

Azerbaijan

	2015	2016		
Internet Freedom Status	Partly Free	Partly Free	Population:	9.7 million
Obstacles to Access (0-25)	13	14	Internet Penetration 2015 (ITU):	77 percent
Limits on Content (0-35)	19	19	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	24	24	Political/Social Content Blocked:	Yes
TOTAL* (0-100)	56	57	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2016 Status:	Not Free

* 0=most free, 100=least free

Key Developments: June 2015 – May 2016

- Authorities deliberately cut off internet access for 13 days in Nardaran village, a stronghold of conservative Shia Islam in Azerbaijan, following violent clashes between residents and police (see **Restrictions on Connectivity**).
- Prosecutors investigated independent online media outlet Meydan TV for allegedly criminal business practices, interrogating some of its few remaining Azerbaijan-based journalists (see **Prosecutions and Detentions for Online Activity**).
- Independent journalist Rasim Aliyev died from injuries sustained in a brutal attack in retaliation for a Facebook post criticizing a soccer player (see **Intimidation and Violence**).
- President Aliyev pardoned scores of political prisoners, including online journalists and activists, ahead of a visit to the US. However, many more remain behind bars, with several new arrests within the coverage period (see **Prosecutions and Detentions**).

Introduction

Internet freedom declined somewhat in Azerbaijan in 2015-2016 after the government deliberately restricted internet access in the village of Nardaran after police clashes.

The government insists that the internet is free and that the authorities do not engage in censorship,¹ but the reality for internet users is very different. While the government does not extensively block online content, netizens and their families face arrest and intimidation, and progovernment trolling distorts political discussions.

Dozens of political prisoners were released in March 2016 following a presidential amnesty, but many more remain behind bars serving lengthy sentences. In the wake of the Arab Spring in 2011, the Gezi Park protests in Turkey, and the Euromaidan movement in Ukraine in 2013-2014, the government feared a spillover of unrest into Azerbaijan, and cracked down on dissent online. Amid increasing economic strain in the past year, authorities kept a tight lid on criticism, punishing satirical video-bloggers and Facebook page administrators, among others. The trend looked set to continue following a failed coup attempt in nearby Turkey in mid-2016.

Despite these limitations, the internet offered more opportunities for information-sharing and political dissent than traditional media outlets, many of which shut down or moved online as print publications were pressured to follow the government line. Azerbaijan netizens rely on Facebook as an important platform for publishing corruption investigations and discussion on the ongoing government clampdown, as well as daily grievances.

Obstacles to Access

Internet access remains expensive for much of the population, with Azerbaijan lagging behind its neighbors on indicators such as internet speed and affordability. The Ministry of Communications and High Technologies has repeatedly delayed the implementation of a project to introduce countrywide high-speed broadband. Meanwhile, the government has demonstrated its willingness to shutdown connectivity in times of civil unrest, disconnecting the entire village of Nardaran from the internet for several days following police clashes.

Availability and Ease of Access

Poor telecom infrastructure along with low information and communications technology (ICT) literacy, expensive computer equipment, and high tariffs for satellite connections—owned by the Ministry of Communication and High Technologies (MCHT)—remain key obstacles to ensuring greater internet access across the country. Internet in Azerbaijan remains expensive, though this does not translate into better quality or faster connections.

The internet penetration rate reached 77 percent in 2015, compared to 73 percent in 2013 and 27 percent in 2009, according to the International Telecommunication Union.² Dial up connections have

1 "İlham Əliyev deyir ki, KİV tam azaddır, söz azadlığı heç cür məhdudlaşdırıla bilməz" [Ilham Aliyev says mass media outlets are totally free, and that freedom of speech cannot be limited] *Azadlıq Radiosu*, June 24, 2015, <http://bit.ly/1GkAVmk>.

2 International Telecommunication Union, "Percentage of Individuals Using the Internet," 2009, 2013, 2015, <http://bit.ly/1cblxyY>.

dropped significantly in the past five years.³ Fixed broadband subscriptions increased from 100,000 in 2009 to more than 2 million in 2015, and continue to grow at an annual rate of 10 percent.⁴ The mobile broadband penetration rate in Azerbaijan reached just over 46 percent.⁵

Fewer than 10 percent of connections operate at speeds of 4 Mbps or higher, and the average internet connection speed was 3.2 Mbps in 2015, significantly below that of top performing countries which offer average connection speeds of 10Mbps to 15Mbps, according to a World Bank report.⁶ Akamai reported Azerbaijan was among 34 countries where connection speed was in decline in the third quarter of 2015. As a result, socioeconomic benefits associated with high speed internet such as online job creation, skills development, and foreign direct investment, remain limited.

