications/field-reports/item/12654-azerbaijan-restricts-ngo-funding.html>

⁴⁴ “Those who give cash to political parties and NGOs in Azerbaijan will receive high fines,” *apa.az*, February 8, 2013, <http://az.apa.az/news/287879> [in Azerbaijani]

⁴⁵ The constitution is available in English at <http://en.president.az/azerbaijan/constitution>.

Libel is the most common criminal offense used by the authorities against journalists in Azerbaijan.⁴⁶ Under the Law on Mass Media of 1999, the internet is designated as a form of mass media, thus all rules applied to traditional media can be used to regulate the online sphere as well.⁴⁷ In November 2010, it was announced that the government-controlled Press Council would start monitoring online news sources for their compliance with the rules of professional journalism.⁴⁸

While there are no laws that specifically criminalize online expression in Azerbaijan, there has been a growing trend in recent years of the authorities broadly applying existing laws to prosecute journalists and citizens for their online activities. In an effort to clamp down on free expression and silence critical voices in both the traditional media and online, the Azerbaijani authorities have increasingly detained critics on tenuous charges not directly related to their work. In many cases, arrests have been made based on politically motivated allegations of criminal defamation, fabricated accusations of illegal drug possession, or other such trumped-up charges.⁴⁹

There have been numerous cases over the past few years of individuals being arrested or detained for their online activities. As of April 2013, seven journalists and two human rights defenders were in jail, and five of these cases are linked to their online criticism of authorities. Among these is Nijat Aliyev, the editor of the website Azadxeber.org. He has been in detention since May 2012 on drug-related charges and is facing up to three years in prison. Prior to his arrest, Aliyev publicly criticized the government's policies on religion and LGBT rights, and questioned the high costs of hosting the Eurovision song contest in 2012. On January 26, 2013, Aliyev was additionally charged with the sale and distribution of religious material without authorization; infringement of territorial integrity; and inciting national, racial and religious hostility.

On April 5, 2013, Araz Guliyev, the editor of the Islamist news website Xeber44.com, was sentenced by the Lankaran Court on Grave Crimes to eight years in prison. Guliyev was convicted of illegal possession of firearms; organizing and participating in a public order disturbance; inciting national and religious hatred; resisting the authorities; and insulting the republic's flag and insignia. Guliyev had originally been arrested on charges of hooliganism while he was reporting on a protest. Multiple rights organizations have expressed the view that these charges were fabricated and that the arrest was likely linked to Guliyev's activities as an online journalist.⁵⁰

On May 9, 2013, Reshad Ramazanov, an online activist known for his outspokenness on Facebook in particular, was arrested and accused of illegal possession and/or sale of a large amount of

⁴⁶ "Azerbaijan Criminal Code: Article 147. Defamation," Conseil de l'Europe, December 12, 2003, accessed August 30, 2012, [http://www.coe.int/t/dghl/standardsetting/media/Doc/DH-MM\(2003\)006rev_fr.asp#P281_18801](http://www.coe.int/t/dghl/standardsetting/media/Doc/DH-MM(2003)006rev_fr.asp#P281_18801).

⁴⁷ "Law of the Republic of Azerbaijan 'About Mass Media,'" Azerbaijan National Academy of Sciences, December 7, 1999, http://ict.az/en/index.php?option=com_content&task=view&id=477&Itemid=95.

⁴⁸ "Control Over Online Sources and Facebook-like sites in Azerbaijan," Today.az, November 27, 2010, <http://www.today.az/view.php?id=77287>.

⁴⁹ "International community must act on Azerbaijan crackdown," Amnesty International, November 16, 2011, <http://www.amnesty.org/en/news/international-community-must-act-azerbaijan-crackdown-2011-11-16>.

⁵⁰ "Editor of religious news website faces lengthy jail term in Azerbaijan," IFEX, April 8, 2013, http://www.ifex.org/azerbaijan/2013/04/08/editor_prison/; "Islamist website editor sentenced to eight years in prison," Reporters Without Borders, April 8, 2013, http://en.rsf.org/azerbaijan-islamist-website-editor-sentenced-08-04-2013_44332.html

narcotics. On May 10, 2013, he was sentenced to three months of pretrial detention. If convicted, Ramazanov faces up to 12 years of imprisonment.

