

# AZERBAIJAN

	2011	2012
<b>INTERNET FREEDOM STATUS</b>	<b>Partly Free</b>	<b>Partly Free</b>
<b>Obstacles to Access (0-25)</b>	15	13
<b>Limits on Content (0-35)</b>	15	16
<b>Violations of User Rights (0-40)</b>	18	21
<b>Total (0-100)</b>	<b>48</b>	<b>50</b>

\* 0=most free, 100=least free

**POPULATION:** 9.3 million  
**INTERNET PENETRATION 2011:** 50 percent  
**WEB 2.0 APPLICATIONS BLOCKED:** No  
**NOTABLE POLITICAL CENSORSHIP:** No  
**BLOGGERS/ICT USERS ARRESTED:** Yes  
**PRESS FREEDOM STATUS:** Not Free

## INTRODUCTION

As the host of the seventh annual Internet Governance Forum (IGF) in November 2012, Azerbaijan's government has been eager to promote itself as a leader of information and communication technology (ICT) innovation in the region, with internet usage and online activism growing significantly in 2011. This growth has spurred increasing efforts by the authorities to exert greater control over the medium, though it remains much less restricted compared to print and broadcast media, the main sources of information for most citizens.

The internet was first introduced in Azerbaijan in 1994 and became available for all citizens in 1996. As a result of policies aimed at lowering prices that were enacted in 2007, the internet is now relatively accessible for businesses and individuals in urban areas; however, villages and communities outside of urban regions still have limited access.<sup>1</sup> Despite a notable increase in internet penetration over the past few years, the quality of connections remains very low, with paid prices not corresponding to advertised speeds and many users still relying on slow dial-up connections.

The Azerbaijani government does not generally censor online content or restrict access to ICTs, but in 2011, there were occasional blocks imposed on certain opposition news sites such as Radio Azadliq, the website of the Azerbaijan service of Radio Free Europe/Radio Liberty (RFE/RL). In addition, there were numerous arrests, prosecutions, and incidents of

<sup>1</sup> "Beynəlxalq Telekomunikasiya İttifaqı: Azərbaycan mobil rabitə tariflərinin azaldılması üzrə lider-ölkədir," APA Economics, February 24, 2010, <http://az.apa.az/news.php?id=178885> [in Azerbaijani].

extralegal intimidation and violence against online activists for organizing demonstrations or expressing critical views of the government on social media websites, particularly following a series of pro-democracy protests inspired by the Arab Spring events in early 2011. In many cases, detained activists were given jail sentences on trumped-up charges of criminal defamation, illegal drug possession, hooliganism, or other politically motivated allegations. Fearing further Arab Spring-inspired protests, in early 2012, the Azerbaijani authorities reportedly ramped up their surveillance capabilities through the installation of “black boxes” on the Azercell mobile phone network, enabling security agencies to monitor all mobile communications in real-time.

## OBSTACLES TO ACCESS

According to the International Telecommunication Union (ITU), 50 percent of the population had access to the internet in 2011, a significant increase from 2006 when the penetration rate was roughly 12 percent.<sup>2</sup> Fixed-broadband internet subscriptions also increased remarkably from 4,000 in 2006 to nearly one million in 2011, representing a broadband penetration rate of 10.5 percent.<sup>3</sup> Nonetheless, access for residents outside of the capital Baku continues to be extremely limited.

To increase accessibility, state-owned internet service providers (ISPs) dropped prices by 25 to 50 percent in October 2011.<sup>4</sup> At the end of 2011, ADSL connections at an average speed of 1 Mbps cost 15 AZN (US\$20),<sup>5</sup> amounting to 4 to 5 percent of average wages in Azerbaijan. While these prices are significantly lower than several years ago, they are still out of reach for many Azerbaijanis whose average monthly salary is approximately 356 AZN (US\$453).<sup>6</sup> Furthermore, many users still access the internet at painfully slow dial-up speeds and face problems accessing multimedia content such as audio and video material.

---

<sup>2</sup> International Telecommunication Union (ITU), “Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions,” 2006 & 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

<sup>3</sup> Ibid.

<sup>4</sup> “ISPs of Azerbaijan announced a price reduction,” 1news.az, September 30, 2011, <http://www.1news.az/economy/tech/20110930050420696.html> [in Russian].

<sup>5</sup> “Ali Abbasov: Cost of ADSL-Internet in Azerbaijan is 4-5% of Average Wage,” Contact.az, October 11, 2011, <http://contact.az/docs/2011/Economics&Finance/101110442en.htm> [in Russian].

