

# Azerbaijan

	2014	2015		
<b>Internet Freedom Status</b>	Partly Free	Partly Free	<b>Population:</b>	9.5 million
Obstacles to Access (0-25)	14	13	<b>Internet Penetration 2014:</b>	61 percent
Limits on Content (0-35)	17	19	<b>Social Media/ICT Apps Blocked:</b>	No
Violations of User Rights (0-40)	24	24	<b>Political/Social Content Blocked:</b>	No
<b>TOTAL* (0-100)</b>	<b>55</b>	<b>56</b>	<b>Bloggers/ICT Users Arrested:</b>	Yes
			<b>Press Freedom 2015 Status:</b>	Not Free

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- New regulations restricting media outlets' and non-governmental organizations' ability to receive foreign funding has forced some media sites to close down, decreasing the diversity of content online (see **Media, Diversity, and Content Manipulation**).
- More online activists were arrested on trumped-up charges as the government continued its crackdown against human rights groups, opposition parties, and independent journalists (see **Prosecutions and Detentions for Online Activities**).
- Self-censorship continues to pervade the online sphere as intimidation rose due to arrests and detentions of online activists and journalists (see **Media, Diversity, and Content Manipulation**).

## Introduction

Despite the government's continued insistence that the internet in Azerbaijan is free and that the authorities do not engage in censorship,<sup>1</sup> there is a stark difference between this characterization and the reality for many internet users in Azerbaijan who have witnessed an increasing crackdown against activism in the country, both online and offline. While the government does not extensively block online content, pro-government trolling continues to distort political discussions, and arrests and intimidation tactics used against netizens and their families over the last few years have threatened online activism. In addition, new amendments to the law on nongovernmental organizations and the law on mass media have made it easier for the government to target critical voices by restricting funding and obtaining court orders to close media outlets.

The crackdown against online activists and journalists became a common practice shortly after 2011 and the Arab Spring. Inspired by the protests around the world, a group of young Azerbaijanis organized protests, using Facebook as their main organizing tool. The repercussions were grave. A number of them were arrested and detained, and police were stationed all across the capital of Baku, monitoring groups of more than five people. Soon after, online activists became clear targets at the hands of the government. This curbing of dissent continued over the course of the coming years, with an unprecedented level of arrests occurring in 2014. A number of prominent journalists, activists, bloggers, civil society activists and human rights defenders were arrested on trumped-up charges. Fearing a spillover of protests from the Euromaidan events in Ukraine, authorities jailed over thirty high profile Azerbaijani citizens between May and December of 2014, some of whom were targeted for their online activism.

Despite these limitations, during this report's coverage period the internet remained a more open platform for information-sharing and political dissent compared to the independent broadcast or print media outlets, which were forced to shut down or continue their work via their online presence. Facebook continues to serve as an important source of information for Azerbaijani citizens to expose the corruption and the on-going clampdown, particularly as the country prepared to host the inaugural European Games in June 2015.

## Obstacles to Access

*There has been little improvement to the internet infrastructure in Azerbaijan over the past year, and internet access remains expensive for the majority of the population. The discussions about introducing a countrywide broadband connection and lowering internet costs have led to virtually no results. However, prior instances of communications platforms being blocked by the government, such as the blocking of the image-sharing platform Imgur in 2013, did not occur during this coverage period.*

## Availability and Ease of Access

Internet access in Azerbaijan continues to expand, while costs and slow speeds remain barriers. Based on the most recent report on the percentage of individuals using the internet released by the ITU, the internet penetration rate in Azerbaijan reached 61 percent by the end of 2014, compared

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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 Rədiosu*, June 24, 2016, <http://bit.ly/1GkAVmk>.

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to 59 percent in 2013 and 27 percent in 2009.<sup>2</sup> A recent World Bank report concluded that the number of high-speed connections (those over 4 Mbps) is less than 10 percent of all connections in the country, with a very small increase in broadband connections over the last two years. According to Akamai, the average internet connection speed in Azerbaijan was 2.7 Mbps in 2014.<sup>3</sup> As a result, any kind of socioeconomic benefits associated with a higher speed connection such as online job creation, skills development, attracting foreign direct investment, and so on, remain low.<sup>4</sup>

A government initiative to introduce countrywide broadband internet access by 2017 with speeds in the range of 10-100 Mbps remains on the agenda, with the starting date shifting to 2015 rather than 2014 as originally planned. The total cost of the project is estimated at more than AZN 450 million (US\$550 million, before the devaluation of the Manat). To date, there has been little progress in expanding broadband access.