Ramin Deko, a reporter for the newspaper *Azadliq*, was kidnapped in April 2011, held for eight hours, and warned to stop using social media to criticize the government.⁵¹ On March 7, 2012, Deko was again detained while covering a protest near the Elmlar Akademiyasi metro station. The protest was held in response to reported abuses committed against prisoners of conscience Mahammad Majidli and Babak Hasanov. Deko was taken to the police station where all his photographs from that day were deleted from his memory card.

Following mass demonstrations in the remote town of Guba on March 1, 2012, which were prompted by the circulation of an online clip featuring the regional governor Rauf Habibov allegedly insulting the local population, two editors of Khayal TV were detained. Vugar Gonagov and Zaur Guliyev, who were held on charges of organizing mass disorder and abuse of office for posting video material online, were released on February 15, 2013, after they were given a probationary sentence of three years.⁵² The circulation of the video posted by Gonagov and Guliyev prompted thousands of protestors to take to the streets and demand the governor's resignation.⁵³ In response to the unrest, the authorities searched several internet cafes in Guba to identify the individual responsible for posting the video. The authorities also tried to determine the authors of comments posted on social-networking websites that called for the demonstrations.⁵⁴ The governor was dismissed shortly after this unrest.

On January 26, 2013, after a series of protests and riots broke out in the town of Ismayilli, in which police used water cannons, rubber bullets, and tear gas to deter the protestors, supporters used Facebook to organize a solidarity protest in Baku. Residents gathered downtown and called for an immediate end to the use of weapons against unarmed civilians. Despite their calls, however, protestors were tackled, kicked, and slapped.⁵⁵ In total, 75 protestors were detained, and of those detained, five received administrative detention. Emin Milli was among these five. He received the longest sentence of 15 days of administrative detention. The fines handed out that day totaled AZN 15,250 (nearly \$20,000), with the highest fine given to Turgut Gambar, the son of Isa Gambar, who is the leader of the Musavat Party.

In December 2011, the Cabinet of Ministers endorsed a plan—without parliamentary approval—that would require registration for all mobile devices. The plan requires the registration of IMEI codes (the unique serial number given to each phone), SIM cards, and mobile network numbers.

⁵¹ "Journalist Ramin Deko: kidnapped yesterday, beaten today", *Azadliq.org*, April 4, 2011, <http://www.azadliq.org/content/article/3546794.html> [in Azerbaijani]

⁵² "The Individual Cost of Freedom of Expression in Azerbaijan", International Partnership Group for Azerbaijan, March 26, 2013, <http://milaz.info/en/news.php?id=8919>

⁵³ Shahin Abbasov, "Report: Clashes in Azerbaijan Prompt Dismissal of Regional Government Official," *Eurasianet.org*, March 1, 2012, <http://www.eurasianet.org/node/65068>.

⁵⁴ Shahin Abbasov, "Azerbaijan: Is Guba Protest Response a Harbinger of a Political Shift in Baku?" *Eurasianet.org*, March 6, 2012, <http://www.eurasianet.org/node/65092>.

⁵⁵ "In Baku a rally was held in support of Ismayilli," *azadliq.org*, January 26, 2013, <http://www.azadliq.org/media/video/24884524.html> [in Azerbaijani]

Unregistered devices will be listed on a “black page” and mobile service providers will be required to limit service to all devices under this category.⁵⁶ The registration process began on March 15, 2013, and a statement from the Deputy Minister of Communication and Information Technologies indicated that service would be affected for phones on the “black page” beginning May 1, 2013.⁵⁷

It is unclear to what extent security agencies monitor ICT activity or track user data in Azerbaijan. Most users do not have licenses for the software on their computers, which leaves them vulnerable to security threats such as viruses and other malicious programs that could be implanted to monitor their activity. While the law explicitly prohibits the arbitrary invasion of privacy and court orders are required for the surveillance of private communications, the law “On operative-search activity” (Article 10, section IV) authorizes law enforcement agencies to conduct surveillance without a court order in cases regarded as necessary “to prevent serious crimes against the person or especially dangerous crimes against the state.”⁵⁸ The unclear parameters for what constitutes preventive action leave the law open to abuse. As such, it has long been believed that the Ministry of National Security and Ministry of Internal Affairs monitor the phone and internet communications of certain individuals, especially foreigners, known activists, and business figures.⁵⁹