<sup>6</sup> “Real average salary in Azerbaijan fell by 0.93% with nominal rise by 0.17%,” ABC.az, December 16, 2011, <http://abc.az/eng/news/60624.html>.

Privately-owned but government-controlled Delta Telecom<sup>7</sup> (formerly AzerSat) is the country's largest satellite and fiber-optic backbone provider with approximately 40 ISPs operating in Azerbaijan on a retail basis. Delta Telecom was also 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. As the primary ISP in the country and owner of the international gateway, Delta Telecom supplies international connectivity to 90 to 95 percent of all users in Azerbaijan and sells international traffic to almost all ISPs.<sup>8</sup> The largest ISP operating outside of Baku is the state-owned AzTelecom, which has ownership ties to the Ministry of Communication and Information Technologies (MCIT).<sup>9</sup> Azertelecom, owned by Azerfon, completed its fiber-optic network in 2011 and is now competing for Delta Telecom's business.<sup>10</sup> Almost all ISPs supply users with bandwidth purchased from Delta Telecom and Azertelecom.

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.<sup>11</sup> 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, MCIT refuses to answer inquiries on the ownership of license holders.<sup>12</sup>

Usage of mobile phones in Azerbaijan has continued to grow steadily, with mobile phone penetration increasing from 38 percent in 2006 to over 108 percent in 2011.<sup>13</sup> 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

---

<sup>7</sup> The company's ownership structure is not transparent. Many experts say that Delta Telecom is in fact owned by Baylor Ayyubov, the president's security chief, but there is no official proof of this. Requests for information on the matter were unanswered.

<sup>8</sup> "Azerbaijan country profile," Open Net Initiative, November 17, 2010, <http://opennet.net/research/profiles/azerbaijan>.

<sup>9</sup> Yashar Hajiyev, "Azerbaijan," European Commission, accessed August 30, 2012, [http://ec.europa.eu/information\\_society/activities/internationalrel/docs/pi\\_study\\_rus\\_ukr\\_arm\\_azerb\\_bel\\_geor\\_kaz\\_mold/5\\_azerbaijan.pdf](http://ec.europa.eu/information_society/activities/internationalrel/docs/pi_study_rus_ukr_arm_azerb_bel_geor_kaz_mold/5_azerbaijan.pdf).

<sup>10</sup> "Azerbaijan Network," Azertelecom.az, accessed September 5, 2012, <http://www.azertelecom.az/en/aznetwork/>.

<sup>11</sup> 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).

<sup>12</sup> Response of the Ministry of Communication to a written request for information.

<sup>13</sup> International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2006 & 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

increase demand for mobile internet when they launched 3G services.<sup>14</sup> As a result, the number of mobile internet users on the Azercell network—the country’s largest mobile communication provider with 55 percent of the market<sup>15</sup>—increased 300 fold in 2011, according to a company representative.<sup>16</sup>

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, subjecting the process to bureaucratic red tape and possible corruption.

## LIMITS ON CONTENT

The Azerbaijani government did not engage in widespread censorship of the internet in 2011. However, domestic users regularly reported problems accessing oppositional content on websites such as Radio Azadliq, the Azerbaijan service of Radio Free Europe/Radio Liberty (RFE/RL). Official authorities have denied allegations of blocking,<sup>17</sup> and there is no established process through which affected entities can appeal. Sporadic filtering has also become a problem for opposition websites from the Azerbaijani diaspora such as Azdiaspora.org. Meanwhile, both the MCIT and Ministry of Education run a hotline program to uncover allegedly illegal and dangerous content.<sup>18</sup>

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 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 2011 or early 2012.

There are limited deletions of online content implemented based upon a take down notice system, primarily related to personal data. Subject to Articles 5.7 and 7.2 of the law “On

<sup>14</sup> “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/>.

<sup>15</sup> “About us,” Azercell, accessed September 5, 2012, <http://company.azercell.com/en/>.

<sup>16</sup> 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>.

<sup>17</sup> “Azerbaijan’s IT Ministry rejects claims of increased control over internet,” News.az, July 20, 211, <http://www.news.az/articles/tech/40854>.

<sup>18</sup> Yaman Akdeniz, “Freedom of Expression on the Internet,” Organization for Security and Cooperation in Europe, 2010, <http://www.osce.org/fom/80723>.