While the Ministry of Communication and High Technologies (MCHT) claims that Azerbaijan leads countries in the region with regard to number of internet users, the country does not perform as well comparatively when it comes to indicators like cost and speed. According to Osman Gunduz, the head of the Azerbaijan Internet Forum, significant milestones were achieved in providing the country with better and cheaper internet; however, in comparison to its neighbors like Russia, Ukraine, Georgia and others, Azerbaijan lags behind not only in providing its users with fast internet but also with keeping costs down. While internet users pay US\$25-75 for 4-8 Mbps unlimited ADSL connections in Azerbaijan, in Russia the same speed connection costs only US\$7-12. Similarly, the 4-8 Mbps unlimited fiber-optic connection costs US\$25-50 in Azerbaijan and only US\$8 in Russia. It costs Azerbaijani users US\$150 to purchase a 30 Mbps unlimited fiber-optic connection when in Russia the same connection costs only US\$12-14. The vast majority of connections in Azerbaijan are based on ADSL, with Wi-Fi, WiMAX, 3G and 4G just starting to become widespread.

A recent World Bank report indicates that while high computer prices are a leading factor in low internet access across the country, mobile phone connections also remain limited. Twenty-nine percent of all households are connected to the internet via mobile phone connections, but further investigation reveals that the average household in Azerbaijan's lower income bracket (lowest 40 percent of the total population by income) needs to allocate 21 percent of their monthly disposable income to afford the cheapest mobile broadband package, and 28 percent of monthly disposable income for the cheapest fixed broadband package.<sup>5</sup>

Poor telecom infrastructure along with low ICT literacy, expensive computer equipment and high tariffs for satellite connections (owned by the MCHT) remain key obstacles to ensuring greater access across the country.<sup>6</sup> Adding to the low public awareness is the rural-urban wage gap in Azerbaijan, as well as disparities in fixed telephone coverage. Over 80 percent of all landlines are concentrated in the urban areas, with 47 percent of all fixed landlines located in Baku. This gap has not changed over the last decade. There are parts of the country where only one rural family out of twelve has a telephone line.<sup>7</sup>

2 International Telecommunication Union, "Percentage of Individuals Using the Internet," 2009, 2013, 2014, <http://bit.ly/1cblxxY>.

3 Akamai, "State of the Internet 2014," <http://akamai.me/1F15Uhs>.

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

5 *A Sector Assessment: Accelerating Growth of High-Speed Internet Services in Azerbaijan*, 16.

6 Peter Evans, *Azerbaijan – Telecoms, Mobile and Broadband*, BuddeComm, September 21, 2015, <http://bit.ly/1LmkZrk>.

7 *A Sector Assessment: Accelerating Growth of High-Speed Internet Services in Azerbaijan*, 23.

## Restrictions on Connectivity

There were no cases of intentional disruptions to internet or mobile phone service during the coverage period, although there have been localized government-imposed restrictions in previous years. The Ministry of Communication and High Technologies (MCHT) 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>8</sup>

In the run-up to the presidential election in October 2013, there were reports that several internet cafes were closed down by the Azerbaijani authorities in Azerbaijan's Autonomous Republic of Nakhchivan. The Institute for Reporters' Freedom and Safety (IRFS) reported that internet cafes were subject to closure beginning on August 23, 2013. According to the report, internet cafe owners said the MCHT of Nakhchivan issued these orders in an attempt to curb online dissent ahead of the elections. Local residents reported that there is an existing monitoring mechanism and people's internet activity is closely monitored. In a country with a poor human rights record, restricted political liberties, 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>9</sup>

Wholesale access to international gateways is maintained by companies with close ties to the government. Only two operators in Azerbaijan are licensed to connect international IP traffic: AzerTelecom and Delta Telecom. Delta Telecom is the main distributor of traffic to other ISPs and is also a transit operator of Azerbaijan's segment of the Europe Persia Express Gateway (EPEC). Delta Telecom owns the country's internet backbone and has external fiber-optic connections with Russia (via TransTelecom) and with Turkey (via RosTelecom). It also controls the only Internet Exchange Point (IXP) in Azerbaijan and charges the same amount for local and international traffic. The second licensed operator, AzerTelecom, has a fiber-optic cable network covering all major regions in Azerbaijan, including the autonomous republic of Nakhchivan.

