

# Azerbaijan

	2013	2014		
<b>Internet Freedom Status</b>	<b>Partly Free</b>	<b>Partly Free</b>	Population:	9.4 million
Obstacles to Access (0-25)	13	14	Internet Penetration 2013:	59 percent
Limits on Content (0-35)	17	17	Social Media/ICT Apps Blocked:	Yes
Violations of User Rights (0-40)	22	24	Political/Social Content Blocked:	Yes
<b>TOTAL* (0-100)</b>	<b>52</b>	<b>55</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Not Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- Internet cafes were reportedly forced to temporarily shut down in the Nakhchivan region as part of a ban on gatherings ahead of the presidential election (see **Obstacles to Access**).
- An increasing number of journalists and activists who are active online were given harsh prison sentences on trumped-up charges (see **Violations of User Rights**).
- In May 2013, amid a growing crackdown on press and online freedoms ahead of the presidential election, the parliament passed amendments to the criminal code that extended criminal penalties for defamation to online content (see **Violations of User Rights**).

## Introduction

During the opening remarks at the third International Humanitarian Forum hosted in Baku on October 31, 2013, President Aliyev spoke proudly of how far Azerbaijan has come in developing internet technologies.<sup>1</sup> In his speech he referred to the “totally free” environment of the internet in Azerbaijan with a growing penetration rate of 70 percent, assuring his audience that “any intervention is out of [the] question here.”<sup>2</sup>

And yet according to the local advocates, the reverse trend is under way, with an increase in restrictions on online activities witnessed ahead of the presidential elections. On October 9, just a few weeks before the humanitarian forum, Azerbaijani voters went to the polls to elect their next president. In what was yet another in a series of contested elections, Ilham Aliyev won the overwhelming majority of the votes with 84.6 percent, with international observers noting a range of violations including ballot box stuffing and limitations to freedom of expression, freedom of assembly, and freedom of association in the run-up to the election.<sup>3</sup> In particular, on May 14, 2013, the authorities extended criminal defamation provisions to online content.<sup>4</sup> According to the new amendments to the criminal code, which were signed into law in June by President Aliyev, penalties could include fines as high as AZN 1,000 (approximately US\$1,300), community service, corrective labor and prison sentences for up to three years in certain cases.

The Azerbaijani government continues to practice minimal filtering and online censorship; however, in contrast to the government-disseminated image of a free and open internet, in 2013 and 2014 the government imposed harsher sentences on bloggers and online activists, with offline intimidation also increasing. Reports of internet cafes shut down in the autonomous region of Nakhchivan ahead of the elections to avoid any protests, were also disturbing. While the local officials denied any such instances,<sup>5</sup> there have been previous attempts to close down internet cafes in Garachuxur and Guneshli districts of Baku and in the Ismayilli region during the January 2013 protests. The crackdown on internet cafes in Nakhchivan began on August 23, 2013, less than two months prior to the presidential elections in Azerbaijan.

Despite these limitations, the internet remains a platform for information-sharing and a medium for alternative voices and popular political dissent, particularly as the government maintains tight control over traditional media outlets.

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1 Official website of the forum, <http://www.bakuforum.org/en/about/>

2 President’s address at the opening session of the forum, <http://www.bakuforum.org/en/speech2013/>

3 OSCE Office for Democratic Institutions and Human Rights, “Republic of Azerbaijan Presidential Elections 9 October 2013, OSCE/ODIHR Election Observation Mission Final Report,” December 24, 2013, <http://www.osce.org/institutions/110015?download=true>.

4 Azərbaycan Respublikasının Cinayət Məcəlləsində dəyişikliklər edilməsi haqqında, May 14, 2013 <http://www.meclis.gov.az/?/az/legislation/view/2360> [in Azerbaijani]

5 ‘Azerbaijan: Local ‘khan’ in rights and internet ban’, September 4, 2013, [bbc.co.uk, http://www.bbc.co.uk/news/blogs-news-from-elsewhere-23957805](http://www.bbc.co.uk/news/blogs-news-from-elsewhere-23957805)

## Obstacles to Access

There have been several improvements to the internet infrastructure in Azerbaijan over the past year, including plans to introduce a countrywide broadband connection, a decrease in internet costs, and a growing internet penetration rate. Despite these developments, the overall quality of internet access remains low, especially outside the capital and larger towns where dial-up is still the most common method of online access. In addition, the state security forces are free to visit internet service providers (ISPs) whenever they like. The Ministry of Communication and Information Technologies continues to hold a significant share in a few of the leading ISPs, and the government is authorized to instruct companies to cut internet service under very broadly defined circumstances, including war, emergency situations, and national disasters.<sup>6</sup>

Based on the most recent report on the percentage of individuals using the internet released by the International Telecommunication Union (ITU), by the end of 2013 Azerbaijan had an internet penetration rate of 58.7 percent, compared to 54.2 percent in 2012 and 17 percent in 2008.<sup>7</sup> Mobile phone subscriptions reached a penetration rate of 107.6 in 2013,<sup>8</sup> while rates for mobile broadband penetration were at 33.3 percent.<sup>9</sup> However, statistics for internet penetration rates vary according to the source. For example, according to official statistics referred to by government officials, internet penetration in Azerbaijan reached 70 percent in the last two years.<sup>10</sup> This number includes mobile internet users as well as anyone who has accessed the internet, including one-time users.<sup>11</sup> Another statistic from the Delta Telecom technical director, Raed Alakbarli, holds Azerbaijan's internet penetration rate at only 44.4 percent as of May 2014.<sup>12</sup>