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 Web 2.0 applications such as the social-networking site Facebook and the microblogging service 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 279,000 at the end of December 2010 to 700,000 in December 2011,<sup>19</sup> with the largest contingent of Facebook users being young people between the ages of 18 and 24.<sup>20</sup>

In addition, the incredible growth of blogging that began in 2007 continued to increase in 2011. 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. There are more than 27,000 blogs in Azerbaijan, most of which 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, Arzu Geybullayeva, Nigar Fatali and Zaur Gurbanly, are well known for their independent views, and an estimated 50,000 to 70,000 users read blogs online. Beyond blogging, according to the head of the Press Council in Azerbaijan, more than ten internet radio stations and TV channels operate in the country’s virtual space, and over 100,000 users watch television online. Additionally, there are more than 40 online news websites.<sup>21</sup>

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 “Violation on User Rights”). Some state universities warn students that they will encounter problems 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 widespread as in the traditional media. Furthermore, government-

---

<sup>19</sup> “Facebook Statistics Azerbaijan,” Socialbakers, accessed December 2011, <http://www.socialbakers.com/facebook-statistics/azerbaijan>.

<sup>20</sup> “Issued by the number of Facebook users in Azerbaijan,” Day.az, September 20, 2011, <http://news.day.az/hitech/289329.html> [in Russian].

<sup>21</sup> “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].

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.

In response to displays of citizen activism online in early 2011, some local state-run television stations launched campaigns criticizing social-networking sites, including broadcasting interviews with supposed internet experts who argued that online activities pose a threat to the state's security and image.<sup>22</sup> Similarly, in an attempt to discredit online activists and keep young people away from social media and political activism, the authorities also aired on state television interviews with psychologists who described Facebook users as "mentally ill."<sup>23</sup>

Despite these manipulative efforts, youth activists, organizations, and 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 used social media to organize demonstrations in March and April 2011 against the government's authoritarian rule, calling for democratic reforms and an end to pervasive government corruption.<sup>24</sup>

## VIOLATIONS OF USER RIGHTS

Article 47 of the constitution guarantees freedom of thought and speech.<sup>25</sup> In addition, Article 50 provides the right to distribute information, guarantees freedom of the mass media, and prohibits censorship. In practice, however, the authorities aggressively use various forms of legislation to stifle freedom in the print and broadcast media. Libel is a criminal offense,<sup>26</sup> and traditional media journalists who criticize the authorities are frequently prosecuted and imprisoned. Furthermore, the judiciary is largely subservient to the executive branch.<sup>27</sup> 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

<sup>22</sup> "Azerbaijani Activists Under Pressure Ahead of Protest Day," Radio Free Europe/Radio Liberty, March 7, 2011, [http://www.rferl.org/content/azerbaijan\\_activist\\_prison/2330387.html](http://www.rferl.org/content/azerbaijan_activist_prison/2330387.html).

<sup>23</sup> "Don't let them be silenced," Amnesty International, November 16, 2011, <http://www.amnesty.org/en/appeals-for-action/freeazerbaijan>.

<sup>24</sup> 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>.

<sup>25</sup> The constitution is available in English at <http://en.president.az/azerbaijan/constitution>.

<sup>26</sup> "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).

<sup>27</sup> Karin Karlekar, ed., "Azerbaijan," *Freedom of the Press 2011*, <http://www.freedomhouse.org/report/freedom-press/2011/azerbaijan>.

online sphere as well.<sup>28</sup> 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.<sup>29</sup>

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. This trend was particularly notable following the Arab Spring-inspired events in March and April 2011 when hundreds of demonstrators took to the streets of Baku to protest against government corruption, call for fair elections, and demand respect for human rights. The demonstrations resulted in numerous arrests, with some protesters sentenced to long prison terms based on unfounded allegations and following unfair trials. According to Amnesty International, 17 people convicted around the time of the protests are to be regarded as prisoners of conscience since there was no evidence that the imprisoned opposition activists had engaged in anything more than the legitimate exercise of their right to freedom of expression and association.<sup>30</sup>

Among the arrested was Jabbar Savalan, a student who was accused of drug possession on February 5, 2011, a day after he posted on Facebook a call for Egypt-inspired protests against the government. With no history of drug use or possession, Savalan's supporters believed the drugs found on him were planted. He was sentenced to two and a half years in prison on the trumped-up charges but was released on a presidential pardon in late December 2011 after serving 11 months in prison. Another young man, Bakhtiyar Hajiye, a blogger and civic activist involved in organizing a mass protest planned for March 11, 2011, was arrested on March 4 and convicted in May on charges of evading military service. Bakhtiyar had requested alternative military service as provided by the Constitution; nevertheless, he was sentenced to two years imprisonment and was reportedly beaten while in police custody.<sup>31</sup> Another protest organizer, Strasbourg-based blogger Enlur Majidli, was

---

<sup>28</sup> "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](http://ict.az/en/index.php?option=com_content&task=view&id=477&Itemid=95).