## ICT Market

The ICT market in Azerbaijan is fairly concentrated: 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 ISPs, including three state-owned providers: AzTelekomnet (Azertelecom), BakInternet and Azdatakom.<sup>10</sup> 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 MCHT and whose shareholders include Azerfon, which has links to the president's daughters.<sup>11</sup>

8 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. See, The Expression Online Initiative, *Searching for Freedom: Online Expression in Azerbaijan*, November 2012, <http://bit.ly/1Oai45j>.

9 Institute for Reporters' Freedom and Safety, "Internet cafes shut down in Azerbaijan's Nakhchivan Autonomous Republic," IFEX, August 30, 2013, <http://bit.ly/1iOdA70>.

10 Azerbaijan Internet Forum, "Nə üçün İnternet qiymətləri bahadır və nə üçün İnternet keyfiyyətsizdir?" [Why Internet costs are high and why is internet poor quality] March 11, 2014, <http://bit.ly/1iOdF10>.

11 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>.

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Azertelecom completed its fiber-optic network in 2011 and is now competing for Delta Telecom's business.<sup>12</sup> More recently, Azertelecom's revenues have dipped as Azerbaijani users are increasingly turning to Skype or other Voice over Internet Protocol (VoIP) services for cheaper phone calls.<sup>13</sup>

Despite the fact that over 30 ISPs operate in the country, the state-owned companies control over 56 percent of the market share. The market base is split along geographical lines. AzTelekomnet (the former Aztelekom) serves the Azerbaijan regions, and BTRIB (Baku Telephone Production Association) serves the capital.<sup>14</sup>

The country's fixed broadband market is still in its emerging phase. There exists little equality in particular between operators. The lack of regulatory reform also inhibits development of the sector. Government control, high internet prices, and the influence of the Ministry of Communications and High Technologies (MCHT) over two of the largest operating companies are concerns for local and foreign investors.

### Regulatory Bodies

The government of Azerbaijan continues to play a leading role in regulating the market, both through the state-owned companies and through government institutions. All internet service providers are regulated by the Ministry of Communication and High Technologies (MCHT, formerly the Ministry of Communication and Information Technologies), which lacks independence. The MCHT is responsible for establishing and enforcing policies related to the ICT sector, and reports to the government on how much financial support should be allocated for the sector.<sup>15</sup>

### Limits on Content

*The government has yet to implement systematic or widespread blocking or filtering of websites or social networks. YouTube, Facebook, Twitter and international blog-hosting services are freely available. However, the government continues to resort to other measures to limit freedom of expression online, particularly the intimidation and arrest of internet users on trumped-up charges leading to self-censorship (see Violations of User Rights). Over the past year, the government has also ramped up economic pressures, such as regulations restricting foreign funding and donations to organizations in Azerbaijan, effectively cutting off funding to a number of media outlets.*

### Blocking and Filtering

The government does not engage in extensive blocking or filtering of online content, instead relying primarily on legal, economic, and social pressures to discourage critical media coverage or political activism. Websites that have been blocked in the past include satirical websites, petitions, and other content criticizing the government. Over the past few years, blocked websites have included *Eqreb*, a satirical website originally blocked in 2010; *Tinsohbeti*, a website that "offered a mix of straight polit-

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

13 Shahin Abbasov, "Azerbaijan: Baku moving to restrict online free speech?" Eurasianet, May 25, 2011, Eurasianet.org, <http://bit.ly/1PPRgVF>.

14 *A Sector Assessment: Accelerating Growth of High-Speed Internet Services in Azerbaijan*, 19.

15 Ministry of Communication and high Technologies, "Department of Regulation," [in Russian] <http://bit.ly/1iOexw1>.

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ical commentary and a good dose of caricature, usually of the President Aliyev,"<sup>16</sup> which was blocked in 2005 shortly after it began publishing; and Susmayaq.biz, an online petition calling for a reduction in energy prices, which was blocked shortly after it began operating in 2007. Access to these websites today is no longer possible as their domains have expired.

There is still no established process through which affected entities can appeal in cases where opposition websites or other materials have been blocked, and there is still no information on the total number of blocked websites in Azerbaijan. Decisions to block online content are not transparent, and when users try to access blocked websites 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.

### Content Removal

In addition to sporadically blocking websites, the government has succeeded in removing several social media pages that produce political satire or are otherwise critical of the Aliyev government. In general, authorities rely on pressure and threats (rather than court orders or other takedown procedures) to remove unwanted content: some activists who are administrators of social media websites targeted by the government have subsequently deleted their pages after having been arrested or detained for questioning.