Access to the internet in rural areas remains difficult. Although there are a variety of ISPs in the country, few have the infrastructural capacity to provide access to rural areas, leaving many residents to access the internet through dial-up or mobile connections. The quality of access is also below average, especially anywhere outside the main cities. In September 2013,<sup>13</sup> the government announced an ambitious plan worth US\$131 million to build the infrastructure for countrywide broadband internet and to cover all areas of the country with high-speed internet access by 2017. The initiative seems to have stalled, however, as the selection of technologies for implementation of

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6 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 2013-2014. "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](http://www.irfs.org/wp-content/uploads/2012/12/Report_EO_1.pdf)

7 "Percentage of individuals using the Internet," International Telecommunication Union, 2013, 2012, 2008, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

8 "Mobile-cellular telephone subscriptions per 100 inhabitants," International Telecommunication Union, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

9 "Azerbaijan leads CIS states for internet penetration", October 21, 2013, azernews.az, <http://www.azernews.az/azerbaijan/60817.html>

10 'Number of Internet users to be increased to 85% in Azerbaijan', December 25, 2013, apa.az, [http://en.apa.az/xeber/number\\_of\\_internet\\_users\\_to\\_be\\_increased\\_204854.html](http://en.apa.az/xeber/number_of_internet_users_to_be_increased_204854.html)

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

12 "Azerbaijan has over 4 billion unused Internet resources", abc.az, May 19, 2014, <http://abc.az/eng/interview/96.html>.

13 'Registration of state program Fiber to Home under way in Azerbaijan', September 26, 2013, abc.az, <http://www.azernews.az/business/62871.html>.

the project still continues.<sup>14</sup> In addition to infrastructural obstacles, there is a gender gap in internet access rates as women across the country, particularly in the rural regions, face a number of barriers to access, from cultural norms disapproving of women using the internet to a lack of education and access to technology.

In order to make internet service available countrywide at lower costs, on December 24, 2013, the Ministry of Communications and Information Technologies (MCIT) announced their plan to reduce tariffs on internet services. While the overall price charged by the providers has increased, the plan suggests further cost reductions.<sup>15</sup> However, any cost reductions depend on ISPs ensuring quality delivery of content. According to Ramazan Valiyev, the CEO of the primary Azerbaijani provider Delta Telecom, the only obstacle to improving internet access is the need to replace all existing copper cable infrastructure with fiber-optic lines. With new fiber-optic cables, the connection speed can reach a minimum of 10 Mbps rather than the current 2-3 Mbps.<sup>16</sup> According to Akamai, the average connection speed in 2013 was 2.85 Mbps. The comparison with previous years shows very little growth, thus calling into question government statements on the growth and improvement of the ICT sector.

Based on official data, the cost of internet access has dropped over the past five years. Currently, according to the minister of ICT, the cost for internet access is about 2 percent of the average monthly wage.<sup>17</sup> However, according the Azerbaijan Internet Forum, internet access remains an expensive commodity for many Azerbaijanis, especially in comparison with neighboring countries.<sup>18</sup> The most recent indicators provided by the Azerbaijan Internet Forum indicate an average cost of US\$25-75 for an unlimited 4-8 Mbps ADSL connection.<sup>19</sup>

The growth in mobile phone usage continued over the past year. Azercell remained the leading mobile service provider, although its overall market share fell from 50 percent to 43 percent. Azerfon and Bakcell, the other two largest mobile operators, maintained market shares of 24 percent and 33 percent, respectively. In August 2013, both Azerfon<sup>20</sup> and Bakcell<sup>21</sup> launched a Mobile Number Portability (MNP) service. This service allows mobile operator users to switch from one network to another without having to lose their numbers, thus potentially increasing competition among providers.

14 'Azerbaijan continues selection of technologies for "fiber to home" project', January 7, 2014, abc.az, <http://abc.az/eng/news/79240.html>.

15 'Azerbaijan: Internet tariff reduction plan prepared', December 24, 2013, <http://www.unpan.org/PublicAdministrationNews/tabid/115/mctl/ArticleView/ModuleID/1467/articleId/40119/default.aspx>

16 'Internet fees expected to go down by year-end', September 2, 2013, azernews.az, <http://www.azernews.az/azerbaijan/58847.html>

17 'Minister Ali Abbasov: Internet prices make 2percent of average salary in Azerbaijan', May 17, 2013, topnews.az, <http://topnews.az/en/news/57709/Minister-Ali-Abbasov-Internet-prices-make-2-percent-of-average-salary-in-Azerbaijan.html>

18 <https://www.facebook.com/multimediaosman/posts/349178915221658>

19 "Müxtəlif növ bağlantılar vasitəsilə göstərilən İnternet xidmətlərin qiymətlərinin ölkələr üzrə MÜQAYİSƏSİ", Azerbaijan Internet Forum, Januart 29, 2014, <http://aif.az/muxt%C9%99lif-nov-baglantilar-vasit%C9%99sil%C9%99-gost%C9%99ril%C9%99n-internet-xidm%C9%99tl%C9%99rin-qiym%C9%99tl%C9%99rinin-olk%C9%99l%C9%99r-uzr%C9%99-muqayis%C9%99si-2/>

20 'Another mobile operator in Azerbaijan launches number portability service', August 2, 2013, <http://en.trend.az/regions/caucasus/azerbaijan/2176533.html>

21 'Azerbaijani mobile operator launches Mobile Number Portability Service, August 1, 2013, <http://en.trend.az/regions/caucasus/azerbaijan/2176097.html>

Introduction of 3G services and changes in mobile phone data packages provided by the phone companies lowered the average costs of mobile internet from AZN 40.50 (approximately US\$50) in 2011 to AZN 7.75 (approximately US\$10) in 2012. The average connection speed improved significantly in 2011, increasing from 3.48 Mbps to 7.05 Mbps.<sup>22</sup> According to Reporters Without Borders, 31 percent of mobile subscribers access the internet on their phones.<sup>23</sup> In addition, bureaucratic obstacles have led to delays in the introduction of a 4G LTE network. The only provider of 4G LTE in Azerbaijan is Azercell, but access is limited to certain areas.