<sup>29</sup> "Control Over Online Sources and Facebook-like sites in Azerbaijan," Today.az, November 27, 2010, <http://www.today.az/view.php?id=77287>.

<sup>30</sup> "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>.

<sup>31</sup> "Azerbaijan: Youth Activists Targeted as Freedom of Expression Clampdown Continues," Article 19, March 10, 2011, <http://www.article19.org/resources.php/resource/1732/en/azerbaijan:-youth-activists-targeted-as-freedom-of-expression-clampdown-continues>.

accused of inciting hatred and calling for the violent overthrow of the government. Criminal proceedings have been initiated against Majidli in absentia, and he could face up to 12 years in prison if he returns to Azerbaijan.<sup>32</sup>

In another case, the editor-in-chief of the website Islamazeri.com, Ramin Bayramov, was arrested in August 2011 and sentenced in March 2012 to 18 months in prison on charges of possessing illegal arms and drugs, which Bayramov's lawyer believes were planted.<sup>33</sup> Similarly, blogger and human rights activist Taleh Khasmammadov was arrested in November 2011 and was still detained as of March 2012 on charges of hooliganism, although it is believed that Khasmammadov was targeted for his blogging activities, particularly for his report on the mafia and human trafficking in the country's Ujar region.<sup>34</sup>

Separately, on March 1, 2012, mass demonstrations took place in the remote town of Guba, prompted by the circulation of an online video. At least 17 people were subsequently arrested, including two journalists from the Khayal TV station who were accused of provoking the protests after posting the video on YouTube. The clip featured the regional governor Rauf Habibov allegedly insulting the local population. Its circulation prompted thousands of protestors to take to the streets demanding the governor's resignation.<sup>35</sup> 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.<sup>36</sup>

In a positive development, journalist and editor-in-chief of the independent newspapers *Realny Azerbaijan* and *Gundalik Azarbaycan*, Eynulla Fatullayev, was given a presidential pardon and released from prison in May 2011 after a significant international campaign that led to a judgment issued by the European Court of Human Rights demanding his release. Fatullayev had been in prison since 2007 on both defamation and terrorism charges based on an online post about a massacre during the 1992 Nagorno-Karabakh conflict.<sup>37</sup>

---

<sup>32</sup> "Azerbaijan's Facebook Dissident," Indexoncensorship.org, April 27, 2011, <http://www.indexoncensorship.org/2011/04/azerbaijans-facebook-dissident/>.

<sup>33</sup> Rebecca Vincent, "Political use of the law to silence freedom," Chapter 4, *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>.

<sup>34</sup> Ibid.

<sup>35</sup> Shahin Abbasov, "Report: Clashes in Azerbaijan Prompt Dismissal of Regional Government Official," Eurasianet.org, March 1, 2012, <http://www.eurasianet.org/node/65068>.

<sup>36</sup> 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>.

<sup>37</sup> "Jailed Azerbaijani journalist pardoned," Amnesty International, press release, May 26, 2011, <http://www.amnestyusa.org/our-work/latest-victories/jailed-azerbaijani-journalist-pardoned>.

In addition to the growing trend of politically motivated arrests of online journalists and bloggers, internet users have faced increasing levels of extralegal intimidation and physical violence for their online activities. During the March-April 2011 pro-democracy protests in Baku, for example, many journalists and bloggers were physically attacked while trying to report on the demonstrations.<sup>38</sup> In a tragic case, prominent Azerbaijani journalist and writer, Rafiq Tagi, died on November 23, 2011 in Baku four days after being victim to a brutal knife attack. Tagi had been receiving death threats for weeks prior to the attack, which were believed to be in response to an article he published on Radio Azadliq's website that criticized the current Iranian government and discredited Islam.<sup>39</sup> According to research by civil society representatives, the official investigation into Tagi's death has had serious shortcomings, and no suspects had been arrested as of mid-2012.<sup>40</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.<sup>41</sup> In early March 2011, for example, activist Etibar Salmanli reported being visited by the police at his home after a video was posted on YouTube showing him promoting the March 11 protests.<sup>42</sup> Salmanli's parents were also summoned to the police and the Surakhani district education department for questioning about their son's activities. In June 2011, Nijat Mammadbayov was fired from *Azertag*, the state-run news agency, after posting a status on his Facebook page criticizing the agency. He was told to either delete his post and write a retraction or resign.

