

When the Voices Fell Silent

Internet Freedom in Azerbaijan

Institute for Reporters' Freedom and Safety

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Introduction

This report provides an immediate snapshot of the most pressing threats to internet freedom in Azerbaijan and highlights the ways in which Azerbaijani stifle freedom of expression online—for example, choosing to arrest and intimidate online activists as a means of discouraging dissent, while generally blocking very little content.

This report covers the period from July 2014 up until now and examines the state of freedom of expression online at the time when most prominent dissenters have been effectively silenced by the regime. As the current report clearly demonstrates, with the general absence of critical voices offline and restrictions on peaceful assembly and association, the cyberspace has become the exclusive platform for remaining dissent.

The information used in this report was obtained through a combination of desk- and field-based research, subjected to qualitative analysis by the group of experts. In researching for this report, a group of experts undertook fact-finding missions to several regions of Azerbaijan, conducted interviews, monitored court proceedings, monitored media content, and analyzed relevant local and international publications.

Following this introduction, IRFS provides summary of key developments that have happened since August 2014 in the sphere of freedom of expression. The most notable development, Azerbaijan's internet blackout, is described as a case study and followed by a number of recommendations to the Azerbaijani authorities to improve Internet freedom in the country. The report is divided into three chapters. The first chapter addresses the myth that "internet freedom" is guaranteed in Azerbaijan. The second chapter looks at the general state of freedom of expression in the country, focusing on the anti-NGO witch hunt and the imprisonment of prominent human rights defenders and journalists. The third section examines internet freedom in practice and the state of online media in Azerbaijan. The fourth chapter discusses legal repressions and harassment of online activists and journalists.

Key developments

- The introduction of legal restrictions on the Internet in 2013, including measures to criminalize online speech, as well as recent statements by the Ministry of Communications on the need to regulate social networks, represent the further erosion of freedom of expression in Azerbaijan, where 12 journalists and bloggers are already detained or behind bars. Politicians and lawyers have faced defamation charges, fines or other punishments for expressing their opinions on Facebook. The government has still not decriminalized defamation.
- The government has shut down Objective TV, (Obyektiv TV) an independent online news source dedicated to providing alternative human rights news from Azerbaijan. In August 2014, authorities in Baku raided the Objective TV studio and office and confiscated equipment, documents and assets. Objective TV staff have been harassed and interrogated by Azerbaijan's Public Prosecutor office. As a result, Objective TV was forced to cease its operations.
- In summer, the authorities announced a witch hunt against another independent media outlet, Berlin-based Meydan TV. Its Baku offices were raided, and staff were detained and harassed at the Public Prosecutor's office. A top government official has allegedly communicated death threats to Meydan TV's director, whose relatives have been arrested and harassed. The office of Radio Azadliq (Radio Liberty's Azerbaijani Service), which broadcasts online, has also been closed and its staff have faced intimidation.
- In August 2015, Chairman and long-time employee of the Institute for Reporters' Freedom and Safety (IRFS) Rasim Aliyev was brutally attacked by a group of men, allegedly relatives of a soccer player who Aliyev had criticized on his Facebook page. Rasim died in hospital several hours later. Many believe his death was caused by medical negligence. Prior to criticizing the soccer player, Rasim had received threats via social networks in relation to photos of riots he had posted online. Although Rasim reported the threats to the authorities, no action was taken to guarantee his safety. Following Rasim's tragic death, the state-affiliated Press Council and a number of pro-government MPs called for the regulation of online content, and even blamed Rasim for his alleged "lack of professionalism".¹

¹ <http://minval.az/news/123467714>

Case Study: Mysterious Internet blackout in Azerbaijan

On November 16, Azerbaijan experienced a nationwide internet blackout for several hours from about 16.00. The Ministry of Communication and Information Technologies said in a statement that the problem was caused by a fire on one of the main cables at the data center of Delta Telecom Company. The Ministry of Emergency Situations fire service was involved in extinguishing the fire, and the incident is being investigated by law enforcement agencies.

The 6-hour internet outage affected organizations, banks, public and private sector entities, as well as individuals. Services were not restored until 21.00 on November 16, but even after that, the connection speed remained low. During the shutdown, Azercell Telecom services were also unavailable, but the company did not explain why this was the case. Internet access was only available through 3G services provided by Nar Mobile and Bakcell.

Delta Telecom is the largest internet backbone provider in Azerbaijan. Delta Telecom provides services for corporate customers, government agencies, banks, private enterprises, 78% of ISPs in the Caucasus and all ISPs in Azerbaijan.

In short, as a backbone provider, Delta Telecom provides internet services to 90% of the country, the remainder being supplied by the Azer Telecom operator. Both Delta Telecom and Azer Telecom are controlled by ruling establishment, which allows for their full monopoly in the sphere of backbone internet services.

No measures have been taken to build an infrastructure based on alternatives. The new players are not allowed to enter the market. The existence of alternative providers, i.e. competition, could also lead to reduction in internet prices.

Some experts have called the internet blackout a provocation, though Delta Telecom has rejected these claims and reiterated that the problem was caused by fire.

The key to protecting public internet access is the decentralization of internet service providers (ISPs). The internet blackout was a consequence of the state monopoly over provision of access. The government has failed to provide for proportional distribution of internet services by more than one provider, resulting in complete dependency on Delta Telecom.

According to Dyn Research, which tracks global internet connectivity, Azerbaijan is among the countries facing a significant risk of total internet shutdown because of the low number of networks providing Internet access.²

With only two internet providers, both of which are fully controlled by the state, it is a simple step for the Azerbaijani authorities to issue an order to shut down internet

² <http://www.datacenterknowledge.com/archives/2015/11/17/azerbaijans-internet-goes-dark-after-data-center-fire/>

services. In the meantime, this level of centralization also makes it much harder for the government to defend the country's internet infrastructure against a determined opponent, who could potentially cause major damage by hitting just a few targets.