In the run-up to the presidential elections, several internet cafes were reportedly closed down by the Azerbaijani authorities in Azerbaijan's Autonomous Republic of Nakhchivan. The Institute for Reporters' Freedom and Safety (IRFS) reported that beginning on August 23, internet cafes were subject to closure. According to the report, internet cafe owners said the Ministry of Communications and Information Technology of Nakhchivan issued these orders in an attempt to curb online dissent ahead of the elections. In a region with a poor human rights record, political liberties are highly restricted, and with residents living in an information blockade, the shutdown of internet cafes was seen as a calculated decision on behalf of the regional authorities.<sup>24</sup>

Delta Telecom (previously AzerStat) maintains the largest share of the market, bringing about 99 percent of internet traffic into the country. In addition, it sells traffic to over 30 internet providers including three state-owned providers: AzTelekomnet (Azertelecom), BakInternet and Azdatakom.<sup>25</sup> Delta Telecom is also the owner and operator of the largest fiber-optic backbone in the country. It was the first company to implement a WiMAX technology project 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 Azertelecom, with ownership ties to the MCIT<sup>26</sup> and whose shareholders include Azerfon, with links to the president's daughters.<sup>27</sup> Azertelecom completed its fiber-optic network in 2011 and is now competing for Delta Telecom's business.<sup>28</sup> More recently, Azertelecom's revenues have dipped as Azerbaijani users are increasingly turning to Skype for cheaper phone calls.<sup>29</sup>

Since 2000, ISPs are no longer required to obtain a license.<sup>30</sup> While the MCIT reports that there are over 40 ISPs in the country, Net Index categorizes only 20 of these as "main" ISPs.<sup>31</sup> Delta Telecom and Azertelecom are two private companies that provide access to the international internet.

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

23 Expression Online, 'False Freedom: internet freedom in Azerbaijan after the 7<sup>th</sup> Internet Governance Forum', October 2013

24 "Internet cafes shut down in Azerbaijan's Nakhchivan Autonomous Republic," Ifex.org, August 30, 2013, [http://www.ifex.org/azerbaijan/2013/08/30/internet\\_cafe/](http://www.ifex.org/azerbaijan/2013/08/30/internet_cafe/).

25 "Nə üçün İnternet qiymətləri bahadır və nə üçün İnternet keyfiyyətsizdir?," Aif.az, March 11, 2014, <http://aif.az/n%C9%99-ucun-internet-qiym%C9%99tl%C9%99ri-bahadir-v%C9%99-n%C9%99-ucun-internet-keyfiyy%C9%99tsizdir-2/#more-1520>.

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

27 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](http://www.rferl.org/content/azerbaijan_president_aliyev_daughters_tied_to_telecoms_firm/24248340.html).

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

29 "Azerbaijan: Baku moving to restrict online free speech?," May 25, 2011, Eurasianet.org, <http://www.eurasianet.org/node/63554>

30 The Republic of Azerbaijan Ministry of Communications and High Technologies, accessed May 2014, <http://www.mincom.gov.az/activity/information-technologies/internet/>.

31 Net Index, "Household download index, Azerbaijan," accessed May 2014, <http://www.netindex.com/download/2,110/Azerbaijan/>

Apart from holding a monopoly over the sale of the “.az” domain, the Ministry of Information and Communication Technologies also performs the basic regulatory functions pursuant to the 2005 Law on Telecommunications. On February 14, 2013, the Azerbaijani Press Council established a commission under the government-controlled National Television and Radio Council to handle citizens’ complaints about ethical violations online, hacking attacks on web pages, and other issues related to online media.<sup>32</sup> As of May 2014, however, the Press Council has filed no such reports and has raised no concerns over the state of media freedom in Azerbaijan. In fact, on May 2, 2013, the Press Council came together with the National Television and Radio Broadcasting Council and the Foundation of State Support for the Development of Mass Media under the President of Azerbaijan to celebrate the current state of “free and fair online and offline media” in Azerbaijan.<sup>33</sup>

## Limits on Content

There is no systematic or widespread blocking or filtering of websites or social networks, as the government relies mainly on other means of control through intimidation and arrest of users. In the past, some sites experienced temporary access issues, especially during protests in specific areas of the country. The image-uploading site Imgur was blocked in January 2013 after hackers from Anonymous obtained and posted 1.7 GB worth of documents from the Special State Protection Service of Azerbaijan;<sup>34</sup> as of May 2014 the site remains inaccessible.<sup>35</sup> Sporadic filtering has also become a problem for opposition websites from the Azerbaijani diaspora, such as Azdiaspora.org. 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 in 2011 and 2007, respectively.<sup>36</sup>

There are few examples of forced deletions of online content based on a takedown notice system, and these cases are 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. The personal data law regulates the collection, processing, and protection of personal data (name, surname, patronymic, date of birth, racial/ethnic background, religion, family, health and criminal record), the formation of the section of personal data in the national information space, as well as issues related to the cross-border transfer of personal data to define the rights and obligations of public bodies and local authorities, individuals, and legal entities operating in this area.<sup>37</sup> Additionally,

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

33 “Azerbaijan aims to shape free media and freedom of speech: official,” May 2, 2013, Azernews.az, <http://www.azernews.az/azerbaijan/53286.html>.