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 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 to define the rights and obligations of public bodies and local authorities, individuals, and legal entities operating in this area.<sup>17</sup> Additionally, both the MCHT and the Ministry of Education run a hotline program to uncover allegedly illegal and dangerous content.<sup>18</sup>

### Media, Diversity, and Content Manipulation

The ongoing government crackdown against independent and opposition media outlets—in addition to arrests of online activists over the past few years—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. Netizens are fully aware of the consequences of expressing controversial online opinions. The growing environment of fear has pushed many individuals online and offline to either keep their thoughts to themselves or limit their opinions to non-political issues.

16 Arzu Geybullayeva, "Throwing Spitballs From Berlin," *Transition Online*, May 2, 2012, <http://bit.ly/1QMSLnG>.

17 The Republic of Azerbaijan Ministry of Communications and High Technologies, "Personal Data," August 8, 2014, <http://bit.ly/1OaowcN>.

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

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To counter longstanding restrictions on media freedom, alternative online platforms emerged and expanded beginning in 2005, and the Azerbaijani blogosphere blossomed in subsequent years. Blogs critical of the government gained popularity following the 2008 presidential elections. Local BarCamps (user-generated technology conferences) and the introduction of Azerbaijani language blogging platforms also helped create alternative spaces of information on many subjects ignored or distorted by traditional media. The impact and importance of a free and open internet has become even more vital in the past year with the closure of remaining independent media outlets like the Radio Free Europe/Radio Liberty's Azerbaijani service and the blocking of foreign funding to the local non-governmental organizations and media outlets. However, the ability for online bloggers and activists to produce and disseminate controversial content online is threatened by government pressure, thus limiting the diversity of content available in the online sphere.

The limits imposed on independent or opposition media outlets make it extremely difficult for them to maintain enough stable advertising to sustain the platform. Often, large businesses and companies shy away from working with these outlets for the fear of losing their business license or receiving other unwanted pressure from the government.

Additionally, new amendments 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 restricting the space for the civil society operations. Further, in February 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.<sup>19</sup> The complicated new requirements for receiving grants prevented a number of online media outlets from continuing their work. Outlets such as Mediaforum.az, Obyektiv TV, Channel 13, and Zerkalo/Ayna all had to cease operations in light of the new restrictions.

The vast majority of existing online media outlets publish news in favor of the government. Although there is no direct influence by the government over these platforms, the owners and managers of these outlets dictate the content, making sure no content is critical toward the government or government policies. Often, media owners have strong ties to the government or are affiliated with some high-ranking official within the government.

Online trolling continues to be a problem in Azerbaijan and has become more extensive and more coordinated over the last five years. Research into pro-government trolling in Azerbaijan notes the increase in intensity and coordination of responses, suggesting that the government has moved from viewing the online sphere with apathy toward adopting a policy of actively manipulating online discussions.<sup>20</sup>

In advance of the launch of the European Games, which were held in Azerbaijan in June 2015, international criticism of the country's rights record grew. While nearly all progovernment media outlets were actively engaged in refuting any claims about the country's deteriorating human rights record, a group of progovernment youth was deployed to troll international media outlets and foreign and local critics in online spaces, particularly on Twitter. These trolls and bots refuted any antigovernment and anti-Aliyev articles, comments, and statements online, often using violent or degrading

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<sup>19</sup> Reporters without Borders, "Yet Another Intimidatory Signal to Independent News Media," February 10, 2015, <http://bit.ly/1Jz21fj>.

<sup>20</sup> Katy E. Pearce, "The Best Defense is a Good Offense: The Role of Social Media in the Current Crackdown in Azerbaijan," *Caucasus Analytical Digest*, no. 70, (February 26, 2015) <http://bit.ly/1QMST6A>.

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language. A brief look at the profiles of these Twitter users showed some of them were students of the Baku State University, Azerbaijani Diplomatic Academy, University of Languages, and Slavic University. Others were members of such progovernment youth movements as AGAT (Integration of Azerbaijani Youth to Europe) and the youth branch of the ruling party, Yeni Azerbaijan.

### Digital Activism

Despite the shrinking space for independent media online and the crackdown against online activists over the past two years, activists continue to use social media platforms to disseminate information and organize campaigns, though the impact is fairly limited.

