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# **Azerbaijan's Free Expression Crackdown Continues**

**2013 First Quarterly Report on Freedom of Expression in  
Azerbaijan**

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# Introduction

## Background

This report is a publication of the Institute for Reporters' Freedom and Safety (IRFS), an independent, non-profit organization dedicated to promoting freedom of expression in Azerbaijan. IRFS was founded on World Press Freedom Day in 2006 by two Azerbaijani journalists in response to growing restrictions by the government on freedom of expression and media freedom.

The organization's reporting has been instrumental in bringing freedom of expression issues in Azerbaijan to the attention of relevant organizations and officials in the United States and Europe. IRFS has been a member of the International Freedom of Expression Exchange (IFEX) since October 2007 and became a member of the Global Network Initiative in November 2012.

IRFS' broad freedom of expression approach and its ability to respond rapidly to even the most outrageous actions against press freedom are the defining factors of IRFS' activities in Azerbaijan. This report is part of IRFS' broader efforts to safeguard and promote freedom of expression in Azerbaijan.



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IRFS monitors and reports on violations of freedom of expression in Azerbaijan, producing statements, appeals, analyses, and daily news reports, conducting press conferences, and raising awareness of journalists' rights locally and internationally. As part of this commitment, IRFS has been regularly producing comprehensive reports on the state of freedom of expression in Azerbaijan.

In the first quarter of 2013, the authorities engaged in an unprecedented crackdown to silence the few remaining critical voices in the country. International attention has faded, following an increased period of interest surrounding the Eurovision Song Contest and the Internet Governance Forum, which were held in Baku in 2012, and those who exposed unsavory truths about the country in connection with these events faced acts of retaliation.

This report examines the freedom of expression situation in Azerbaijan from 1 January to 31 March 2013. During this period, the government used excessive force to disperse peaceful protests, adopted regressive legislation restricting the ability of independent NGOs to operate, and continued to imprison journalists, bloggers, and human rights defenders who expressed critical opinions. By the end of March, 16 journalists had been attacked, and there were seven journalists and two human rights defenders behind bars.

#### Objectives and focus

In developing this report, IRFS sought to:

- Assess the true state of freedom of expression, press freedom, and the right to access information in the country;
- Raise awareness among local and international stakeholders about freedom of expression violations and engage them in the need for reforms; and
- Advocate international best practices and provide recommendations for concrete steps to address violations and improve the freedom of expression situation in the country.

### **Methodology and structure**

This report was prepared on the basis of desk-based research, field investigations, interviews, monitoring of court proceedings, media-monitoring, analysis of enquiries and complaints submitted to IRFS, IRFS safety hotline statistics, and other legally obtained information. IRFS staff compiled this report in close consultation with local and international freedom of expression experts.

The report contains five chapters covering the key areas on which IRFS focuses: the constitutional, policy and legal environment for free expression; impunity for attacks against journalists; and the working environment for journalists and other media workers.

Following the introduction, the report contains IRFS' recommendations to the Azerbaijani authorities to address the deteriorating freedom of expression situation in the country. Chapter One examines cases of violence, blackmail, and other forms of pressure against journalists. Chapter Two outlines legal means of repressing free expression. Chapter Three covers the detention of journalists, bloggers, and human rights defenders, providing information on current and recent cases of detention and imprisonment in connection with freedom of expression. Chapter Four covers the ways in which the state controls both broadcast and print media. Chapter Five examines the situation of freedom of expression in the last largely free space in Azerbaijan: the Internet. IRFS' conclusions on the freedom of expression situation in the country are provided at the end of the report.



## Recommendations

As this report shows, freedom of expression is under serious threat in Azerbaijan. The authorities must cease violations and take immediate action to improve the situation in accordance with the country's international human rights obligations. To that end, IRFS has developed a set of recommendations outlining steps needed to protect the right to freedom of expression.