34 “1.7GB Documents leaked from Special State Protection Service of Azerbaijan,” Cyberwarmews.info, January 19, 2013, <http://www.cyberwarnews.info/2013/01/19/1-7gb-documents-leaked-from-special-state-protection-service-of-azerbaijan/>

35 “Imgur.com blocked in Azerbaijan?,” Globalvoicesonline.org, February 7, 2013, <http://advocacy.globalvoicesonline.org/2013/02/07/imgur-com-blocked-in-azerbaijan/>

36 “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>

37 The Republic of Azerbaijan Ministry of Communications and High Technologies, “Personal Data,” accessed August 8, 2014, <http://www.mincom.gov.az/activity/information-technologies/personal-data/>

both the MCIT and the Ministry of Education run a hotline program to uncover allegedly illegal and dangerous content.<sup>38</sup>

There is still no established process through which affected entities can appeal in cases where opposition websites or other materials have been blocked. Decisions to block online content are not transparent, and when users try to access blocked websites (such as Imgur) they simply receive an error message, rather than information stating that the site has been blocked. There is no law that includes an exact definition of what stipulates the reasons for blocking or shutting down websites. Libel and defamation are the most commonly used charges, as they remain a criminal offense.

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 online is not as widespread as in the traditional media.

To further discourage Azerbaijani youth from using the internet and social networks, members of the government have implemented a number of different tactics in the past few years. Early in 2011, the country's chief psychiatrist, Garay Geraybeyli, described "people who prefer communication on social networks [as] having mental problems."<sup>39</sup> 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 to join in the struggle for freedom and democracy in Azerbaijan in a civil way, without provocations, in villages and cities across the country.<sup>40</sup> 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 21<sup>st</sup> century." The paper claims that social networks create jealousy among its users.<sup>41</sup> On May 6, 2013, Azerbaijani Communication and IT Minister Ali Abbasov expressed his concern with social networks, characterizing them as platforms for insult and claiming that five to ten percent of divorces are caused by the negative impact of the internet.<sup>42</sup> In another attempt to discourage the use of internet and social networks, one local paper wrote that using the internet creates a harmful habit of internet dependency. The article describes the results of some unknown research, according to which one out of every 10 internet users is bound to acquire the "harmful" habit.<sup>43</sup>

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

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

40 Facebook page for "March 11, Great People's Day in Azerbaijan" public event <https://www.facebook.com/events/192209267477787/>

41 "Social networks create jealousy", Xezerzeber.com, April 2, 2013, <http://xezerxeber.com/XeberOxu.aspx?id=55717#.UV33UxIhOaI> [in Azerbaijani]

42 "Minister: Illegal behavior on Internet needs regulating in Azerbaijan," May 6, 2013, En.trend.az, <http://en.trend.az/capital/business/2147219.html>

43 "Ciddi təhlükə yaradan internet asılılığı," April 24, 2014, Azadxeber.net, [http://www.azadxeber.net/ciddi-thlk-yaradan-internet-asll\\_h26577.html](http://www.azadxeber.net/ciddi-thlk-yaradan-internet-asll_h26577.html).

Government-friendly online media outlets are the main beneficiaries of the advertising 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. Furthermore, independent or opposition media outlets face additional pressure from the authorities in the form of fines and lawsuits.

The opposition newspaper Azadliq has been subject to fines and harassment from the authorities over the past few years,<sup>44</sup> and the crackdown on the media outlet appears to be intensifying. In September 2013, the newspaper suffered a lawsuit after it reprinted content from a Facebook post. The subject of the post considered the content to be libelous, and sued the newspaper for AZN 50,000 (US\$63,000) after they reprinted it.<sup>45</sup>

On May 13, 2013, the founder and editor of the online newspaper Vetinfo.az, Nahid Janbakhisli, reported that a lawsuit had been filed against him by the head of the Imishli District Executive Power, Vilyam Hajiyev. On April 11, Janbakhisli had published an article titled, "Businessman arrested because of Vilmy Hajiyev," on the publication's website. In the lawsuit, Hajiyev demanded AZN 100,000 (approximately US\$127,405) for "humiliation of his honor and dignity and retraction of the false information damaging his business reputation."<sup>46</sup> On June 28, 2013, following two court hearings, the presiding judge rejected Hajiyev's claims.

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 traditional media. There are over 150,000 bloggers and microblog-users in Azerbaijan.<sup>47</sup> Most of these blogs are written in the Azerbaijani language, and only about 1,000 blogs are written in English, Russian, or 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 within the country, and over 100,000 users watch television online. There are also more than 40 online news websites.<sup>48</sup>

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.<sup>49</sup> As of October 2013, 1,250,000 Azerbaijanis have

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44 "Exorbitant fines put Azeri newspaper at risk," Reporters Without Borders, February 28, 2013, [http://ifex.org/azerbaijan/2013/02/28/damages\\_newspaper/](http://ifex.org/azerbaijan/2013/02/28/damages_newspaper/)

45 "Azerbaijan's main opposition daily sued over Facebook post," IFEX.org, September 13, 2013, [http://www.ifex.org/azerbaijan/2013/09/13/lawsuit\\_azadliq/](http://www.ifex.org/azerbaijan/2013/09/13/lawsuit_azadliq/)

46 "Local governor seeks 100,000AZN damages from an online newspaper," Irfis.org, May 13, 2013, <http://www.irfis.org/news-feed/local-governor-seeks-100000-azn-damages-from-an-online-newspaper/>

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

48 "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].