The most popular online campaign during the report's coverage period was organized shortly after a deadly fire in the capital of Baku that killed 15 people. On May 19, 2015, a fire ripped through a 16-story apartment building due to the poor quality of the building's external cover. Over 200 buildings are covered with the same poor quality external cover as a result of a mass beautification attempt by the city administrative office. The campaign "#oYanaq" ("let's wake up") was created and used widely to call on the government to take responsibility for the fire and the deaths of innocent residents, as well as to demand the tearing down of all other similar covers. The discussions on Facebook between angry and frustrated residents of Baku prompted emergency meetings on the government level; however, many buildings around the capital remained covered and as of the end of May, the local authorities were yet to finalize the removal of the covers.

Additionally, in the run-up to the European Games, a Facebook page was started called "Refuse being a volunteer at the European Games,"<sup>21</sup> a new campaign drawing attention to the corruption behind the upcoming event, and exposing the ongoing crackdown. While it generated much attention, especially among university students who were forced to volunteer in return for grades and exam passes, it did not lead to significant protests. It is likely they were afraid of losing their spots in school or feared repercussions from participating in such a protest action. Nevertheless, given the limited space for gathering and association, this campaign was regarded as a positive development, especially among young men and women in Azerbaijan.

Another popular social media campaign was developed following the death of a young woman Aytac Babayeva, who was brutally stabbed in broad daylight. Her death prompted discussions about violence against women, a taboo topic in Azerbaijan. The hashtags #AytacBabayeva and #AytacBabayevaOlumsuzdur ("Aytac Babayeva is Eternal") were widely used to draw attention to her death and the death of many other women who face violence on a daily basis. A number of community pages were launched on Facebook, each gathering thousands of "likes".

### Violations of User Rights

*The Azerbaijan government continues to arrest and harass internet users as a means of stifling dissent and activism. A number of online activists have been arrested over the past few years, in particular young activists and journalists who post information and opinions critical of the government. Government surveillance and monitoring of social media accounts continues to be an issue: many activists and*

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21 Avrupa Oyunlarında gönüllü olmaqdan imtina et, Facebook Community Page, <https://goo.gl/L04xCa>.

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*opposition party members who are arrested or detained report that police have referenced their online communications during interrogations.*

### 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 Azerbaijani government frequently fails to protect the right to freedom of expression, both offline and online.

Libel is the most common criminal charge used by the authorities against journalists in Azerbaijan.<sup>22</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>23</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>24</sup>

### 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. A number of website administrators and bloggers in Azerbaijan are in jail for their online activities, including Abdul Abilov, who ran a website called “Let’s Say Stop to Toadies;” Omar Mammadov, who created a satirical site called “Snippets from Azerbaijani TV;” Faraj Karimov, whose site was called “Resign,” and others. In some cases, authorities have also gone after family members of activists.<sup>25</sup> The father of Zohrab Hasanov, an Azerbaijani activist living in Germany, was summoned for questioning by the police on March 14. Hasanov is creator of a Facebook page titled “Azerbaijan without dictatorship.”<sup>26</sup> A number of editors-in-chief of online news outlets remain in jail, including Nijat Aliyev and Sardar Alibeyli.

Other activists and journalists were arrested or sentenced during the coverage period for their online activities:

- 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 “Snippets from Azerbaijani

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22 “Azerbaijan Criminal Code: Article 147. Defamation,” Council of Europe, December 12, 2003, accessed August 30, 2012, <http://bit.ly/1N4AmoC>.

23 ARTICLE 19, “Azerbaijan: New legislative amendments further erode rights to freedom of expression and peaceful assembly,” May 16, 2013, <http://bit.ly/1j3248t>.

24 “Azerbaijan Criminalizes online libel and insult,” *Radio Free Europe/Radio Liberty*, May 22, 2013, <http://bit.ly/1N4B6d7>.

25 Facebook fealinin yaxinlari Polis Idaresine cagrilib,” [Family members of Facebook activists called into police] *Azadliq Radosu*, March 14, 2015, <http://bit.ly/1YR5ueT>.

26 Dikturasiz AzƏbaycan, Aserbaidshan ohne Diktatur, Facebook Community Page, <https://goo.gl/0cpSLB>.

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TV,” with some 57,000 followers. On July 4, 2014, Mammadov was sentenced to five years in prison.