In another incident, 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

---

<sup>38</sup> "Journalists among victims of regime's violent response to pro-democracy protests," Reporters Without Borders, April 6, 2011, [http://en.rsf.org/azerbaijan-journalists-among-victims-of-05-04-2011\\_39953.html](http://en.rsf.org/azerbaijan-journalists-among-victims-of-05-04-2011_39953.html).

<sup>39</sup> "Azerbaijan: Justice for Rafiq Tagi," Article 19, November 25, 2011, <http://www.article19.org/resources.php/resource/2877/en/azerbaijan-justice-for-rafiq-tag>.

<sup>40</sup> Johann Bihl, "Impunity for violence against journalists," Chapter 3, *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>.

<sup>41</sup> 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>.

<sup>42</sup> "Youth Activist Etibar Salmanli Harassed By Local Police," Azeri Report, March 7, 2011, [http://azerireport.com/index.php?option=com\\_content&task=view&id=2650](http://azerireport.com/index.php?option=com_content&task=view&id=2650).

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. While threats against journalists are not uncommon in Azerbaijan, Ismayilova's case received an unprecedented groundswell of attention and support through social-networking sites both domestically and globally, signifying civil society's increasing pushback against government efforts to restrict freedom of expression. Nevertheless, the individuals responsible for violating Ismayilova's privacy remained unknown and unpunished as of mid-2012.<sup>43</sup>

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."<sup>44</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.<sup>45</sup> 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.

In a particularly worrying development ahead of the Eurovision Song Contest hosted in Azerbaijan in May 2012, a Swedish investigative documentary revealed in April 2012 evidence of a blanket mobile phone surveillance system employed by the telephone company Azercell.<sup>46</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, insider reports described how Azercell has set aside special offices in their

---

<sup>43</sup> 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](http://www.rferl.org/content/azerbaijan_ismailova_blackmail_rferl_journalists_threats/24509372.html).

<sup>44</sup> "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).

<sup>45</sup> 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>.

<sup>46</sup> "Video: The Black Boxes," SVT.se, April 26, 2012, <http://www.svt.se/ug/video-the-black-boxes-3>.

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.”<sup>47</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>48</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 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.<sup>49</sup> 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.<sup>50</sup> In June 2011, the Popular Front Party issued a statement also accusing the government of cyberattacks against its website.<sup>51</sup> Nevertheless, the sites of state bodies and state-controlled media have also been subject to an increasing number of cyberattacks over the past year,

<sup>47</sup> Ryan Gallagher, “Your Eurovision Song Contest Vote May Be Monitored: Mass Surveillance in Former Soviet Republics,” Slate.com, April 30, 2012, [http://www.slate.com/blogs/future\\_tense/2012/04/30/black\\_box\\_surveillance\\_of\\_phones\\_email\\_in\\_former\\_soviet\\_republics.html](http://www.slate.com/blogs/future_tense/2012/04/30/black_box_surveillance_of_phones_email_in_former_soviet_republics.html).

<sup>48</sup> An unofficial English translation of the criminal code is available at <http://www.legislationline.org/download/action/download/id/1658/file/4b3ff87c005675cfd74058077132.htm/preview>.

<sup>49</sup> “Two more Azerbaijani websites undergo hacker attacks,” Azerbaijani News Network, April 9, 2012, <http://ann.az/en/?p=70943>.

<sup>50</sup> “Azərbaycan Müdafiə Nazirliyi “Yeni Müsavat” qəzetini məhkəməyə verir,” APA Economics, September 16, 2011, <http://az.apa.az/news.php?id=234649> [in Azerbaijani].

<sup>51</sup> 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](http://qafqazinfo.az/AXCP_HAKIMIYY%C6%8FTI_KIBERCINAY%C6%8FTD%C6%8F_SU%C3%87LADI-923-xeber.html).

with hackers targeting and defacing sites belonging to the Interior Ministry, State Security Service, Ministry of Education, and ruling New Azerbaijan party, among others.<sup>52</sup>

---

<sup>52</sup> 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).