49 "Facebook Statistics Azerbaijan," Socialbakers, accessed February 2013, <http://bit.ly/qVuzuT>

an existing account on Facebook. The majority of Facebook users in Azerbaijan are youth, at 74 percent.<sup>50</sup>

Youth activists, organizations, and political movements are widely represented in social media, providing information, organizing activities and events, and arranging protests 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.<sup>51</sup>

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.<sup>52</sup> 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 US\$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.<sup>53</sup> In what was described by human rights advocates in Azerbaijan as a deliberate turn of events, Ahmadova was released by the decision of the Baku Court of Appeals on May 5, 2014. The court replaced the original sentence with a three year suspended sentence.<sup>54</sup>

A series of protests were organized starting in January 2013, including at least one through the Facebook page that translates as "End Soldiers' Deaths."<sup>55</sup> Held in Baku, this unsanctioned rally was organized to protest the death of military 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 "Five Cents" campaign. The campaign managed to raise AZN 12,500 (approximately US\$16,000) from 7,000 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.<sup>56</sup>

Most likely in response to this fundraising campaign, a new sub-article was added to the Code on Administrative Offenses in February 2013, which requires anyone providing or donating monetary assistance of more than AZN 200 (approximately US\$255) to political parties, civil society

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50 "False Freedom: Netfreedom in Azerbaijan, after the 7<sup>th</sup> Internet Governance Forum," October 2013

51 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>.

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

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

54 "The Court of Appeal releases Guler Ahmadova," Contact.az, May 5, 2014, <http://contact.az/docs/2014/Social/050500077650en.htm>.

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

56 Khadija Ismayil, "Civil Disobedience Campaign," Facebook note, updated February 15, 2013, accessed August 8, 2014, <https://www.facebook.com/notes/khadija-ismayil/civil-disobedience-campaign-read-and-share/10151477615056535>.

organizations, or international NGOs to register the donation with the Ministry of Justice.<sup>57</sup> Those who fail to do so will receive fines ranging from AZN 250 to AZN 7,000 (approximately US\$300-9,000).<sup>58</sup> 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 US\$1,300-13,000).

## Violations of User Rights

The Azerbaijan government continues to arrest and harass online users, particularly young activists and journalists who post information and opinions critical of the government. In May 2013, the parliament passed amendments to the criminal code that extended existing criminal penalties for defamation to the online sphere, and began to prosecute individuals under this law for content posted on social media sites. The government increased its crackdown on civil society by arresting more activists and inflicting harsher sentences, including the sentencing of eight youth activists to prison terms ranging from six to eight years.<sup>59</sup>

Articles 47 and 50 of the constitution guarantee freedom of speech, provide the right to distribute information, and prohibit state censorship of the mass media.<sup>60</sup> In addition, 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.

Libel is the most common criminal offense used by the authorities against journalists in Azerbaijan.<sup>61</sup> While the online sphere was previously considered a form of mass media and was regulated under the Law on Mass Media, as of May 14, 2013, defamation committed online is prosecutable under the criminal code. With the new amendments, online defamation is now punishable by up to six months in prison, or up to three years in prison in cases of aggravated defamation.<sup>62</sup> In a further move, one likely to curb free speech and intimidate activists, the same amendments increased the maximum sentence for “administrative arrests” from 15 days to three months. Administrative arrests, under charges such as disorderly conduct, have been used to target activists and journalists over the past few years.<sup>63</sup>

An alternative bill—the Draft Law on Protection from Defamation—was designed in cooperation

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57 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>

58 “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]

59 Eight activists were sentenced in this court case: seven members of the youth movement N!DA, and one member involved in another youth movement.

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

61 “Azerbaijan Criminal Code: Article 147. Defamation,” Council of 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).

62 “Azerbaijan: New legislative amendments further erode rights to freedom of expression and peaceful assembly,” ARTICLE 19, May 16, 2013, <http://www.article19.org/resources.php/resource/3753/en/azerbaijan:-new-legislative-amendments-further-erode-rights-to-freedom-of-expression-and-peaceful-assembly>.

63 ‘Azerbaijan Criminalizes online libel and insult’, May 22, 2013, *rferl.org*, <http://www.rferl.org/content/journalists-in-trouble-azerbaijan-criminalizes-online-libel-and-insult/24993743.html>

with civil society institutions and the OSCE office in Baku in 2012. However, the original text was not taken into account and was instead watered down behind closed-door discussions among government actors. Provisions were removed from the bill that would have repealed criminal liability for defamation and reduced the maximum monetary penalties to match that of other civil violations.<sup>64</sup> By leaving these clauses out, the authorities maintained the threats to freedom of expression inherent in the legislation.

Over the past year, more bloggers, human rights defenders, and activists have been detained or prosecuted for their online activities. On May 6, 2014, a court sentenced eight activists, including seven members of the N!DA civic movement, to prison sentences varying from six to eight years. Originally the group faced charges ranging from drug possession to illegal possession of explosives; on September 12, 2013, they were also charged with planning to organize acts of public disorder and intending to use Molotov cocktails. Ilkin Rustamzade, a 21-year-old activist and member of the Free Youth movement, was tried along with the group. Rustamzade was initially charged with “hooliganism” for allegedly filming and uploading a version of the global internet meme “Harlem Shake” to YouTube, though he denies any involvement in the video. He was also later charged with using Facebook to assist the N!DA activists in organizing the March 10, 2013 protests. Rustamzade was convicted and sentenced to eight years in prison.<sup>65</sup> The other activists on trial were also convicted; during their hearing, the presiding judges provided their Facebook posts and online correspondence as evidence of their actions.