Osman Gunduz, head of the Azerbaijan Internet Forum, has said that internet users in Azerbaijan get 1.5 Mbps for every 2 Mbps they pay for, in part due to underdeveloped infrastructure.⁷ The vast majority of connections in Azerbaijan are based on ADSL, with Wi-Fi, WiMAX, 3G and 4G just starting to become widespread. The government is slowly upgrading network infrastructure to provide high speed internet across the country through its Fiber to Home project.⁸ Despite significant delays in the implementation of the project following the economic crisis and budget issues, the MCHT said the plan would proceed in 2016.⁹

Internet service is expensive, and Azerbaijan continues to lag behind Russia, Ukraine, Georgia and other neighboring countries, where connections are available at comparatively low cost. In 2015, internet users in Azerbaijan paid US\$15-40 for 4-8 Mbps unlimited ADSL connections, which cost US\$7-12 in Russia. Similarly, a 4-8 Mbps unlimited fiber-optic connection cost US\$12-55 in Azerbaijan and only US\$4 in Russia. An unlimited 30-35 Mbps fiber-optic connection cost Russian users US\$5 on average, but US\$50-185 in Azerbaijan.¹⁰

By contrast, the average cost of mobile internet service has dropped significantly since 2011. By 2014, the average price for mobile broadband was among the lowest in Central Asia.¹¹ However, the average household in Azerbaijan's lower income bracket (the bottom 40 percent of the total population by income) would need 21 percent of their monthly disposable income to afford the cheapest mobile broadband package, and 28 percent for the cheapest fixed broadband package.¹²

A July 2015 survey by the Azerbaijan Marketing Community reported 69 percent of households own a computer, of which 50 percent are notebooks. Computer ownership is higher in urban areas than in rural areas. Over 80 percent of all landlines are concentrated in the urban areas. The majority of

3 Ministry of Communication and High Technologies, October 23, 2015, <http://mincom.gov.az/media/xeberler/details/11396>.

4 "Azerbaijan- Telecoms, Mobile and Broadband," *Budde*, May 24, 2016, <http://www.budde.com.au/Research/Azerbaijan-Telecoms-Mobile-and-Broadband.html>

5 Broadband Commission, *The State of Broadband 2015: Universalizing Broadband*, September 2015, <http://bit.ly/1CdQnO>.

6 The World Bank, "A Sector Assessment: Accelerating Growth of High-Speed Internet Services in Azerbaijan," December 18, 2014, <http://bit.ly/1LSR5tk>.

7 "The number of Internet users is on the rise", *Reytinginfo.az*, November, 7, 2015, <http://bit.ly/2fkUpl>

8 "Development of fiber optic internet access in Azerbaijan to reach its peak by 2017", *Trend*, December 22, 2013, <http://en.trend.az/azerbajjan/2224186.html>.

9 "The price of internet in Azerbaijan," *Apa.tv*, <http://apa.tv/cast/31/17545>.

10 "Internet connection that costs 5 manats in the neighboring country, costs 300 here," *Cebhe*, October 2, 2015, <http://cebhe.info/oxu/2380/>.

11 The World Bank, "A Sector Assessment: Accelerating Growth of High-Speed Internet Services in Azerbaijan," December 18, 2014, <http://bit.ly/1LSR5tk>.

12 The World Bank, "A Sector Assessment: Accelerating Growth of High-Speed Internet Services in Azerbaijan," December 18, 2014, <http://bit.ly/1LSR5tk>.

internet access takes place at home, followed by workplaces, internet cafes, and Wi-Fi spots.¹³ In August 2016, the MCHT announced a project to establish free public Wi-Fi spots across the capital, Baku.¹⁴

Restrictions on Connectivity

The MCHT holds significant shares in a handful of leading internet service provider (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. Wholesale access to international gateways is maintained by companies with close ties to the government. Only two operators, AzerTelecom and Delta Telecom, are licensed to connect international IP traffic.¹⁵

On November 16, 2015, Azerbaijan experienced a nationwide internet blackout lasting six hours, which the MCHT said was caused by fire damage to a Delta Telecom data center cable. Akamai reported that traffic dropped below 10 percent during the outage,¹⁶ and connectivity remained poor for four days.¹⁷ During the incident, 3G services provided by Nar Mobile and Bakcell remained available, since both connect to AzerTelecom.

Service was deliberately restricted in Nardaran village during violent clashes following a police raid in November 2015. Police said they were targeting religious militants, but news reports said they attacked a prayer meeting.¹⁸ The authorities cut off power, telephone lines, and broadband and mobile internet connections in the village for 13 days,¹⁹ leaving residents in darkness.²⁰ Authorities said that the outage was due to an outstanding electricity bill. Azerisig, an Azerbaijani electricity company, said the village's owed AZN 42 million (US \$40,000) covering the past 117 years.²¹ Independent observers said the shutdown was intended to stifle information during the unrest.

In July 2015, WhatsApp users across the Azercell and Azerfon (Nar) networks said they were unable to make calls using the Voice over IP (VoIP) function. Both providers denied interfering with the function, which was unavailable for a few days. Users on other networks experienced no disruption, and the cause remains unclear.²² A week later, users in some regions of Azerbaijan reported they were unable to log in to use Skype. The MCHT said Skype software updates could have caused the

13 Ministry of Communications and High Technologies, "Azərbaycan hər 100 nəfərə düşən internet istifadəçilərinin sayına görə dünya orta göstəricisini 1.8 dəfə qabaqlayır," [Azerbaijan above average for number of internet users per 100 people by 1.8] June 15, 2015, <http://www.mincom.gov.az/media/xeberler/details/10319>.