Summary

Although Azerbaijan's President Ilham Aliyev has boasted publicly that the internet is "free" on the basis that the government does not censor content, the information blockade of Nardaran village, 25 km from Baku, makes it clear that the authorities are ready and willing to use this as a tool of repression.

When authorities do feel that public access to the internet poses a threat, i.e. during important political events such as the violent clashes in Nardaran, they go beyond of blocking specific websites and order complete shutdown.

On November 25, the Azerbaijani police arrested Taleh Bagirzade, the leader of the Muslim Unity movement and former political prisoner. As many as 500 residents of Nardaran came out to the city's main square to protest his arrest and demand his release. Clashes with the police broke out, resulting in five deaths among the demonstrators and two among the police; 14 people were arrested. The city residents then threw up barricades and demanded negotiations on the arrests and the return of the bodies of those killed. At that point, the authorities shut off power, telephone lines, broadband and mobile internet connections, leaving Nardaran's population of approximately 10,000 in an information vacuum.

Notwithstanding the case above, state filtering and direct censorship are not major problems in Azerbaijan. The best metric for gauging internet freedom remains the criminal prosecution and intimidation of online activists. Cyber-activists who provide the online audiences with information risk being arrested, harassed, held incommunicado and given long jail terms on bogus charges such as drug possession or hooliganism. A number of online dissidents had been forced – sometimes under torture - to disclose the password and access codes for their online accounts, thus giving authorities full control popular critical websites.

Self-censorship – in some cases replaced with anonymity - pervades the online sphere as intimidation has risen, due to the arrests and detentions of online activists and journalists. When it comes to anonymous websites criticizing the authorities, officials have been successful in requesting this data from social network companies. For example, the authorities managed to identify the administrator of the anonymous satirical page PAZ TV, famous for mocking Azerbaijani officials: Facebook revealed that the page was administered by three Azerbaijani exiles. Although it was not possible for the regime to target these activists directly, they were compelled to tone down the content, fearing for the safety of their family members in Azerbaijan.

In the light of the above, Azerbaijan's internet cannot be considered free, due to the clear technical and political control exerted by the state. During recent months, the government has deployed a more comprehensive strategy to put pressure on online media and prevent citizen unrest related to the economic

crisis and resulting public dissatisfaction. The authorities continue to employ targeted mechanisms of repression to limit online activism and foster self-censorship among online journalists.

Recommendations

IRFS calls on the Azerbaijani authorities to immediately take steps to improve freedom of expression and Internet freedom in the country. Journalists, bloggers, activists and ordinary citizens must be able to freely express themselves and participate in public life without fear of harassment, intimidation, threats, attacks or imprisonment, both on- and offline, in accordance with Azerbaijan's international obligations. Specifically, the IRFS calls on the Azerbaijani authorities to undertake the following steps:

Fulfill its international commitments to freedom of expression (online and offline) and take immediate, concrete steps to create an environment conducive to freedom of expression in Azerbaijan:

- End all forms of impunity for violence against online activists, journalists and bloggers; ensure that all cases are adequately investigated and those responsible are brought to justice.
 - Reverse regressive amendments to internet legislation aimed at limiting the activities of journalists and media outlets.
 - Decriminalize defamation both online and offline.

Decentralization of the internet:

Remove state monopoly on the internet. Move towards more diversity in the Internet infrastructure; remove barriers to broadband investment and competition, give customers more choice in an industry currently characterized with no choice and poor service.

Persecution of cyber dissidents:

- Immediately and unconditionally release all persons in detention or in prison in connection with exercising their right to freedom of expression online, including Abdul Abilov, Araz Guliyev, Faraj Karimli, Hilal Mammadov, Ilkin Rustemzadeh, Khadija Ismayil, Nijat Aliyev, Omar Mammadov, Parviz Hashimli, Rauf Mirkadirov, Rashad Ramazanov, Seymur Hazi, Tofiq Yagublu, and;
- Immediately drop the politically motivated charges against journalist Mehman Huseynov, who has been targeted for his online activism.

National legal framework:

- Reinforce Azerbaijan's international obligations by aligning its Internet policy with the requirements of international law and principles, ensuring that the Internet remains an open and public forum for freedom of expression;
- Establish an independent body to regulate all telecommunications issues;
- Repeal the recently introduced legislative changes criminalizing online defamation, and initiate a legislative reform for decriminalization of defamation
- Ensure transparency in media-ownership structures.

Chapter 1: The Myth of “Internet Freedom”

After gaining independence from the Soviet Union in 1991, Azerbaijan’s first internet infrastructure developments emerged in 1994. In 1996, Internet became available to the public, but only after 2000 did use become widespread. At present, almost 60% of the population has access to the internet. The number of fixed broadband subscriptions increased from 100,000 in 2009 to more than two million into 2015, and this strong growth trends looks set to continue. Mobile broadband subscriptions in particular have skyrocketed, from just 19,000 in 2009 to 4.5 million by the end of 2014. Into 2015, the number of mobile broadband subscriptions was growing at an annual rate of around 10%.

Azerbaijan has seen an increase in citizen journalism and online activism in recent years, despite numerous social and political obstacles to internet access. Azerbaijan’s authorities have gained significant control over domestic online activity, largely through mass surveillance, intimidation, and imprisonment of online activists and journalists. In August 2015, this crackdown reached new heights with the brutal murder of Rasim Aliyev, Chairperson of the country’s leading human rights group, the Institute for Reporters’ Freedom and Safety (IRFS). Also an active online journalist in his own right, Aliyev was assaulted in the city center in broad daylight, allegedly for his comments on Facebook. The case is described in detail in Chapter III.

These alarming developments have taken place in tandem with the government’s continued insistence that the internet in Azerbaijan is free and that the authorities do not engage in censorship.

According to President Ilham Aliyev, “Internet is totally free in Azerbaijan³”. Aliyev has declared, “We have freedom of expression and media freedom. As we have free Internet and no censorship, we cannot restrict media freedom.”⁴

Yet people who exercise their fundamental right to freedom of expression to criticize President Ilham Aliyev, his family or government, risk being threatened, attacked or imprisoned. This is the case whether they express their views online or off-line.