The prison sentences that individuals have received over the past year have signaled a substantial crackdown on freedom of expression by the authorities. Other activists and journalists arrested or sentenced during the coverage period for their online activities include:

- Nijat Aliyev, editor-in-chief of the news website Azadxeber.net, was arrested in May 2012 on charges of drug possession and was later given additional charges of unlicensed distribution of religious literature, making public calls to overthrow the constitutional regime, and incitement of ethnic hatred.<sup>66</sup> On December 9, 2013, he was sentenced to 10 years in prison. The editor-in-chief denied the charges, saying it was Azadxeber’s reporting on the government’s religion policies that prompted his arrest.
- Rashad Ramazanov (Rashad Hagigat Agaaddin), a blogger and Facebook user critical of the government and some of its high-ranking officials, was detained near a metro station on May 9, 2013 and taken to the Department for Combating Organized Crime. Ramazanov was charged with drug trafficking after police reportedly found nine grams of heroin in his pocket; however, Ramazanov rejected the charges and insisted that the drugs were planted on him.<sup>67</sup> Furthermore, although Ramazanov was legally supposed to be transferred to an Investigative Detention Center within 24 hours of his arrest, he was held at the organized crime unit for 11 days. When his lawyer was finally allowed to see him, he reported that

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64 “Azeri government removes key clauses from draft defamation bill,” Ifex.org, May 27, 2013, [http://www.ifex.org/azerbaijan/2013/05/27/joint\\_statement\\_azerbajjani/](http://www.ifex.org/azerbaijan/2013/05/27/joint_statement_azerbajjani/).

65 “Harlem Shakedown in Azerbaijan,” May 22, 2013, Iwpr.net, <http://iwpr.net/report-news/harlem-shakedown-azerbaijan>

66 “Editor of critical news website given 10-year-jail sentence in Azerbaijan,” Committee to Protect Journalists, December 10, 2013, [http://ifex.org/azerbaijan/2013/12/30/new\\_years/](http://ifex.org/azerbaijan/2013/12/30/new_years/).

67 “Azeri blogger and activist allegedly tortured,” Institute for Reporters’ Freedom and Safety, May 21, 2013, [http://ifex.org/azerbaijan/2013/05/21/statement\\_azerbajjani/](http://ifex.org/azerbaijan/2013/05/21/statement_azerbajjani/)

Ramazanov had suffered serious head injuries while in detention.<sup>68</sup> On November 13, Ramazanov was sentenced to nine years in prison for drug trafficking under article 234.4.3 of the criminal code.

- Hilal Mammadov, a human rights defender and editor of the newspaper Tolishi Sado, was arrested on June 21, 2012 for illegal drug possession, treason, and incitement to national, racial, social and religious hatred and hostility. Mammadov was arrested after he shared a video on YouTube called “Ti kto takoy, davay dosvidaniya!” (Who are you? See you, goodbye!). In the video, two brothers perform a meykhana—a literary and folk rap tradition that involves improvising on a particular topic. The main jingle, which is in Russian, was first introduced by a Russian Car Owners Federation official who posted on Twitter: “Putin, who are you? See you, goodbye.” The jingle, which was transformed into just “Who are you? See you, goodbye,” was later used by other groups in Russia, Georgia, and Armenia in political contexts. The video of the two brothers received many clicks and grew in popularity due to the nature of verses. Shortly after, Mammadov posted a comment under the video where he wrote that the video had made Azerbaijan more popular than the government had been able to despite all the money spent on the Eurovision song contest. He was arrested following this comment.<sup>69</sup> On September 27, 2013, Mammadov was sentenced to five years in prison.
- On August 2, a district court in Baku ordered the detainment of Sardar Alibeyli, editor-in-chief of the independent online news outlet P.S. Nota, for two months pending an investigation based on hooliganism charges. Alibeyli has also faced trumped-up charges against him in the past. In April 2007, Alibeyli was convicted and sentenced to 18 months of corrective labor for defaming Minister of Interior Ramil Usubov. Two years later, in July 2009, he spent three months behind bars on criminal defamation charges. Alibeyli wrote critical pieces about President Aliyev and his administration, in addition to posting commentaries by exiled politicians accusing the president of corruption, human rights abuses, and authoritarianism. Prior to his arrest in August, he shared a collage on Facebook depicting Aliyev in handcuffs.<sup>70</sup> In November, Alibeyli was convicted of hooliganism and sentenced to four years in prison.
- Taleh Bagirov (Bagirzade), a religious scholar and activist, was arrested on March 31, 2013. 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).<sup>71</sup> He was charged with illegal drug possession with 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-

68 “Azerbaijan: Journalist and writer jailed as ruthless crackdown continues,” November 13, 2013, Amnesty International, <http://www.amnesty.org/en/news/azerbaijan-journalist-and-writer-jailed-ruthless-crackdown-continues-2013-11-13>

69 National Framework for Internet Freedom in Azerbaijan, 2013, Institute for Reporter’s Freedom and Safety, <http://www.irfs.org/wp-content/uploads/2014/01/National-Framework-for-Internet-Freedom-in-Azerbaijan.pdf>

70 ‘Critical editor charged with “criminal hooliganism” in Azerbaijan’, Committee to Protect Journalists, August 13, 2013, [http://ifex.org/azerbaijan/2013/08/13/editor\\_charged/](http://ifex.org/azerbaijan/2013/08/13/editor_charged/)

71 Haci Taleh Bagirzade arrested following this speech, March 24, 2013, <https://www.youtube.com/watch?v=KUUmEb7O43-A>

trial detention. His sentenced was extended on May 24. In November 2013, Bagirov was convicted of drug possession and sentenced to two years in a strict regime prison.<sup>72</sup>