IRFS calls on the **Azerbaijani authorities** to undertake the following steps:

**Put a stop to violence and other forms of pressure against journalists:**

- End all forms of impunity for those who attack or kill journalists and ensure that all cases of violence against journalists are resolved and all guilty parties are punished in accordance with the law.
- Detain and prosecute the masterminds who ordered the killings of Elmar Huseynov in March 2005 and Rafiq Tagi in November 2011, as well as those who carried out the attacks.
- Make public all information related to Huseynov and Tagi's murders.
- Detain and prosecute those responsible for the blackmail attempt and violation of privacy of outspoken female journalist Khadija Ismayilova in March 2012.
- Fully investigate all threats against journalists and establish adequate protection mechanisms.

**Cease the use of detention to silence critical voices:**

- Immediately release the currently detained and imprisoned journalists, bloggers and human rights defenders behind bars in connection with exercising their right to freedom of expression.
- Drop the charges against journalists and human rights defenders who face jail time in connection with exercising their right to freedom of expression.

**Improve legislation and policies:**

- Reverse regressive amendments to freedom of information legislation aimed at limiting the activities of journalists and media outlets.
- Reverse regressive amendments to the freedom of assembly law providing for steep fines for organizers and protesters of unsanctioned protests.
- Remove defamation provisions from the Criminal Code.
- Cease the excessive use of defamation lawsuits to hinder the ability of critical newspapers to operate.
- Reverse the ban prohibiting foreign broadcasters from accessing national frequencies.
- Review and amend other media legislation to ensure it complies with international standards for press freedom.
- Establish an independent Press Ombudsman in line with



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- Establish an independent Press Ombudsman in line with international standards and empower that position with the authority of Press Ombudsman that currently belongs to the Human Rights Ombudswoman.
- Set up an independent broadcasting regulatory body to ensure the fair and transparent distribution of television and radio frequencies through a simplified licensing procedure.
- Ensure that the public service broadcaster, Ictimai, complies with international standards for public service broadcasting and provides balanced and varied programming for all sectors of the population.
- Allow for the creation of an independent, non-statutory press council that remains the sole responsibility of media professionals, or another self-regulatory system of media accountability.
- Ensure transparency in media-ownership structures.
- Establish an independent oversight body to ensure that government-funded advertising is distributed to media outlets in a fair and transparent manner.

IRFS also calls for **media organizations** to take full responsibility to care for their workers who may face attack by initiating preventive measures and providing adequate insurance cover for medical treatment.

IRFS recommends that individual **journalists** and **media workers** always abide by the code of professional ethics, and in the case of threats to personal safety, immediately call the IRFS hotline ([+994 50 398 4838](tel:+994503984838) or +994 55 398 4838) and inform IRFS, other civil society organizations, the media, and representatives of foreign and international diplomatic missions.

Finally, IRFS calls on the **international community** not to turn a blind eye to the freedom of expression situation in Azerbaijan. Specifically, IRFS calls on the international community to:

- Demand actions, not just words, from the Azerbaijani government, using all possible bilateral and multilateral opportunities to hold Azerbaijan to account for its freedom of expression and human rights obligations.
- Call upon the Azerbaijani government and law enforcement agencies to end all forms of impunity for violence against journalists and ensure that all cases are adequately investigated and those responsible are brought to justice.
- Call upon the Azerbaijani government to immediately release all journalists, bloggers and human rights defenders in prison or detention in connection with exercising their right to freedom of expression.





## Executive Summary: A pre-election ‘witch hunt’

Ahead of the upcoming October presidential election, during the first quarter of 2013 the government engaged in an unprecedented crackdown to silence and discredit critical journalists, bloggers, human rights defenders, political activists and NGOs.