Such suspicions were confirmed by many of those detained for their involvement in the March 2011 protests, who reported that the authorities had referred to their Facebook activities and private communications during interrogations. This surveillance continues today, with arrested activists reporting seeing their Facebook message exchanges printed out. On February 27, 2013, Turkel Alisoy, a member of Popular Front Party’s youth branch, was taken from his home to the Khatai District Police Office no. 35. From there he was taken to the Baku City Main Police Office, where the head of the criminal investigation department showed him screenshots of his Facebook post in support of the Students’ Day of Boycott Facebook event page. Alisoy reported that he was accused of intentionally calling students and other citizens to protest. During his temporary detention, Alisoy was threatened with criminal prosecution if he continued to call for protests on Facebook.⁶⁰

In April 2012, a month before Azerbaijan was set to host the Eurovision Song Contest, a Swedish investigative documentary revealed evidence of a blanket mobile phone surveillance system employed by the telephone company Azercell.⁶¹ With help from the Stockholm-based telecom TeliaSonera, Azercell has reportedly installed “black box” devices on its networks that allow government security services and the police to monitor all mobile phone communications—including text messages, internet traffic, and phone calls—in real time without any judicial

⁵⁶ “Azerbaijan tightens control of mobile telephones,” News.Az, December 30, 2011, <http://www.news.az/articles/51997>

⁵⁷ “IMEI-codes registration system to be applied in Azerbaijan,” News.Az, March 15, 2013,

<http://www.news.az/articles/tech/77977>

⁵⁸ “Article 10. Operative-search measures,” Law of the Azerbaijan Republic, On operative-search activity, accessed September 5, 2012, http://taxes.caspel.com/qanun/728_eng.pdf.

⁵⁹ U.S. Department of State, “Azerbaijan,” Country Reports on Human Rights Practices for 2011, Bureau of Democracy, Human Rights and Labor, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

⁶⁰ “Monthly Internet Freedom Report February 20, 2013- March 15, 2013,” Expressionline.net, <http://expressiononline.net/monitoringresearch/monthly-internet-freedom-report-february-20-2013-march-15-2013>

⁶¹ “Video: The Black Boxes,” SVT.se, April 26, 2012, <http://www.svt.se/ug/video-the-black-boxes-3>.

oversight. In addition, insider reports described how Azercell has set aside special offices in their headquarters for government authorities to conduct surveillance activities. While it is unclear exactly when the monitoring system was installed and put into practice, one source working for TeliaSonera noted that “the Arab Spring prompted the regimes to tighten their surveillance.... There’s no limit to how much wiretapping is done, none at all.”⁶²

Netizens and their family members have also been subject to instances of extralegal intimidation and harassment through surprise police visits to their homes, summons to local branches of the Ministry of National Security for questioning, and arbitrary job losses.⁶³ In one instance, the investigative journalist Khadija Ismayilova became the victim of a blackmail campaign in March 2012 that attempted to silence her by publishing private personal footage aimed at damaging her reputation. Known for her reporting on corruption in the country, including investigations into the president’s conduct and business activities, Ismayilova had been regularly disseminating her reports on social-networking sites such as Facebook, where she has a wide following. The threats against her included intimate photographs of her being taken and then sent to her with a warning to “behave.” Refusing to be silenced, Ismayilova instead went public with the blackmail attempt, and in retaliation, an intimate video of Ismayilova filmed by hidden camera was distributed over the internet.⁶⁴

On March 26, 2013, 22-year-old activist and a member of the Azerbaijani Popular Front Party, Dashgin Malikov was arrested following a number of Facebook posts in which Malikov openly criticized the government. During a search at the police station, drugs were planted into Malikov’s wallet. He was forced to sign a confession, which he later retracted. Malikov suffered from a medical condition that required him to undergo bi-annual medical checks, none of which indicated any instances of previous drug use.

On March 31, 2013, Taleh Bagirov, a religious scholar and activist, was arrested. Bagirov is known to be critical of the Azerbaijani government in his sermons (some of his sermons are available on YouTube. His final video received over 36,000 hits).⁶⁵ He was charged with illegal drug possession with an intention to sell under Article 234.1 of the Azerbaijani criminal code. According to Bagirov’s lawyer, Anar Gasimli, he was unable to see his client for a week. When Gasimli finally did see Bagirov, the activist told him he was abused and beaten while in custody. During their meeting, the defendant was heavily bruised and unable to move three of his fingers. Requests for immediate medical examination were never met. In March, Bagirov was sentenced to two months in pre-trial detention. His sentence was extended on May 24.

On April 3, 2013, a story appeared on a local online news portal, Haqqin.az, about a case in which a university had prepared a list of students with accounts on social networks. According to Alkhas

⁶² Ryan Gallagher, “Your Eurovision Song Contest Vote May Be Monitored: Mass Surveillance in Former Soviet Republics,” Slate.com, April 30, 2012, <http://slate.me/IQPhyQ>.