14 "Free Wi-Fi spots to appear in public places in Baku", *Azernews.az*, August 22, 2016, <http://www.azernews.az/nation/101199.html>.

15 Ministry of Communications and High Technologies, "Providers," <http://www.mincom.gov.az/fealiyyet/it/internet/provayder/>.

16 Akamai, "State of the Internet, Q1 2016 Report," <https://goo.gl/TQH7L7>.

17 "Communications Ministry assures no more Internet outage in country," *Azernews.az*, November 23, 2016, <http://www.azernews.az/business/90047.html>.

18 "Unrest in Nardaran after six die in police raid," *Meydan TV*, November 27, 2015, <https://www.meydan.tv/en/site/news/9646/>.

19 "Nardaran sealed off," *Azadliq*, December 3, 2015, <http://www.azadliq.org/content/article/27404740.html>.

20 Human Rights in Azerbaijan, "Nardaran event: Wide-scale violations of constitutional rights," November 30, 2015, <http://www.azhr.org/#!/Nardaran-event-Widescale-violations-of-constitutional-rights/cjds/566de6020cf239106879c59f>.

21 "Nardaran without water and telephone," *Azadliq*, November 29, 2015, <http://www.azadliq.org/content/article/27394937.html>.

22 "Mobile Operators in Azerbaijan Limited Using WhatsApp", Report News Agency, July 1, 2015, <http://report.az/en/ict/mobile-operators-in-azerbaijan-limited-using-whatsapp/>.

problem, which resolved after a few days.²³ Observers said that providers may have deliberately sought to restrict free VoIP services on grounds that it cuts into their revenue.

Delta Telecom owns the internet backbone and is the main distributor of traffic to other ISPs. It controls Azerbaijan's only Internet Exchange Point (IXP), and charges the same amount for local and international traffic. The company is a transit operator of Azerbaijan's segment of the Europe Persia Express Gateway (EPEC) and has external fiber-optic connections with Russia (via TransTelecom) and Turkey (via RosTelecom). AzerTelecom has a fiber-optic cable network covering all major regions, including the autonomous republic of Nakhchivan.²⁴

ICT Market

The ICT market in Azerbaijan is fairly concentrated. The fixed broadband market is still in its emerging phase, with little equality between operators. The lack of regulatory reform also inhibits development of the sector. There are over 30 ISPs,²⁵ including three state-owned providers: AzTelekomnet, BakInternet and Azdatakom.²⁶ State-owned companies ultimately control over 56 percent of the market.

The market base is split along geographical lines, with BTRIB (Baku Telephone Production Association) serving the capital.²⁷ AzTelekomnet, the largest ISP operating outside Baku, has ownership ties to the MCHT; its shareholders include Azerfon, which has links to the president's daughters.²⁸

Azercell is still the leading mobile service provider despite its overall market share falling from 50 percent to 43 percent. Bakcell and Azerfon follow behind, maintaining a steady market share of 24 and 33 percent respectively. Like Azerfon, Azercell has been found to have connections with President Aliyev's daughters.²⁹

Regulatory Bodies

The government of Azerbaijan has a major role in controlling the ICT sector through state-owned companies and government institutions. ISPs are regulated by the Ministry of Communication and High Technologies (MCHT), which lacks independence. The MCHT is responsible for establishing and enforcing ICT policy, and reports to the government on how much financial support should be allocated to the sector.³⁰

23 "Mobile apps not banned in Azerbaijan, problems within apps themselves" *Azernews*, 8 July 2015, <http://www.azernews.az/business/85163.html>.

24 Ministry of Communications and High Technologies, "Providers," <http://www.mincom.gov.az/fealiyyet/it/internet/provayder/>.

25 According to the Ministry Communications and High Technologies website there are 34 ISPs: <http://www.mincom.gov.az/fealiyyet/it/internet/provayder/>.

26 "Nə üçün İnternet qiymətləri bahadır və nə üçün İnternet keyfiyyətsizdir?" [Why Internet costs are high and why is internet poor quality] *Azerbaijan Internet Forum*, March 11, 2014, <http://bit.ly/1iOdFI0>.

27 The World Bank, "A Sector Assessment: Accelerating Growth of High-Speed Internet Services in Azerbaijan," December 18, 2014, <http://bit.ly/1LSR5tk>.

28 Khadija Ismayilova, "Azerbaijani President's Daughter's Tied to Fast-Rising Telecoms Firm," *Radio Free Europe/Radio Liberty*, June 27, 2011, <http://bit.ly/1M5IcLR>.

29 "TeliaSonera behind-the-scenes connection to Azerbaijani President's daughters", *AzadliqRadio Radio Free Europe Azerbaijan Service*, July 15, 2014, <http://www.rferl.org/content/teliasonera-azerbajian-aliyev-corruption-investigation-occrp/25457907.html>

30 Ministry of Communications and High Technologies, "Department of Regulation," [in Russian] <http://bit.ly/1iOexw1>.

Limits on Content

While the government is yet to implement systematic or widespread blocking or filtering of websites or social networks, a number of websites were reportedly blocked during the coverage period. In particular, the government blocked some news coverage of deadly clashes sparked by a police raid in Nardaran in November 2015. Regulations restricting foreign financial support to organizations in Azerbaijan have effectively cut off funding to a number of media outlets, causing many to close.