The crackdown against online activists began in earnest during the run-up to the 2013 Presidential Election, when seven members of the NIDA youth movement -- all active on social media and known for their criticism of the authorities -- were thrown behind bars in March and April 2013. This marked the start of an ongoing wave of arrests and intimidation of internet activists and online journalists. Their families were also targeted in this crackdown.

Additionally, the new amendments to the law on non-governmental organizations and the law on mass media have made it easier for the government to stifle online

³ <http://news.az/articles/official/83908>

⁴ <http://en.president.az/articles/12149>

activism, by restricting funding and obtaining court orders to close media outlets. A bogus criminal case launched against a number of NGOs has seriously hindered the work of organizations working to improve freedom of expression and internet freedom in Azerbaijan. Following this case, arrests of independent journalists continued, Parliament enacted repressive legal changes, government officials proposed licensing certain online services, youth activists and journalists were summoned for questioning and given police warnings in relation to their social media posts, and political party activists and even lawyers faced defamation charges. Notably, Azerbaijan has for years failed to fulfill its longstanding obligation to decriminalize defamation.

Despite undertaking the six-month rotating Chairmanship of the Committee of Ministers of the Council of Europe (May-November 2014), and hosting the inaugural European Games (June 2015), the government did not deviate from its path of repression. Almost exactly one week before Azerbaijan took over the Chairmanship, judges in Baku announced the verdict in the case against NIDA youth activists in Azerbaijan:

Rashadat Akhundov: 8 years
Zaur Gurbanli: 8 years
Ilkin Rustemzade: 8 years
Bakhtiyar Guliyev: 7 years
Mammad Azizov: 7.5 years
Rashad Hasanov: 7.5 years
Uzeyir Mammadli: 7 years
Shahin Novruzlu: 6 years *

**Although Bakhtiyar Guliyev, Zaur Gurbanli, Uzeyir Mammadli and Shahin Novruzlu, were later released on presidential pardons, their convictions are a constant reminder of the price of online dissent.*

These outrageous sentences did not prevent President Aliyev from making bold proclamations about internet freedom in Azerbaijan when he addressed the Parliamentary Assembly of the Council of Europe (PACE) a month later.

Despite this crackdown, the internet remains a platform for expression and public debate. Facebook is seen as the main source of information for Azerbaijani citizens interested in current affairs. That being said, public debate online is still limited, as self-censorship continues to pervade cyberspace in the current environment of intimidation and fear.

Chapter 2: Freedom of Expression Offline

The right to freedom of expression is guaranteed under Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR states that "[e]veryone shall have the right to hold opinions without interference" and "everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice". Article 19 additionally states that the exercise of these rights carries "special duties and responsibilities " and may "therefore be subject to certain restrictions" when necessary "[f]or respect of the rights or reputation of others" or "[f]or the protection of national security or of public order (order public), or of public health or morals."

At the domestic level, freedom of expression is protected by the Constitution of Azerbaijan. However, the government has for years imposed restrictions on this right, and dozens of journalists, bloggers, human rights defenders and activists have been arrested and/or persecuted for speaking out. The rise of social media and digital activism has seen many detained or threatened due to content posted on Facebook.

The Azerbaijani government has historically failed to ensure the right to freedom of expression. Government representatives claim that freedom of expression and internet freedom are protected in Azerbaijan. It is clear, however, that these claims are groundless. In a country where freedom of expression is guaranteed, journalists and bloggers would not be arrested under false charges for their opinions, opposition media outlets would not face broadcast disruptions; and the independent media would not struggle to survive in the face of sustained and systematic persecution.

Crackdown on internet freedom coalition and freedom of expression advocates

In 2012, a group of freedom of expression advocates and ICT experts established Expression Online, a coalition with the mandate to promote internet freedom in Azerbaijan. In the time between its establishment and summer 2014, the coalition produced three groundbreaking reports, participated in a number of international events, and held dozens of presentations on the state of internet freedom in Azerbaijan.

In summer 2014, amidst the unprecedented crackdown on civil society in Azerbaijan, the authorities brought criminal charges against two of the coalition's founders: human rights defenders Emin Huseynov and Rasul Jafarov.

Rasul Jafarov was arrested in August 2014. In April this year, the Baku's Grave Crimes Court convicted Jafarov on a range of politically motivated charges of tax evasion,

abuse of power, illegal business activities, and embezzlement. He was sentenced to six and a half years in prison.

Fearing his imminent arrest in August 2014, Emin Huseynov was forced to seek refuge at the Swiss Embassy in Baku. Huseynov spent almost 10 months there before he was finally allowed to leave the country together with a top Swiss official in June. Now stripped of his Azerbaijani nationality, Huseynov remains stateless and in political exile in Switzerland.

The indictments against Huseynov and Jafarov have their roots in a high profile criminal case against a number of local and international NGOs. On 22 April 2014, the Serious Crimes Investigation Department of the Prosecutor General's Office launched a criminal case (#142006023) against a number of foreign and local NGOs under Articles 308.1 (abuse of power) and 313 (service forgery) of the Penal Code of Azerbaijan Republic "on the fact of legal violations found in the activities of a number of NGOs of Azerbaijan Republic, and branches or representative offices of foreign NGOs".

The case was opened based on the motion of the chief of the Serious Crimes Investigation Department of the Prosecutor General's Office of Azerbaijan Republic, Eldar Ahmadov. In connection with this case, from beginning of June 2014, organizational bank accounts of more than 20 local NGOs and the personal ones of their directors were frozen. This has led to the de facto closure of those NGOs. Several NGO directors were summoned to the Prosecutor's Office for interrogation.

Alongside the financial pressures on independent media and the measures to silence independent journalists (including arrests), NGOs expressing critical opinions and defending journalists and freedom of expression have been targeted.