- On March 26, 2013, 22-year-old activist and member of the Azerbaijani Popular Front Party Dashgin Malikov was arrested on spurious drug charges following a number of Facebook posts in which Malikov openly criticized the government.<sup>73</sup> During a search at the police station, Malikov contends that drugs were planted in his wallet and that he was forced to sign a confession, which he later retracted. Malikov suffers from a medical condition that requires him to undergo bi-annual medical checks, none of which indicated any previous instances of drug use. In July 2013, Malikov was convicted and sentenced to two-and-a-half years in prison.
- Parviz Hashimli, a journalist from the local paper Bizim Yol and a director of the online platform Moderator.az, was detained on September 17, 2014. The following day, Hashimli received a two-month pre-trial detention sentence under articles 206.3.2 (smuggling of firearms on preliminary arrangement by an organized group) and 228.2.1 (illegally obtaining, storing, or carrying firearms and their spare parts on preliminary arrangement by an organized group) of the criminal code. On May 15, 2014, the journalist was sentenced to eight years in prison.
- Abdul Abilov, an online activist, was arrested on November 22, 2013 on charges of drug trafficking. On November 23, the activist received a three-month pre-trial detention sentence. Abilov is the founder of the Facebook page, "Let's Say Stop to Flatterers." The page was closed shortly after Abilov's arrest. Adilov was also behind another Facebook page called "Election Fraud." On May 27, 2014, the blogger was sentenced to five-and-a-half years in prison.
- Mikayil Talibov, an employee at a private bank, was convicted of libel in May 2013 for criticizing his former employer, AccessBank, on Facebook. Tabilov had created a page on Facebook called "AccesBank-HaqsizBank" (AccessBank-Unfair Bank),<sup>74</sup> which the bank considered to be libelous content. This case was the first time the new defamation law for online content had been applied. Talibov, a resident of the Astara region, was sentenced to one year of hard labor and retention of 20 percent of his salary. However, on January 24, 2014, the Astara District Court re-examined his case and made a decision to acquit the defendant.<sup>75</sup>
- On January 27, 2014, Omar Mammadov, a 19-year-old cofounder of the youth movement Axin ("the Current") was detained and charged with illegal drug possession. Mammadov was using his personal Facebook page to criticize the authorities. An active blogger, Mammadov is also a former administrator of a satirical Facebook page "Selections from AzTV," with

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72 Felix Corley, "Azerbaijan: 'Tragicomedy and mockery of justice,'" Forum 18 News Service, [www.forum18.org/archive.php?article\\_id=1894](http://www.forum18.org/archive.php?article_id=1894).

73 "Azerbaijan: Bogus Drug Charges to Silence Critics," Human Rights Watch, May 27, 2013, <http://www.hrw.org/news/2013/05/27/azerbaijan-bogus-drug-charges-silence-critics>.

74 "A resident of Astara is the first victim of defamation in internet," Contact.az, August 14, 2013, <http://www.contact.az/docs/2013/Social/081400045887en.htm#.UtrP5vYmylx>

75 "Astara resident acquitted by Astara District Court in the "Facebook" case," Media Rights Institute, January 6, 2014, <http://www.mediarights.az/index.php?lngs=eng&id=86>

some 57,000 followers. He is currently serving his three-month pre-trial detention. If convicted, he is facing up to three years in jail.

- On April 3, 2014, Baku Court of Grave Crimes found 20-year-old online activist Elsever Mursalli guilty under article 434.4.3 (illegal drug trade in large proportions) and sentenced Mursalli to five years in prison. Mursalli had criticized the Azerbaijani authorities on Facebook and was arrested on October 3, 2013.<sup>76</sup> Another young man, Elvin Karimov, was detained shortly after and charged with illegal drug possession while his computer and phone were confiscated. He was running a Facebook page called “Azad Soz” (Free Speech) that posted political satire and had around 11,000 followers. If convicted, Karimov faces up to 12 years in prison.

In addition to detentions and prosecutions, the authorities have increasingly placed restrictions on individuals’ anonymity and privacy online. 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. Unregistered devices are listed on a “black page,” and mobile service providers are required to limit service to all devices under this category.<sup>77</sup> 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.<sup>78</sup>

It is unclear to what extent security agencies monitor ICT activity or track user data in Azerbaijan, though the experience of activists and bloggers who are detained by the authorities points to a high likelihood that the government is engaging in extensive online surveillance. 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.”<sup>79</sup> 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.

Suspicious that the authorities monitor users’ online activity 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 monitoring continues today, with arrested activists reporting seeing their Facebook message exchanges printed out. On February 27, 2014, Turkel Alisoy, a member of Popular Front Party’s youth

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76 “Facebook activist sentenced to 5 years imprisonment,” Contact.az, April 3, 2014, [http://www.contact.az/docs/2014/Politics/040300074365en.htm#.U4e9HS\\_c0Xw](http://www.contact.az/docs/2014/Politics/040300074365en.htm#.U4e9HS_c0Xw).

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79 “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](http://taxes.caspel.com/qanun/728_eng.pdf).

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.<sup>80</sup>

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.<sup>81</sup> 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 oversight. In addition, in an interview with a former employee of the technical team at the mobile company, it was revealed how Azercell has set aside special offices in their headquarters for government authorities to conduct surveillance activities.<sup>82</sup> 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."<sup>83</sup>

In February 2014, Citizen Lab reported that Azerbaijan, along with 20 other governments, is suspected of using RCS (Remote Control System) spyware sold by the Milan-based company Hacking Team.<sup>84</sup> RCS spyware allows anyone with access to activate a computer's webcam and microphone and steal videos, documents, contact lists, emails, or photos from that particular computer. The spyware has been used in the past by the Moroccan government to spy on the media outlet Mamfakinch, by UAE authorities to spy on human rights activist Ahmed Mansoor, and more recently was used to target Ethiopian journalists in Washington, D.C.<sup>85</sup>

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.

Investigative journalist Khadija Ismayilova has been the victim of harassment multiple times. Known for her reporting on corruption in the country, including investigations into the president's conduct and business activities, Ismayilova regularly disseminates her reports on social-networking sites such as Facebook, where she has a wide following. In May 2013, Ismayilova, along with other outspoken figures and opposition politicians, were the victims of a smear campaign when a pornographic website was launched just six months prior to the presidential elections and featured videos that

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80 "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>

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

82 Interview took place in March 2014.

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

84 "Mapping Hacking Team's 'Untraceable Spyware,'" Citizen Lab, February 17, 2014, <https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware/>.