Blocking and Filtering

The government does not engage in extensive blocking or filtering of online content, relying on legal, economic, and social pressures to discourage critical media coverage or political activism. YouTube, Facebook, Twitter, and other communication applications remain freely available. However, some content was newly blocked during the coverage period.

After November 2015 clashes between citizens and police in Nardaran village, where the government said they were targeting religious militants, some websites hosting Islamic content reported they had been blocked. *Islamazeri.az*, a daily news website focusing on Islamic topics, reported that its internet protocol (IP) address was temporarily blocked in December 2015, and again for some days on January 26, 2016. In January and February 2016, *Cenub News*, another website covering Islamic topics, reported similar disruptions. *Cenub News* said Delta Telecom twice blocked its IP address, even after it switched to a second IP address in order to bypass the first block.³¹ Both sites were subject to cyberattacks at the same time (see Technical Attacks).

There is no established process for appeal in cases where opposition websites or other content has been blocked, and no information on the number of websites affected. Decisions to block content are not transparent, and when users try to access censored websites they receive an error message, rather than information stating that the site has been deliberately blocked.

Content Removal

In general, authorities rely on pressure and threats to remove unwanted content, rather than court orders or other established takedown procedures. These methods have resulted in the removal of social media pages that produce political satire or are otherwise critical of the Aliyev government. In January 2016, Huseyin Azizoglu, a young blogger famous for mocking Azerbaijani police and military officials on YouTube, was forced to remove videos from his social media pages while he was in detention (see Prosecutions and Detentions).

In the wake of the failed July 2016 coup attempt in regional ally Turkey, and subsequent accusations against Gulenist actors of masterminding the coup, the authorities cracked down on Gulenist associations across Azerbaijan, including shutting down the Gulen-linked Zaman Azerbaijan newspaper and associated news website.³²

³¹ "Another website released statement about its blocking", *IslamAzeri*, February 1, 2016, <http://islamazeri.az/daha-bir-sayt-bloklanmasi-ile-bagli-muraciet-yaydi--30711.html>.

³² "Gulen operation in Baku- Caucauss University and Zaman newspaper shut down", *Anaxeber*, July 20, 2016, <http://anaxeber.az/files/24395-bakida-gulen-emeliyati-qafqaz-universiteti-ve-zaman-qezeti-baglandi.html>.

Content revealing personal information without consent may be subject to removal under Articles 5.7 and 7.2 of the Law on Personal Data (see Surveillance, Privacy, and Anonymity). A written demand from the individual concerned, a court, or the executive branch is required. Authorities can also remove online content in cases of defamation. Additionally, both the MCHT and the Ministry of Education run a hotline program to uncover allegedly illegal and dangerous content.

Media, Diversity, and Content Manipulation

The ongoing government crackdown against independent and opposition media outlets—in addition to the arrests of online activists—has significantly limited the space for free expression in Azerbaijan. Some online journalists, commentators, and ordinary internet users have resorted to self-censorship, especially if they are employed by state media outlets or progovernment platforms.

To counter such longstanding restrictions on media freedom, alternative online platforms emerged and expanded beginning in 2005, and the Azerbaijani blogosphere blossomed in subsequent years. Facebook has become increasingly important, with more people using it for information gathering, information sharing, and criticizing the government. In April 2016, hostilities between Armenia and Azerbaijan flared over the disputed Nagorno-Karabakh region. The government limited the traditional media's access to information about the conflict, and developments were reported on Facebook instead, including the number of casualties.

However, the ability for online bloggers and activists to produce and disseminate controversial content online is undermined by government pressure, which limits the diversity of content available in the online sphere. Self-censorship is pervasive among social media users, who are aware that they may face criminal charges for their expression online. Rahim Hajiye, former editor-in-chief of the now-defunct opposition newspaper *Azadliq*, has said that the number of people who have faced arrest for their activities online discourages social media users from expressing themselves freely.³³

The vast majority of existing online media outlets publish news in favor of the government due to the owners' strong ties to government officials. The head of Turan Information Agency, Mehman Aliyev, has said that Azerbaijan's independent media has struggled to stay afloat since the 1990s. According to Aliyev, the majority of media outlets in Azerbaijan are government controlled and government funded. Many outlets spread state propaganda, in violation of the Law on Mass Media and the Journalism Code of Ethics.³⁴ Yet in January 2016, the Prosecutor's office issued a warning that it was monitoring internet-based outlets, and several had violated the mass media law by sharing incorrect information on nationwide protests following a currency devaluation.³⁵ The limits imposed on independent or opposition media outlets make it difficult for them to attract advertising to sustain their work. Companies are reluctant to support them for fear of losing their business license or other reprisals from the government.

Laws regulating the foreign funding of NGOs have made it easier for the government to target local organizations and media outlets that receive grants from outside sources. In February 2014, President Aliyev approved amendments to the law on grants, further limiting civil society. In February

33 "Rashad Majid: insults on Facebook," *Azadliq*, June 5, 2015, <http://www.azadliq.org/a/27055509.html>.