Two major freedom of expression organizations, Media Rights Institute (MRI) and the Institute for Reporters' Freedom and Safety (IRFS) came under attack in connection with the above-mentioned criminal case against NGOs. MRI and IRFS were handed steep tax-related fines without any legal basis and in violation of national law. MRI announced the cessation of its activities as a result of the pressure. On August 8 2014, the IRFS office was raided and searched. All of its equipment was seized and the organization's office was sealed on August 11.

Additionally, on September 5, 2014 employees of the Prosecutor General's Office searched the office of the IREX Azerbaijan, which had been supporting educational exchanges and new media development. Officials confiscated the organization's computers, documents and hard drives. The organization's bank account was frozen.

These organizations had been working cooperatively to improve freedom of expression and internet freedom in the country, and were the first targets of the crackdown.

Imprisonment of journalists

Currently there are at least twelve journalists and bloggers held behind bars for exercising their right to freedom of expression. IRFS has documented the following cases:

Blogger Abdul Abilov was sentenced to 5.5 years in prison on 27 May 2014. He was arrested on 22 November 2013 and charged with illegal possession, storage, and manufacturing or sale of drugs, which carries a prison sentence of up to twelve years. Abilov was the administrator of the Facebook page "Stop Sycophants!", known for its harsh criticism of the authorities. The page was closed down following his arrest.

Nijat Aliyev, Editor-in-Chief of azadxeber.az, is serving a 10-year jail sentence handed down on 9 December 2013. He was convicted of drug possession, illegal distribution of religious literature, appealing for seizure of power by force and incitement to national, racial or religious hostility and hatred, and discrimination against citizens. The sentence was later upheld by the court of appeal.

Musavat Party deputy chairman Faraj Karimli was arrested on drug possession and trafficking charges on July 23, 2015. He was sentenced to 6.5 years in jail on May 6, 2015. Faraj was the administrator of the "Istefa" ("Resign") Facebook group and the musavat.org.az website. He was also the founder and administrator of another Facebook, named "Basta." His appeal was rejected and the decision was upheld.

Hilal Mammadov, Editor-in-Chief of Tolishi Sado newspaper, was sentenced to 5 years in prison on 28 September 2013 by the Baku Grave Crimes Court, on charges of illegal possession of drugs in large quantities (Article 234.4.3/Criminal Code), treason (Article 274/Criminal Code), and incitement to national, racial, social and religious hatred and hostility (Article 283/Criminal Code). His sentence was later upheld by Appellate and Supreme Courts.

Omar Mammadov, a blogger and the former administrator of the satirical Facebook page "Selections from AzTV", was arrested in January 2014. He was charged under Article 234.4.3 of the Criminal Code (manufacturing, purchase, storage, transfer, transportation or selling drugs in large quantities with intent to illegally manufacture and process narcotics or psychotropic substances). Mammadov was sentenced to 5 years in jail on 4 July 2014, charged with drug possession. Omar Mammadov is a founding member of the Akhin ("Current") Movement and a member of N!DA youth movement.

Journalist Rauf Mirgadirov was arrested on 19 April 2014 and charged with treason (espionage) under Article 274 of the Criminal Code. His detention was extended multiple times. Mirgadirov has been living in Turkey with his family since August 2010 as the Ankara-based correspondent for the independent Azerbaijani newspapers Ayna and Zerkalo. He and his family had left Azerbaijan in 2010, fearing

threats and harassment as a consequence of his critical reporting. He had not sought asylum in Turkey. Investigation of the criminal case against the arrested journalist

Rauf Mirgadirov has been completed, his lawyer Fuad Agayev said on October. On 4 November 2015, Baku Grave Crimes Court chaired by the judge Alisultan Osmanov held a preparatory hearing on the case of journalist Rauf Mirgadirov. The public prosecutor filed a motion to hold the trial behind closed doors, which was granted by the court.

Araz Quliyev, Editor of the religious-oriented news website www.xeber44.com, was sentenced to 8 years in jail on 5 April 2013. Quliyev was convicted under Articles 228.1 (illegal possession of fire arms), 233 (violation of public order), 283.1 (inciting national, racial, ethnic or religious animosity and hostility), 315.2 (resistance and violence against a representative of the authority) and 324 (insulting the national flag or emblem of the Azerbaijan Republic) of the Criminal Code. He was arrested on 8 September 2012, on a charge of hooliganism stemming from accusations that he was attempting to prevent an international folklore festival in the Masalli region, and had caused bodily harm to others, including police officers.

Blogger Rashad Ramazanov was detained on 9 May 2013 near “January 20” Metro Station and taken to the Department for Combating Organized Crime. The police reportedly found 9 grams of heroin on the blogger. Ramazanov denies the charges. On 7 August 2013 his case was referred to the Baku Court on Grave Crimes, and on 13 November 2013 the blogger was handed a lengthy 9-year jail sentence. He had used his Facebook page to criticize the ruling regime on issues related to freedom and justice (<http://on.fb.me/12G0WJE>).

Blogger Ilkin Rustemzadeh is serving an 8-year jail sentence following a court verdict on 6 May 2014. He was detained on May 17, 2013 and initially charged with hooliganism, then with organizing and attempting to participate in riots.

Tofiq Yagublu, a journalist at the Yeni Musavat newspaper, was charged with organizing a public disturbance and orchestrating resistance against officials on February 4, 2013. The charges were made in connection with a riot that broke out in Ismayilli (a city in Azerbaijan) on 23-24 January 2013. In April 2013 the first of the two charges was replaced with a more serious one of “organizing mass riots”. Yagublu was sentenced to 5 years in prison on 17 March 2014. His appeal was dismissed in September 2014. On October 13, 2015, the Supreme Court ruled that the case should be referred back to Sheki Court of Appeal for reconsideration. In November, the European Court issued a decision to release Tofiq Yagublu.

Seymur Hazi

Seymur Hazi was arrested on August 29, 2014, after a fight with a man named Maharram Hasanov in Jeyranbatan settlement of Baku. He was charged under Article 221.3 of the Criminal Code (hooliganism committed by using an object as a weapon)

and was sentenced to 5 years in jail by Absheron Regional Court on January 29, 2015.