85 "Mapping Hacking Team's 'Untraceable' Spyware," Citizen Lab, February 17, 2014, <https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware/>.

allegedly showed Ismayilova, opposition leader Ali Karimli, and others engaged in sexual acts (though in reality they are not the individuals in the videos). Called “Ictimayi Palatka” (Public Tent) the site is constantly updated, and no measures by the authorities have been taken to address the libelous content.<sup>86</sup> In another incident on February 17, 2014, Ismayilova was questioned about a document she shared on her personal Facebook page, which exposed evidence of spies placed in political parties by the orders of the Ministry of National Security (MNS). The document originally was leaked to Ismayilova in 2011 by a former employee. On February 19, Ismayilova was informed of a criminal case opened against her under article 284.2 of the criminal code, “disclosure of state secret.” As of late 2014, she is not allowed to leave the country.

On October 2, 2013, just a few days before the presidential elections, photographer and video reporter Mehman Huseynov, who is also the founder of a popular satirical Facebook page “Sancaq,” was detained by the local police. Prior to his arrest, Huseynov posted a video mash-up of the voices of two presidential candidates from the televised pre-election campaign with a scene from the movie 300.<sup>87</sup> The prosecutor general’s office explained the detainment as part of an investigation into the “dissemination of information of a criminal nature on social networks,” specifying that the criminal information in this case was the “call” in the video that the “government must go.” Held and interrogated for over six hours, Huseynov was asked not to disseminate videos of such nature. On October 6, Huseynov’s own personal Facebook profile was blocked as a result of a series of violation reports sent from fake accounts. While Huseynov’s page was quickly restored, similar attempts took place on the day of the elections, when a popular Facebook page<sup>88</sup> on elections was blocked.<sup>89</sup>

Wrongful access to a computer, such as through the implantation of viruses or security breaches, is punishable under Chapter 30 of the criminal code.<sup>90</sup> 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 typically coincide with politically sensitive dates related to the unresolved territorial conflict between Azerbaijan and Armenia. Sometimes attacks occur after high-profile political statements. Some of these ostensibly Armenian-based attacks have targeted the websites of entities such as the MCIT, the National Library, and the public television broadcaster. The Anti-Cybercrime 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.

While certain opposition news websites such as Yeni Musavat, Radio Azadliq, and the personal blog of the Popular Front Party’s chairman Ali Kerimli have been subject to constant attacks that resulted in temporary shutdowns throughout the past few years,<sup>91</sup> more recent attacks were also

86 “Azerbaijan: Porno- Political Portal Targets Government Critics,” Eurasianet.org, May 3, 2013, <http://www.eurasianet.org/node/66920>

87 YouTube Video, “Prezident seçkiləri 2013 - Cəmil Həsənli hamını məhv elədi” “Presidential Election 2013 – Destroying Hasanli,” accessed August 2014, <http://www.youtube.com/watch?v=-48PP8ixk9A>. In the video, the voice of Jamil Hasanli, the candidate running against Aliyev, is saying through the voice of the main character “the government of Ilham Aliyev is up to its knees in corruption and Ilham Aliyev himself is up to his throat” ending with Hasanli saying “this government must go.”

88 Elections 2013 Facebook page, <https://www.facebook.com/secki.az>.

89 “Azerbaijan’s Presidential Election marred by free expression violations,” Irf.org, October 11, 2013, <http://www.irfs.org/news-feed/azerbaijans-presidential-election-marred-by-free-expression-violations/>.

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

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

documented. On August 15, 2013, the web-editor of the Azadliq newspaper announced that the website Azadliq.info had been hacked. The DDoS attack was detected by the host server's security service.<sup>92</sup> In the past, opposition papers subject to attack have speculated that the cyberattacks were launched by the Ministry of Defense. The ministry, however, denies these allegations.<sup>93</sup> The deputy editor of Olaylar.az, which has also suffered from cyberattacks, stated that the attacks increased in the months before the election.<sup>94</sup> The Institute for Reporters' Freedom and Safety (IRFS) also reported a cyberattack on their website on August 13, 2013. According to the institution, the website was targeted by a wide range of DDoS attacks, including Layer 7, UDP, SYN flooding, and DNS reflection attacks.<sup>95</sup> Additionally, the sites of state bodies and state-controlled media have 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.<sup>96</sup>

In December 2013, the Computer Emergency Response Team (CERT) in Azerbaijan announced that it would begin filtering the country's incoming internet traffic in order to "protect the entire perimeter" of the internet in Azerbaijan from cyberattacks and other malicious threats. CERT is a body that functions under the State Agency for Special Communication and Information Security of Special State Protection Service.<sup>97</sup>

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92 'Azadliq newspaper reports DDOS attacks on its website', August 15ht, 2013, Institute for Reporter's Freedom and Safety, <http://www.irfs.org/news-feed/azadliq-newspaper-reports-ddos-attacks-on-its-website/>.

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

94 "News portal attacked by hackers," Irfis.org, August 6, 2013, <http://www.irfs.org/news-feed/news-portal-attacked-by-hackers/>.

95 "Azerbaijani government sparks on "open season" on critical websites amid pre- election crackdown," Irfis.org, August 20, 2013, <http://www.irfs.org/news-feed/azerbaijani-government-sparks-an-open-season-on-critical-websites-amid-pre-election-crackdown/>.

96 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](http://www.ifex.org/azerbaijan/2012/08/16/irfs_freedom_of_expression_report.pdf).

97 "Incoming Internet traffic to be filtered in Azerbaijan," Azernews.az, December 12, 2013, <http://www.azernews.az/azerbaijan/62503.html>.