⁶³ U.S. Department of State, “Azerbaijan,” Country Reports on Human Rights Practices for 2011, Bureau of Democracy, Human Rights and Labor, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

⁶⁴ Robert Coalson, “Azerbaijani Journalist Defiant in Face of Blackmail Bid,” Radio Free Europe/Radio Liberty, March 9, 2012, http://www.rferl.org/content/azerbaijan_ismailova_blackmail_rferl_journalists_threats/24509372.html.

⁶⁵ Haci Taleh Bagirzade arrested following this speech, March 24, 2013, <https://www.youtube.com/watch?v=KUeEb7O43-A>

Ismaylov, the author of the article, a fourth year student of Technical University stated that students were directly warned by the deputy deans to close their profiles if they wanted to remain students of the university.⁶⁶

In April 2013, Azerbaijani TV channels aired voice recordings of arrested NIDA members (a young opposition movement) Bakhtiyar Guliyev and Mahammad Azizov,⁶⁷ confessing their intentions to resort to violence against the police by using Molotov cocktails during the planned March 10 protests. Many supporters and human rights defendants believed the young men were coerced or threatened into making these confessions during detention, as none of them were allowed to see their lawyers following their arrests.

Wrongful access to a computer, such as through the implantation of viruses or security breaches, is punishable under Chapter 30 of the criminal code.⁶⁸ Internet security is also dealt with in the Law on National Security of 2004 and the Law on Protection of Unauthorized Information of 2004. Hacking attacks aimed at Azerbaijani internet users and websites often come from Armenian internet protocol (IP) addresses, and the timing of such attacks typically coincides with politically sensitive dates related to the unresolved territorial conflict between the two countries. Sometimes attacks occur after high-profile political statements. The ostensibly Armenian-based attacks have targeted the websites of entities such as the MCIT, the National Library, and the public television broadcaster. The Anti-Cybercriminal Organization is the main body working against cyberattacks in Azerbaijan, and the country ratified the Council of Europe's Convention on Cybercrime in March 2010, which took effect in July 2010.

Throughout 2011, some opposition news websites, including *Yeni Musavat*, Radio Azadliq, and the personal blog of the Popular Front Party's chairman Ali Kerimli, were subject to constant attacks that resulted in temporary shutdowns.⁶⁹ The newspaper *Yeni Musavat* speculated that the cyberattack against it could have been launched by the Ministry of Defense as a response to its critical reporting, but the ministry denied the allegations.⁷⁰ In June 2011, the Popular Front Party issued a statement also accusing the government of cyberattacks against its website.⁷¹ Nevertheless, the sites of state bodies and state-controlled media have also been subject to an increasing number of cyberattacks over the past year, with hackers targeting and defacing sites belonging to the Interior Ministry, the State Security Service, the Ministry of Education, and the ruling New Azerbaijan party, among others.⁷²

⁶⁶ Alkhas Ismaylov, "Student users of Facebook, get out of Universities", April 3, 2013, <http://haqqin.az/news/4827> [in Russian]

⁶⁷ In total 7 NIDA members are currently in detention facing up to 8 years in prison if convicted

⁶⁸ An unofficial English translation of the criminal code is available at <http://bit.ly/MY3HK>.

⁶⁹ "Two more Azerbaijani websites undergo hacker attacks," Azerbaijani News Network, April 9, 2012, <http://ann.az/en/?p=70943>.

⁷⁰ "Azərbaycan Müdafiə Nazirliyi "Yeni Məsəvat" qəzetini məhkəməyə verir," APA Economics, September 16, 2011, <http://az.apa.az/news.php?id=234649> [in Azerbaijani].

⁷¹ Fatima Karimli, "AXCP hakimiyyəti kibercinayətdə suçladı" [Front Party cybercrime], Qafqazinfo, June 22, 2011, http://qafqazinfo.az/AXCP_HAKIMIYY%C6%8FTI_KIBERCINAY%C6%8FTD%C6%8F_SU%C3%87LADI-923-xeber.html.

⁷² Institute for Reporters' Freedom and Safety (IRFS), "Chapter Four: Freedom of Expression Online," *Azerbaijan's Critical Voices in Danger – Semi-annual Azerbaijan freedom of expression report, January 01-July 01, 2012*, http://www.ifex.org/azerbaijan/2012/08/16/irfs_freedom_of_expression_report.pdf.