Khadija Ismayil

Khadija Ismayil was arrested on December 5, 2014. She was initially charged under article 125 of the Criminal Code (driving to suicide). Later, she faced new charges under articles 179 (misappropriation), 192.2 (illegal entrepreneurship), 213.2 (tax evasion) and 308.2 (abuse of official powers).

On September 1, 2015, the court acquitted Khadija Ismayil of the charge filed under Article 125 of the Criminal Code of Azerbaijan Republic (driving to suicide) on the ground that she was not proven guilty. However, the court found Khadija Ismayil guilty under Articles 179.3.2 (misappropriation and waste on a large scale), 192.2.2 (illegal entrepreneurship), 213.1 (tax evasion) and 308.2 (abuse of official powers) and sentenced her to 7.5 years in jail and a 3-year ban from holding certain positions or engaging in certain activities.

Chapter 3: Online Media and Social Media in Azerbaijan

Out of approximately seventy national news portals functioning in Azerbaijan, barely ten percent can be deemed independent of state control. These platforms provide alternative sources of information to the Azerbaijani public on current affairs and issues of social relevance. The main challenge for these outlets remains the lack of sustainability and exclusive dependency on grants.

The majority of online media are financed by oligarchs and businessmen affiliated with the ruling elite, and, in some cases, by state officials and Members of Parliament.

In the meantime, recent months have seen an increasing number of websites dedicated to Islamic propaganda. Another worrying trend is that a number of media outlets controlled by oligarchs have launched Russian language portals, which function primarily to promote pro-Russia views among the Azerbaijani population.

There are a number of websites that are used by the Azerbaijani authorities to target opposition and critics with smear campaigns.

The recent period has seen a change in the editorial policy of some previously semi-independent online media outlets, which have now become fully pro-government.

Professionalism and ethics constitute another major problem for online media in Azerbaijan. Approximately half of the online news resources can be considered tabloid/yellow press; they often spread misinformation, highly subjective articles, and/or opinion pieces masquerading as news.

Another challenge for online media remains its limited outreach, compared both to television, the more traditional communication channel in Azerbaijan, and astonishingly, social media networks. The social networking site Facebook—which has 1,600 000 Azerbaijani users—remains the most popular platform for alternative opinions in Azerbaijan.

With the closure of some online media outlets and others facing increasing financial hardship, 2014 was a difficult year for online media. Government officials, particularly Nushiravan Maharramli, the head of the National Television and Radio Council, repeatedly argued that online television platforms should be licensed,⁵, while some MPs suggested that the internet should be regulated.

2014 was extremely challenging for online media outlets, the majority of which relied on project-based grant funding from foreign donors. In April 2014, the government launched a large-scale crackdown NGOs. On 22 April 2014, a criminal case was opened against a number of local and foreign NGOs, on charges of power

⁵<http://www.contact.az/docs/2013/Economics&Finance/011000024138en.htm#.VUGm6SGqpeY>

abuse, service forgery and tax evasion. The bank accounts of more than 30 NGOs were frozen as part of these investigations. As a consequence, NGOs were unable to receive grant funds to their accounts.

Mediaforum.az, notable among news websites for its balanced approach, stopped operating in late December. Its website published the following statement:

“In order to explain the reason for this forced vacation, we would like to note that a series of amendments have been made to the NGO legislation throughout 2013 and 2014. One of those amendments concerns registration of grant agreements. According to the new rule, non-commercial legal entities must register their grant agreements with the Ministry of Justice and obtain a notification of approval from the ministry. An organization whose project is not registered and which has not received a notification cannot perform bank operations relating to the grant agreement. These amendments have affected the activity of the Mediaforum.az, because it is a project of the Internews Azerbaijan Public Association, a non-commercial legal entity. Internews Azerbaijan is a local non-governmental organization that implements media projects, including the Mediaforum.az project, on the basis of grant agreements. Internews Azerbaijan was forced to suspend its activities due to its non-receipt of a notification from the Ministry of Justice for its grant projects. Consequently the Mediaforum.az staff have been excused for vacation.”

Meydan TV was forced to close down its Baku office. However, its contributors have continued to publish content.

On December 26, employees of the Prosecutor’s Office raided the Baku Bureau of Radio Free Europe/Radio Liberty (Radio Azadliq), and confiscated its documents and equipment. Upon completion of the search, the office was sealed off.⁶

Human rights television Obyektiv TV, founded by the Institute for Reporters’ Freedom and Safety (IRFS), was forced to cease operations on August 8, when the IRFS office was searched and then sealed. A range of equipment was seized (specifically, electronic media and film-making equipment including 15 computers with monitors, 7 laptops, 3 video cameras, over 200 CD-ROM drives, and more than 20 hard-disk drives and memory cards). Investigators also seized numerous documents – grant agreements, financial documents, legal documents, and press clippings. The IRFS office was sealed off by law enforcement officers three days after the search, on August 11.

On 2 March 2015 structural changes were undertaken at APA Holding; consequently its affiliated websites kulis.az, ailem.az and avtolent.az were shut down by the company’s Board of Directors, on the grounds that they were no longer commercially viable. However, local observers believe that the real reason for the

⁶<http://www.azadliq.org/contentlive/liveblog/26763625.html?lbdesc=false>

closure of these website is that funding from oligarchs has dried up. Business elites and oligarchs have faced serious financial problems this year, caused by the dramatic fall of oil prices.

In Azerbaijan, there is no sustainable business model for online media, which are financed primarily by oligarchs or state officials while the independent outlets are reliant on grants.

On April 30 2015, the online version of the newspaper New Baku Post was closed down. The newspaper, launched three years previously, was a free paper. In 2014, it ceased its print publication and began to operate as an online newspaper.

Radio Liberty's Baku Office, also known as Radio Azadliq, now only operates through its website. The Radio no longer has an office in Baku to perform its activities, which are therefore coordinated through the Prague office. The Radio has taken some of its employees to Prague for cooperation, while others remaining in Azerbaijan work on an honorarium basis and are paid honorarium per article. The Radio continues its work through the website.