34 "On 'Press Freedom Day' this is the state of Azerbaijan media," *Azadliq*, May 3, 2015 <http://www.azadliq.org/content/article/26991333.html>.

35 "Notification from Prosecutor to mass media communication," *Azadliq*, January 29, 2016 <http://www.azadliq.org/content/article/27518894.html>.

2015, Aliyev signed amendments to the mass media law that allow the courts to order the closure of any media outlets that receive foreign funding or that are convicted of defamation twice in one year. The requirements for receiving grants are now so complicated that they prevented a number of online media outlets from continuing their work. Mediaforum.az, Obyektiv TV, Channel 13, and Zerkalo/Ayna (which also existed in print until May 2014³⁶) have all ceased operations because of the new restrictions. The past year saw the closure of remaining independent media outlets like the Radio Free Europe/Radio Liberty's Azerbaijani service and the websites of local non-governmental organizations and media outlets that receive foreign funding were blocked.

Commercial pressures separately resulted in the closure of online news and tabloid outlets in 2015, including three websites operated by APA Holding (kulis.az, ailem.az, and avtolent.az), and three from the Daily Telegraph group (kult.az, izvestiya.az, and tabloid.az). These closures were not political in nature, but they illustrate the financial pressures affecting online media.³⁷

Extensive and coordinated trolling continues to be a problem in Azerbaijan, with new social media accounts opening on a regular basis targeting sources critical of the government. Researchers report the intensity and amount of coordination behind this activity has increased, suggesting that the government has adopted a policy of actively manipulating online discussions. In advance of the launch of the European Games, which Azerbaijan hosted in June 2015, progovernment youth groups were deployed to troll international media outlets and foreign and local critics online, particularly on Twitter. These trolls and bots refuted any antigovernment and anti-Aliyev content, often using violent or degrading language. Some were students from Baku State University, Azerbaijani Diplomatic Academy, University of Languages, and Slavic University, according to their profiles. Others were members of progovernment youth movements such as AGAT (Integration of Azerbaijani Youth to Europe) and the youth branch of the ruling party, Yeni Azerbaijan.

Digital Activism

Activists continue to use social media platforms to disseminate information and organize campaigns, though the impact is fairly limited.

During the coverage period, several online campaigns attracted support from Azerbaijani netizens. The most recent was sparked by a series of protests which shook the country in January 2016. Residents of more than a dozen administrative districts took to the streets demanding jobs, food, and sharing their frustration about price hikes. While none of the existing media outlets covered the protests, information circulated online via independent online media outlets and social media, including video footage. Radio Liberty surveyed Baku residents who said the internet was their main source of information about the protests.³⁸

Another popular campaign followed the arrest of well-known investigative journalist Khadija Ismayilova on December 5, 2014 on trumped up charges of inciting a former colleague to commit suicide. In February 2015 she was charged with additional crimes of tax evasion, abuse of power, and illegal

36 Reporters Without Borders, "Deprived of income, Azerbaijan paper is forced to stop publishing," June 20, 2014, <https://rsf.org/en/news/deprived-income-azerbaijan-paper-forced-stop-publishing>.

37 "Six Websites in Azerbaijan Closed" *Qafqaz Info*, March 2, 2015, <http://www.qafqazinfo.az/xeber-azrbaycanda-alt-sayt-baland-t113692.html>.

38 "What happened in Siyazan anyway? TV won't show anything," *Azadliq*, January 15, 2016 <http://www.azadliq.org/media/video/27488179.html>.

entrepreneurship in retaliation for her reporting. The #FreeKhadija hashtag was used widely to share news, statements, and updates on her case until her release in May 2016.

Violations of User Rights

Authorities continue to prosecute and arrest online activists and journalists as a means of stifling dissent and activism, and target remaining independent online media outlets with bogus criminal charges. Government surveillance and monitoring of social media accounts continues to be an issue. Many activists and opposition party members who are arrested or detained report that police have referenced their online communications during interrogations. The former minister of Communications and High Technologies announced that services Facebook, WhatsApp and Skype would require a license to operate in Azerbaijan, illustrating the government's intention to monitor and control online communication.

Legal Environment

While the right to freedom of expression is guaranteed in the constitution and Azerbaijan is a signatory to binding international agreements, including the International Covenant for Civil and Political Rights and the European Convention on Human Rights, the government frequently fails to protect the right to freedom of expression, both offline and online.

Libel is the most common criminal charge used against journalists. In 2013, a court ruled that social media was subject to libel laws as a form of mass media when it sentenced Mikail Talibov, a former bank employee, to one year of corrective labor for criticizing his former employer on Facebook.³⁹ Under legal amendments passed on May 14, 2013, defamation committed online falls under the criminal code, punishable by up to six months in prison, or up to three years for aggravated defamation. Furthermore, it is now possible for the Prosecutor and the Ministry of Interior to initiate an investigation based on content posted on Facebook.⁴⁰ The same amendments increased the duration of administrative detentions from 15 days to 3 months. Administrative detentions, which can be issued for charges such as disorderly conduct, have been used to punish activists and journalists.