- Two brothers, Faraj and Sirac Karimov, were arrested a week apart in July 2014. Both are members of the opposition Musavat party. Faraj was an administrator of a popular Facebook page called “Istefa” (“Resign”) which he created in the run-up to the presidential elections. Sirac Karimov was arrested by mistake instead of his brother a week prior. Despite the fact that the police recognized this mistake, they kept Sirac jailed. On March 16, 2015, Sirac was sentenced to six years on drug possession charges. Faraj was sentenced to six and a half years on May 6, 2015. Both were charged under Article 234 of the Criminal Code (illegal possession and sale of drugs), even though during their interrogations the police questioned them about their political activism, specifically asking Faraj about the Facebook pages he administered. Both brothers denied the charges of illegal drug possession, saying their arrest and sentence was the result of their activism and political views.
- Mehman Huseynov, a young activist, blogger, and photojournalist, was arrested on October 27, 2014, and taken to the Investigation Department of the Prosecutor General for Serious Crimes where he was questioned about his political satire website, and about his brother, Emin Huseynov, who is the former director of the Institute for Reporters Safety and Freedom. He was prevented from leaving the country on November 10 while he was on his way to an OSCE conference in Tbilisi. Emin Huseynov is currently in hiding at the Swiss Consulate in Azerbaijan since August due to government persecution, and was formerly the director of the Institute for Reporter’s Freedom and Safety. Mehman Huseynov was detained again on November 29 when all of his documents (passport and national ID) were taken away from him. He currently has no documents, cannot leave the country and is facing criminal charge for hooliganism and resisting police in an ongoing investigation.

## 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 points to a high likelihood that the government is engaging in extensive online surveillance. 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.”<sup>27</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.

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

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27 Regulations of the Internal Security Main Department of the Ministry of Taxes, Sec. IV, art 6.3, accessed September 5, 2012, <http://bit.ly/1O5zBtV>

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Team.<sup>28</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 *Mam-fakinch*, 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>29</sup> In July 2015, leaked documents from the intelligence technology and surveillance company Hacking Team revealed that the government of Azerbaijan was also a client.

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. 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. More than 13 million mobile phones are currently registered under the new system.

In August 2014, following escalations on the border with Armenia, Member of Parliament Siyavush Novruzov suggested introducing a requirement for users to register on social media and other websites under their own names to avoid “insulting and abusive language” used by people “writing under pseudonyms.”<sup>30</sup> Noyruzov said users would register using their national IDs, claiming this method was already in use in many other foreign countries. Independent observers in Azerbaijan decried this proposal as an infringement on freedom of expression, especially as anonymity is becoming an integral part of debate online. To date, no further attempts have been made in this direction by the authorities following the statement.

## Intimidation and Violence

Physical attacks and violence against internet users became more common since the 2009 case of the “donkey bloggers,” when Emin Milli and Adnan Hajizada—two youth activists and founders of popular youth networks—were assaulted at a restaurant in downtown Baku shortly after posting a video that went viral mocking the government of Azerbaijan. The two men were beaten and later arrested and charged with hooliganism.

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, as well as members of non-governmental organizations. For example, as previously noted, online activist Mehman Huseynov has his passport and his national ID card taken away from him without any further explanation, and he was prevented from leaving the country. Mehman's brother, Emin Huseynov, who is the former director of IRFS, has been in hiding at the Swiss Embassy in Baku since August 2014 due to harassment from the government and the threat of prosecution.

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28 Bill Marczak, et al., “Mapping Hacking Team's ‘Untraceable’ Spyware,” Citizen Lab, February 17, 2014, <http://bit.ly/1kPDo0Y>.

29 Ibid.

30 Durna Safarli, “Will Azerbaijan's Big Brother Plan Work for Web?” The Institute for War and Peace, October 1, 2014, <http://bit.ly/1j33IXN>.

## 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 occurred during politically sensitive events, such as elections.<sup>31</sup> 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.<sup>32</sup>

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, 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.<sup>33</sup>

Between January and February 2015, *Mia.az*, an online pro-government news platform, reported that its website was subject to hacking attacks and was therefore experiencing temporary issues in staying online, forcing the website to close for a short time before reopening. Its editors and management said the attacks took place shortly after the platform published pro-Aliyev articles.

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31 The Institute for War and Peace “News portal attacked by hackers,” August 6, 2013, <http://bit.ly/1heo7Hs>.

32 “Azərbaycan Müdafiə Nazirliyi “Yeni Müsavat” qəzetini məhkəməyə verir,” [Azerbaijan Ministry of Security takes “New Musavat” newspaper to court], *APA Economics*, September 16, 2011, <http://az.apa.az/news/234649>.

33 Nigar Orujova, “AzNet to adopt further protecting measures against DDoS attacks,” *Azernews*, December 10, 2014, <http://bit.ly/1YR7io6>.