Chapter 4: Legal repressions and harassment of online activists and journalists

On May 14, 2013, the Azerbaijani Parliament (Milli Meclis) adopted a bill enacting changes to Articles 147 (libel) and 148 (insult) of the Criminal Code, as proposed by the General Prosecutor's Office. Before the change, only defamation on mass media stipulated liability; online content was not mentioned.

The amended Article 147 sets forth four types of punishment for online libel: a fine of 100-500 AZN, up to 240 hours of community service, corrective labor for up to one year, or imprisonment for a maximum of 6 months. The amended Article 148 imposes the same punishments for insult, which is defined as deliberate humiliation of the honor and dignity of a person in an indecent way on the Internet. The only difference is in the minimum and maximum amounts of the fine, which are 300 and 1000 AZN respectively.

The Law on Mass Media was amended in December 2014. Now that the online media are included within the definition of mass media, this bill enables the government to close any online media outlet found guilty of defamation twice within one year.

According to the amendment, a print media outlet bearing a similar name to a previously founded print media outlet will not be allowed to operate. To this end, the "similar name" notion has been added to the law. According to the change in Article 19 of the document, when information is received from bodies that have found that a mass media outlet is financed by foreign state authorities, individuals or legal entities in violation of the law, and when a mass media outlet has been held liable by a court decision for biased articles twice during one year, a lawsuit can be filed for termination of the production and distribution of that outlet.

Prosecution on defamation charges

Interior Minister Ramil Usubov opened a lawsuit against Eldaniz Guliyev, Chairman of the Intellectuals' Union and a member of the National Council's Coordination Center, in relation to a Facebook post criticizing the traffic police. The minister considered the post offensive and libelous towards all police officers, and brought a lawsuit in defense of the honor and dignity of the police. On 30 October, the court sentenced Eldaniz Guliyev to 480 hours of community service and a 1000 AZN fine.

Another defamation case was brought against journalist Khadija Ismayilova on September 30.⁷ The case stemmed from accusations brought by Elman Hasanov, referred to as 'Turkoglu' in reports. According to press reports, Hasanov accused Ismayilova of saying he had raped a local woman and that he was a homosexual. Hasanov told reporters that a few years ago, Ismayilova had published a document from the Azerbaijani National Security Agency (the MNB) on Facebook, outing him as an informant.

⁷<https://cpj.org/2014/10/reporter-on-trial-in-azerbaijan-on-criminal-libel.php>

On November 6, Yasamal District Court of Baku sentenced lawyer Alaif Hasanov to 240 hours of community service under Article 147 (insult) of the Criminal Code. The sentence was based on a lawsuit filed by Nuriyya Huseynova, the former cellmate of the arrested human rights defender Leyla Yunus. Huseynova claimed that the lawyer had insulted her by calling her a “criminal” and “recidivist.” Hasanov had previously stated on Facebook that his client Leyla Yunus had been attacked in her jail cell by Nuriyya Huseynova. This was published by Azadliq newspaper, which added commentary to the republished material (confirmed in a letter to the court by Azadliq representatives). Accordingly, Hasanov rejects the charges.

On February 6, 2015, Afrus Hajiyeva, Chairman of Yasamal District Polling Station #12 opened a lawsuit against Azadliq newspaper and Meydan TV. The lawsuit was submitted on behalf of the members of Polling Station #12, where electoral violations were exposed by the two media outlets, who were accused of undermining their honor, dignity and business reputation. They demanded compensation (5000 AZN) and a refutation. Notably, the Central Election Commission invalidated the election results of the Polling Station #12 and dissolved the precinct commission due to legal violations. The lawsuit is being heard by Yasamal District Court.

Some defamation cases are currently under consideration by courts.

Lawyer Akram Hasanov has been sued by Nikoil Bank for a Facebook post titled “To which bank should I deposit my money?”, shared on August 24, 2014. Nikoil Bank claimed that the article had harmed its business reputation and caused damage to the bank, as depositors had begun to withdraw their deposits. The lawyer had stated in his post that it was risky to deposit money in banks and mentioned VTB Bank and Nikoil Bank. The case is being heard by Yasamal District Court.

AzPolitika.info website director, journalist Elnur Maharramli has been sued by Nushiravan Safarov, Police Colonel and chief of the State Traffic Police Department of the Baku City Main Police Office, based on an article titled “The adventures of Nushiravan and his “owls”: is the mafia of the State Traffic Police (STP) invincible?”, which Maharramli published on AzPolitika.info on August 31. At a court hearing, the plaintiff’s the state-assigned lawyer said: “The article states that members of the STP mafia, i.e. police officers, take bribes. The said article also contains expressions such as “the interests of the avaricious mafiosi group entrenched in the country’s traffic police”, “Nushiravan Safarov’s employees (owls) who participated in the festivity”, “Years of observation prove that these interests are met more than enough: the traffic police of the capital city is an indispensable business object of the STP mafia, which earns them millions”, “The footage showed traffic police officers stop cars in the center of the city, near the Ministry of Education and collecting bribes from the drivers manifestly and without fear.” We consider these expressions libelous and offensive. None of them has any legal basis. I leave it up to the court to choose a severe punishment and I request that our lawsuit be granted.”

The Death of Journalist Rasim Aliyev

The online activist and journalist Rasim Aliyev, a leading commentator in Azerbaijani cyberspace, died in hospital in Baku on August 9, the day after he was brutally assaulted by six people.

In his final interview, Mr Aliyev, speaking from his hospital bed, told reporters that the footballer and his family had invited to him to meet and discuss his [Aliyev's] Facebook post. When he arrived at the meeting location, he was attacked by six men.

In the weeks prior to his death, Rasim Aliyev received numerous threats via phone and internet. The official investigation connects the attack to a 3 August Facebook post in which Rasim Aliyev had criticized Azerbaijani footballer Javid Huseynov. Huseynov relatives are alleged to bear responsibility for the beating.