Prosecutions and Detentions for Online Activities

Online activists and journalists are most often prosecuted based on trumped up charges, including drug possession, hooliganism, and, more recently, treason, tax evasion, abuse of authority, and embezzlement. In March 2016, President Aliyev pardoned a number of imprisoned activists, including blogger Omar Mammadov, political activist Sirac Karimov, and rights defender Rasul Jafarov.⁴¹ However, many website administrators, editors of online news outlets, and bloggers in Azerbaijan remain in jail for their online activities. In some cases, authorities have also harassed activists' family members.

39 "In Azerbaijan, bank tied to EBRD breaks seal on controversial libel law," *Radio Free Europe/Radio Liberty*, August 21, 2013, <http://www.rferl.org/content/azerbaijan-ebird-libel-law/25082305.html>.

40 "Can pages humiliating state officials be closed?," *Azvision*, June 6, 2015, <http://www.az.azvision.az/news.php?id=62722>.

41 Amnesty International, "Azerbaijan release of 10 prisoners of conscience is a glimmer of hope for those still behind bars," March 17, 2016, <http://www.amnestyusa.org/news/press-releases/azerbaijan-release-of-10-prisoners-of-conscience-is-a-glimmer-of-hope-for-those-still-behind-bars>.

The following activists and journalists were charged, investigated, arrested, or sentenced during the coverage period for their online activities:

- Fuad Gahramanli, deputy chair of the Whole Azerbaijan Popular Front Party, was arrested December 8, 2015 and was accused of making pro-Nardaran statements on Facebook. He was charged under Article 281 of the Criminal Code (making anti-government statements) and 283 (instilling national, religious, and racial hatred). Furthermore, those who “liked” his posts were called in to testify.⁴² On March 15, 2016, Gahramanli was further charged with inciting mass disorder (Article 220.2). Gahramanli remained in prison with hearings ongoing in mid- 2016.
- In April 2016, prosecutors launched a criminal investigation against independent Berlin-based online media outlet, Meydan TV, on allegations of illegal business activities, tax evasion, and abuse of power. Fifteen individuals were named in the investigation; some were subject to questioning and had their homes searched.⁴³
- Mehman Huseynov, a well-known critical blogger and brother of Emin Huseynov, the exiled former director of the Institute for Reporters’ Safety and Freedom, was detained on November 29, 2014, when his passport and national ID were taken away from him. He remains without documents, cannot leave the country, and is facing criminal charges for hooliganism and resisting police in an ongoing investigation.
- Khalid Khanlarov, a student and blogger, was arrested on January 23, 2016, and served 25 days of administrative detention for resisting police. The Ministry of Internal Affairs had questioned him about his activities on social networks before his arrest.⁴⁴ Khanlarov administers the satirical Facebook page “Ditdili,” which is critical of the government. Khanlarov’s lawyer Shahla Humbatova, who was initially barred from seeing her client in prison, said Khanlarov was pressured to write a confession under threat of a longer jail sentence.⁴⁵
- Huseyin Azizoglu, a well-known video blogger, was arrested on January 8, 2016 and sentenced to 15 days of administrative detention. Azizoglu shared videos which were critical of law enforcement in Azerbaijan through YouTube and his Facebook page, “Three Faces” (Uc uz). Two days after his arrest, videos ridiculing law enforcement were removed from his social media pages, though his work can still be found through other YouTube accounts.⁴⁶ The police made no official statements about the reasons for Azizoglu’s arrest.

Despite the presidential pardons of March 2016, many online activists remain in prison, serving particularly long sentences. These include:

42 “Like” edenler sahid kimi dindirilib, [Those who “liked” were questioned as witnesses], *Azadliq*, June 29, 2016, <http://www.azadliq.org/a/fuad-qehremanlinin-istintaqi/27827603.html>.

43 Committee to Protect Journalists, “Azerbaijani Authorities Open Criminal Investigation into Meydan TV,” April 22, 2016, <https://cpj.org/2016/04/azerbaijani-authorities-open-criminal-investigatio.php>.

44 “Blogger Khalid Khanlarov Barred from meeting with lawyer”, *Meydan TV*, February 1, 2016, <https://www.meydan.tv/en/site/politics/11582/Blogger-Khalid-Khanlarov-barred-from-meeting-with-lawyer.htm>.

45 Arzu Geybulla, “How government of Azerbaijan Educates its outspoken bloggers,” *Flying Carpets and Broken Pipelines*, [Blog] February 3, 2016, <http://flyingcarpetsandbrokenpipelines.blogspot.com/2016/02/how-government-of-azerbaijan-educates.html?spref=tw>.

46 “In oil rich Azerbaijan people protest government responds with arrests,” *Global Voices*, January 16, 2016 <https://globalvoices.org/2016/01/17/in-oil-rich-azerbaijan-people-protest-government-responds-with-arrests/>.