However, prior to this Facebook post, Rasim Aliyev had already been receiving threatening messages connected to a series of photos he had posted online showing police brutality and social discontent, such as protesters carrying a banner reading "Resign". Rasim Aliyev told colleagues he had received a threat warning, "You will be punished for these photos".

Although he formally appealed to the police for protection, they rejected his request.

Chronology of the case:

- Rasim Aliyev had been a member and employee of the Institute for Reporters' Freedom and Safety (IRFS) since 2006.
- As a journalist, Rasim Aliyev faced repeated police harassment. In 2013, a police officer punched him, but although there were video images of this incident, the officer was not prosecuted; it was simply stated that those implicated had been dismissed from their jobs. Rasim Aliyev had repeatedly been attacked.
- On August 8, 2014, when a search was conducted of the IRFS office and officers were looking for IRFS chairman Emin Huseynov in order to detain him, Rasim was driving back from another region of Azerbaijan with Emin.
- Rasim was later questioned at the prosecutor's office, where he was asked where he had been on August 8. He told officers that he had been with Emin Huseynov. He was released and told that he would be summoned again.
- It later became public that Emin Huseynov had gone to the Swiss Embassy to avoid arrest. IRFS needed a new chairman, and on October 13, 2014, Rasim

Aliyev was elected as chairman by the General Assembly of IRFS. On October 14, 2014, the Ministry of Justice was informed of this change, as required by Azerbaijani law. However, the Ministry has not yet responded to this submission; nor has it denied receiving the notification.

- On July 25, 2015, Rasim Aliyev received threatening messages on the social networking website Odnoklassniki. He was shown images that he had shot while working for IRFS and was told that he would have to answer for them. On July 26, 2015, Rasim Aliyev appealed to Sabail District Police Office #8, informing them of the death threats. However, police failed to take action to protect his life.
- On August 08, 2015, Rasim Aliyev was brutally assaulted by a group of five men, who took his phone and wallet.
- Rasim Aliyev drove to the emergency care in his car, from where he was taken to the city clinic #1.
- Rasim Aliyev was admitted to hospital at about 16.45 on August 8. Following an examination, doctors said that he had four broken ribs. He received intravenous pain medication and was placed in a ward. The medical staff failed to change his clothes in the ward.
- Rasim Aliyev's close friend, who was with him in hospital, was tricked into leaving the ward/hospital. It was agreed that Rasim's friend, Aydin, would stay with him overnight in hospital. But shortly after Rasim's family left, Aydin received a phone call from the Gabala Football Club (FC) manager and was invited to a meeting near Baku Circus. The Gabala FC manager and Javid Huseynov had earlier visited Rasim in the hospital, and they were told that Rasim's attackers had taken his cellphone and wallet. The Gabala FC manager promised to help and took Aydin's phone number. At about half past midnight, Aydin received a phone call and was told to come and pick up the cellphone and wallet. He went there and waited for about an hour, but no one came.
- Rasim was allegedly alone in the hospital ward when his family was informed at about 1 o'clock at night that he had to undergo an operation. When his family arrived at the hospital twenty minutes later, the doctor told them that the operation was over and that Rasim was in intensive care. Shortly afterwards, they were told that Rasim had passed away. His body was sent to the Republican Hospital for expert examination.

Facts attesting to the political motives behind Rasim Aliyev's death:

- Thirteen days after he had received death threats, Rasim Aliyev was attacked allegedly due to a Facebook post. It is clear from the CCTV that this was not an ordinary fight, because the kicks were clearly aimed at his internal organs.
- Rasim Aliyev was beaten on anniversary of the raid of the IRFS office.

- Rasim Aliyev did not die immediately; he was first admitted to hospital. During the 6-7 hours before his death, he was examined only once, despite the fact that the doctors later stated that he was at risk of internal bleeding. The fact that he was examined only once despite this risk clearly indicates medical negligence. Doctors did not allow his parents to take him to another hospital.
- Rasim Aliyev's friend, who was going to stay with him in the hospital, received a phone call at midnight from a man who introduced himself as the manager of the Gabala football club, and told him to come and collect Rasim's phone and wallet. However, no one arrived at the agreed meeting place.
- Rasim Aliyev vomited in hospital, but was not re-examined; he was simply given an injection.
- The doctors' initial accounts of the time of the operation were conflicting. His family does not believe he received an operation. They say that they saw two bandages around Rasim's lower torso, which the doctors said had been put in place after the surgery, but his father says he did not see any surgical stitches in that area of the body while it was being washed.
- Rasim Aliyev's body was concealed from his family, and was secretly sent to the Republican Hospital's morgue, despite the fact that the Clinical Hospital has its own morgue where autopsies are usually conducted. Rasim's family did not participate in the examination of his body and his body was kept in the morgue for five hours. It was only after the examination had been finished that officials talked to his father for two minutes. The fact that the doctors gave a false account of the time of the alleged operation, and that no stitches were visible, indicate that Rasim never underwent surgery.
- Although Rasim reported the assault to the Interior Ministry hotline 102, the police did not arrive. Only after repeated calls from Rasim's friends did a policeman come. The officer asked him few questions and left, saying that he would come again the next day to take his statement. Although Rasim Aliyev had appealed to the police regarding the death threats, the police failed to ensure his safety.
- The investigating agency claims that there were only two assailants, but the CCTV footage clearly shows five. This video footage was not shown to Rasim's lawyer or his family.
- The pro-government media has published articles claiming that Rasim Aliyev was not a journalist, but a video operator, arguing that his murder was unrelated to his professional activity.

- Meanwhile, President Ilham Aliyev has taken the case under his personal supervision. If this is just an ordinary case, why has the President stepped in? Notably, the 2005 murder of the journalist Elmar Huseynov was also under the President's direct supervision. Not progress on the case has been made.
- The failure to conduct a proper criminal investigation also attests to the political nature of the case.

Crackdown on journalists

1. On 21 August 2014, Ilgar Nasibov, a journalist and human rights defender in Nakhchivan was seriously beaten by unidentified assailants. Nasibov has been critical towards local government officials on multiple occasions, and has also written on other sensitive issues. This brutal attack marks a point of no return in the alarming deterioration of Azerbaijan's human rights record.
2. On 16 September 2014, journalist Sona Yagubova was harassed and insulted by a group of youths when she walked past them. The journalist called the Interior Ministry hotline 102. The police arrived on the scene and took them to the Police Office #26. However, after the inspector took a phone call, the youths were treated "as if they were innocent kids". They were released shortly afterwards.
3. Photojournalist Mehman Huseynov has been subject to ongoing police harassment since 2012. He was detained by police in June 2012, and a criminal case was opened against him on charges of hooliganism. However, three years on, there has been no investigation of the charges. In November 2014, Mehman Huseynov was detained at the airport⁸ when he was travelling to participate in an OSCE event, and told that his passport was invalid. His passport states that it is valid until 2019, and he had previously used this passport for several trips abroad. His identity card has also been seized by officials, effectively imprisoning him in the country. Huseynov has repeatedly been kidnapped illegally, and kept for 3-4 hours in either the police station or the Prosecutor's office.
4. On 19 May 2015, well-known columnist Zamin Haji was summoned to Baku Main Police Department over a post on his Facebook page, published immediately after the deadly fire in Baku which claimed the lives of 16 and left 30 people injured⁹. The Facebook post in question read: "Remove flammable cladding. I call on you to save your life and remove the flammable materials from the facades of your buildings.. This is for your children. Take them and save yourselves before it is late." Zamin Haji said that he had

⁸ <http://www.osce.org/fom/126534>

⁹ <http://www.contact.az/docs/2015/Social/052200116815en.htm#.VlwotJf0LIU>

received a verbal warning from police. "The attitude towards me was unthreatening; they just talked to me. They said that "there are moral laws and mentality, and some people may use it for provocations¹⁰."

5. On 7 August 2015, journalist Orkhan Rustemzade was taken to Police Office #22. He had been apprehended while shooting a video in front of the Baku Grave Crimes Court, during a hearing on the case of journalist Khadija Ismayil. He was released after 2 hours, having given a statement.

When the hearing was over, Voice of America radio journalist Tapdig Farhadoglu wanted to ask those leaving the courtroom whether Khadija Ismayil had attended the hearing. He was then attacked by a group of three women and men when he asked an elderly man, whether he was a relative of Ismayil.

In addition to Farhadoglu, Meydan TV contributors Izolda Agayeva and Aytaj Ahmadova and Radio Liberty reporter Islam Shikhali were also conducting filming. An elderly woman took a glass bottle from a trash can and tried to hit Aytaj Ahmadova, but her colleagues intervened. However, one of the women did hit Aytaj with her bag. A man attacked and tried to hit journalist Islam Shikhali, but the journalist managed to escape from him. One of the women threw her shoe at journalist Tapdig Farhadoglu, who tried to seek refuge in the court building, but was pushed away by court guards and police. He was attacked by a young man. The police, who have a duty to protect public order, did not intervene. The police and assailants told Tapdig Farhadoglu "not to cause provocation."

6. On 1 September 2015, a statement was taken from journalist Sevinj Vagifgizi at Serious Crimes Investigation Department of Prosecutor General's Office. Officials had been asking questions about Meydan TV.
7. On 7 September 2015, journalist Aynur Elgunesh was interrogated at the Serious Crimes Investigation Department of Prosecutor General's Office. The investigator questioned her about Meydan TV's operations.
8. Journalist Aytaj Ahmadova, who cooperates with Meydan TV, was detained by the Main Organized Crime Department on 16 September 2015. She was released after 4 hours.
9. Shirin Abbasov, a journalist cooperating with Meydan TV, was sentenced to 30 days in administrative detention on 17 September 2015, on charges of resisting the police. He was held in the Main Organized Crime Department.
10. On 18 September 2015, officers searched the rented apartment of journalist Javid Abdullayev, who cooperates with Meydan TV. During the search, one personal computer, one laptop and two cameras were seized.
11. On 21 September 2015, Yeni Musavat reporters Mahammad Turkman and Ilkin Muradov were attacked by about a dozen Tornado Company security guards while filming the company's demolition work in Baku's Sabunchu

¹⁰ <http://bit.ly/1jt9xNv>

district. Although the journalists presented their press IDs to the company employees, the security guards attacked and insulted the journalists, using physical force against them. The security guards tried to grab the journalists' cameras and demanded that they stop filming. The journalists were forced to flee to a nearby house for their safety. However, the company employees chased after them, and knocked on the door of the house demanding that they delete their footage. They threatened the journalists, warning, "We will teach you a lesson."

12. On 22 September 2015, three journalists cooperating with Meydan TV, Sevinj Vagifgizi, Izolda Agayeva and Aytan Ferhadova, were again summoned to the Main Organized Crime Department of the Ministry of Internal Affairs, where they were accused of speaking to the media about their interrogation and what they had seen. During the early hours of September 20, Vagifgizi, Agayeva and Ferhadova had been detained by border guards at Baku airport upon their return from a training course in Kiev. From there, they were taken to the Main Organized Crime Department of the Ministry of Internal Affairs, where they were interrogated and released in the afternoon.
13. Journalist Islam Shikhali, who cooperates with the Radio Liberty, was questioned at the Serious Crimes Investigation Department of the Prosecutor General's Office on 28 September 2015. During the interrogation he was questioned about Meydan TV's contributors, whether he was receiving a salary from Radio Liberty, and where he lived. Islam Shikhali's apartment was searched on September 26 and his computer, camera and memory card were seized.
14. On 12 October 2015, a journalist cooperating with Meydan TV, Aytan Farhadova, was detained by police at the Sumgayit ASAN Service center. Farhadova had applied for a new identity card after losing the original one, and when she went to collect it, she was told that her name was flagged with "to be detained" in the database; ASAN Service called the police. The police took the journalist to the police office #3. She was later released.