- Abdul Abilov remains in prison serving a five-and-a-half year sentence after being arrested in 2014 on drug charges. Abilov was known for his online political activity and criticism of authorities.⁴⁷
- Araz Guliyev, former editor and writer for the religious website Xeber44.com, is serving an eight year sentence after being arrested in 2012 and convicted of various offences including insulting the national flag of Azerbaijan and inciting religious and ethnic hatred.⁴⁸
- Ilkin Rustamzade is serving an eight year sentence for hooliganism and inciting a riot after participating in a “Harlem Shake” YouTube video. Rustamzade was arrested in 2013 and was known for his criticism of the government through the Free Youth Organization.⁴⁹
- Nijat Aliyev remains in prison after being arrested in 2012, serving a ten year sentence for drug possession and illegal distribution of religious material. Aliyev was the editor-in-chief of news website Azadxeber.az (“free news”).⁵⁰
- Rashad Ramazanov is currently serving a nine year prison sentence after being arrested in May 2013 on drug charges. Ramazanov had worked as a blogger and activist who frequently criticized the government online.⁵¹

Surveillance, Privacy, and Anonymity

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 suggests that extensive online surveillance is highly likely. Most internet 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.” The unclear parameters for what constitutes preventive action leaves 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.

Rashi Hajili, the director of the Media Rights Institute, reports that the internet is heavily monitored by the government. The Ministry of Communications requires all telecom companies to make available their equipment and special facilities to the National Security Service (formerly Ministry of National Security). Mobile companies are known to surrender the content of users’ phone conver-

47 “Azerbaijan Jails Opposition Blogger,” *Radio Free Europe/Radio Liberty*, May 27, 2014, <http://www.rferl.org/content/azerbaijan-jails-opposition-blogger/25400283.html>.

48 Council of Europe, “Senior Journalist Araz Guliyev Sentenced to Eight Years in Prison in Azerbaijan,” April 1, 2015, <http://bit.ly/226Z61Z>.

49 Human Rights Watch, “Azerbaijan Government Repression Tarnishes Chairmanship,” September 29, 2014, <https://www.hrw.org/news/2014/09/29/azerbaijan-government-repression-tarnishes-chairmanship>.

50 Ref World, “2015 Prison Census: Nijat Aliyev,” December 14, 2015, <http://www.refworld.org/docid/56701f31.html>.

51 Human Rights Watch, “Azerbaijan Bgus Drug Charges Silence Critics,” May 27, 2015, <https://www.hrw.org/news/2013/05/27/azerbaijan-bogus-drug-charges-silence-critics>.

sations without a court order. For example, a mobile phone operator provided the Ministry of Investigation with journalist Parviz Hashimli's communications, resulting in a prison sentence.⁵² He was released in the March 2016 amnesty.

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 intelligence technology and surveillance company Hacking Team. RCS spyware allows anyone with access to activate a computer's webcam and microphone and steal videos, documents, contact lists, emails, or photos. The spyware has been used by governments around the world to spy on dissidents. In July 2015, leaked documents from Hacking Team revealed that the government of Azerbaijan was also a client.

All mobile phones in Azerbaijan must be registered, including the SIM card, phone serial number, and mobile network number. This requirement was introduced by the Cabinet of Ministers in December 2011—without parliamentary approval. Mobile service providers are required to limit service to any unregistered devices.

In August 2015, MCHT said it will require some social media and instant messaging services, including Facebook, WhatsApp, Skype, and Viber, to obtain a license in order to operate in Azerbaijan. The former Minister of High Communication Technologies, Ali Abbasov, stated that the new regulations are necessary due to the companies' mass data collection capacity, and that it would not impede their operations.⁵³ News reports said the government was negotiating with the companies over the possible requirement. Legislation in Azerbaijan subjects some communications services to licensing, but not the social networks in question.⁵⁴ It remains unclear what the license is intended to achieve, though some commentators have speculated that it will be used to give authorities greater leverage over tech companies.⁵⁵ The requirement had not been introduced in mid-2016.

The personal data law regulates the collection, processing, and protection of personal data (name, surname, patronymic, date of birth, racial or 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.

Intimidation and Violence

Most harassment against online activists manifests in the form of arrests, detentions, and interrogations. The government of Azerbaijan also uses travel bans against activists and human rights defenders like Mehman Huseynov (see Prosecutions and Detentions for Online Activities), as well as members of non-governmental organizations.

Physical attacks and threats of violence against internet users have also become increasingly common in Azerbaijan. Emin Mili, the founder of Meydan TV, received death threats from Azerbaijan's

52 "TeliaSonera's behind-the-scenes connection to Azerbaijani president's daughters," *Radio Free Europe/Radio Liberty*, July 15, 2014, <http://www.rferl.org/content/teliasonera-azerbaijan-aliyev-corruption-investigation-occrp/25457907.html>

53 "Azerbaijan begins negotiations with social networks," *Report.az*, August 27, 2015, <http://report.az/i-kt/azerbaycan-sosial-sebekelerle-danisiqlara-baslayib/>.

54 "Idea of Licensing Skype, Facebook, and WhatsApp in Azerbaijan Unfounded," *Contact*, August 8, 2015, <http://contact.az/search/document.php?id=62574&vr=en#>.

55 "The secret of the new regulation over social platforms finally revealed," *Bizimyo!*, August 28, 2015, <http://www.bizimyo!.info/news/59832.html>.

Minister of Youth and Sport in relation to his website's critical coverage of the European Games.⁵⁶ Freelance journalists reporting for Meydan TV from within Azerbaijan have also faced harassment by authorities. In September 2015, Meydan TV reporters Izolda Aghayeva, Natiq Javadli, and Javid Abdullayev were questioned by the Serious Crimes Investigation Department of the General Prosecutor's Office regarding their coverage of protests in Mingachevir the previous month. However, the majority of the questioning concerned the activities of Meydan TV.⁵⁷

In August, 2015, Rasim Aliyev, a freelance reporter and chairman of the Institute of Reporters' Freedom and Safety, died from internal bleeding after being attacked by the relatives of a soccer player, Javid Huseynov, who Aliyev had criticized on Facebook. Though Aliyev had reported threats he had been receiving online to authorities prior to the attack, no measures were taken to protect him⁵⁸. Huseynov was found guilty of the murder; however, he was released from prison in October 2016.

Independent journalists and activists are often the targets of intimidation campaigns involving the use of illicitly obtained intimate footage and images, as was famously the case with investigative journalist, Khadija Ismayilova.⁵⁹ In June 2016, Arastun Orujlu, an employee of the Ministry of National Security claimed that the former Minister of National Security was in possession of over 2500 sex videos depicting Azerbaijani men and women.⁶⁰

Technical Attacks

A number of opposition news websites continue to be subject to cyberattacks, resulting in temporary shutdowns. These include the news websites *Yeni Musavat*, *Azadliq* and the Radio Free Europe/Radio Liberty local service, *Azadliq Radiosu*. The majority of attacks occur during politically sensitive events, such as elections. As a result, opposition papers subject to attack have speculated that the cyberattacks were launched by the Ministry of Defense. The ministry, however, denies these allegations.

The website *Islamazeri.az* reported experiencing cyberattacks in November and December 2015, coinciding with the clashes in Nardaran. The website reported that the cyberattacks stopped after they complained to the Ministry of National Security. However, the website was subsequently blocked (see Blocking and Filtering).⁶¹ In January 2016, the website's Facebook page, which has 17,000 followers, was hacked and provocative material was posted on the page by the hackers.⁶² On February 1, 2016, *Cenub News* said it was facing cyberattacks, making its content inaccessible for some days before access was restored. That site was also subject to blocking (see Blocking and Filtering). The website had been blocked previously a month prior to this incident and continued operating through a new IP address and server. Five days later, Delta Telecom blocked this new IP as well.

56 "Support independent media in Azerbaijan," *Washington Post*, August 20, 2015, <http://wapo.st/1E9NeXj>

57 "The main issue was Meydan TV, Mingachevir was an excuse," *Meydan TV*, September 3, 2015, <https://www.meydan.tv/en/site/society/7880/>.

58 "Murky circumstances of sportswriter Rasim Aliyev's death yet again shame Azerbaijan," August 16, 2015, *The Independent*, <http://www.independent.co.uk/sport/football/news-and-comment/murky-circumstances-of-sportswriter-rasim-aliyevs-murder-yet-again-shame-azerbaijan-10458456.html>.

59 Max Fisher "Intimate videos emerge, again, of reporter investigating Azerbaijan president's family," *The Washington Post*, August 7, 2013, <http://wapo.st/2e9234W>.

60 "hazirda Eldar Mahmudov kimlerse terefinden himaye olunur" [Someone is protecting Eldar Mahmudov at the moment], *Xeber Info*, June 21, 2016, <http://xeberinfo.com/24243-hazirda-eldar-mahmudov-kimlerse-terefinden-himaye-olunur.html>.

61 "Islamazeri statement," *Islam Azeri*, January 28, 2016, <http://islamazeri.az/islamazeriaz-muraciet-yaydi--30597.html>

62 "Islamazeri statement," *Islam Azeri*, January 28, 2016, <http://islamazeri.az/islamazeriaz-muraciet-yaydi--30597.html>

In December 2015, Azerbaijan's Parliament reported cyberattacks on the parliament's website, claiming that Armenian hackers were responsible. Additionally, the Ministry of Labor and Social Protection Services and the Ministry of Emergency Situations reported cyberattacks on its websites during the same month.⁶³

On a state level, protection of Azerbaijan Internet from cyberattacks is monitored by the Computer Emergency Response Team (CERT) which was set up in 2010 and functions under the Special Security Service's Special Communication and Information Security State Agency.⁶⁴ On December 10, 2014, AzNet announced that the American company Arbor Networks – a security solutions provider for network operators and large corporations—would provide network protection for AzNet due to ongoing attacks and, more recently, distributed denial-of-service (DDoS) attacks of 85 Gbps capacity on the network of mobile operators in Azerbaijan. DeltaTelecom also announced its decision to sign up for an additional protection against DDoS attacks.

63 "New threats to Azerbaijan's security," ANS, December 29, 2015, <http://www.anspress.com/siyaset/29-12-2015/azerbaycanin-tehlukesizliyine-yeni-tehdid>.

64 "In Azerbaijan cyberattacks originate from the countries with most developed internet infrastructure," *Trend*, April 9, 2014, <http://az.trend.az/business/it/2261138.html>.