The already alarming freedom of expression situation in the country became even direr when Presidential Administration Head Ramiz Mehdiyev gave an interview to state media, accusing foreign donors of “unlawfully” financing Azerbaijani NGOs. IRFS believes that these comments, along with other recent worrisome actions, indicate the government is setting the stage for a larger move against independent NGOs by claiming they are part of a foreign plot to destabilize the country. Mehdiyev’s “landmark” anti-NGO speech certainly raised to new heights the level of hostility towards the West and towards the ruling regime’s domestic opponents.

Mehdiyev’s speech followed President Aliyev signing into law regressive legislation that will minutely regulate NGO activities, management and finances, severely restricting their operations and making it easy to harass or close them down on technical grounds if the authorities dislike their activities.

The first quarter of 2013 saw an extensive campaign against independent and dissident voices, using methods of personal vilification. This included accusations of serious and organized crimes, in addition to the spread of misinformation about critical individuals, broadcast through the country’s state-run media network.

The ruling regime continues to use the country’s politicized and corrupt court system – through criminal cases and civil defamation lawsuits – to harass and prosecute the few remaining independent journalists and media outlets who dared to speak out about widespread abuses committed by authorities.

Internet freedom also corroded during the first quarter of 2013, in the aftermath of last year’s Internet Governance Forum, which took place in Baku in November. With online media developing rapidly and an estimated one-third of the population now online, the authorities are taking increasing steps towards imposing regulations on the use of social media networks. In parallel, the intelligence services continued widespread monitoring of online activity, in particular harassing and arresting activists on the basis of their Facebook posts.

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## Chapter One: Violence, blackmail and pressure against journalists

One of the most significant obstacles to freedom of expression in Azerbaijan remains the high frequency of violent attacks against journalists and media workers and impunity for their attackers. In other words, Azerbaijan is facing a crisis of impunity.



.It is increasingly difficult, in fact nearly impossible, for journalists and media workers who have suffered serious violations of their human rights to obtain justice and accountability. This pervasive climate of impunity has resulted in widespread practices of self-censorship in the country. Many journalists fear crossing certain lines in writing about taboo topics, such as corruption and the business interests of the president's family.

Ahead of the upcoming October presidential election, the government has been engaging in a campaign to silence and discredit critical journalists, bloggers, human rights defenders, political activists and NGOs. Journalists covering protests and riots have increasingly faced police brutality and mistreatment over the past three months, even while wearing press jackets clearly identifying them as journalists. This deliberate mistreatment of journalists performing their professional activities clearly evidences the regime's intolerance to freedom of expression.

The authorities have failed to respond to dozens of official complaints of police brutality towards journalists. No police officers have faced discipline for interfering with the professional activities of journalists. Such actions constitute violations of the right to access information guaranteed under Article 50 of the Azerbaijani Constitution (freedom of information) and Article 10 of the European Convention on Human Rights (freedom of expression). At a minimum, impeding the professional activities of a journalist creates a liability under Article 163 of the Constitution.

The ruling regime bears responsibility for the atmosphere of impunity in which assassinations of, and physical and moral attacks against journalists encroaching on powerful interests are commonly practiced as a way to silence critical voices.

On 2 March, journalists in Azerbaijan and around the world marked the eighth anniversary of the unsolved murder of *Monitor* editor-in-chief **Elmar Huseynov**, who was fatally gunned down in his apartment building in a well-organized attack in 2005. With Huseynov's death, the Azerbaijani people lost a voice that courageously sought to report the truth. His case has become deeply symbolic, reminding the Azerbaijani media community of the courage needed to pursue investigative journalism and of the inherent risks associated with this work.



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Since Huseynov's murder, there have been more than 200 violent attacks against journalists in Azerbaijan, including the murder of prominent journalist and writer **Rafiq Tagi** in November 2011. So far in 2013, there have been 16 reports of violent attacks against journalists, 15 of which happened on the job. In addition, there were numerous reports of pressure from authorities and other forms of interference with journalists' work.

In the cases mentioned below, and indeed in virtually no case of violence against a journalist since Huseynov's murder, have the authorities undertaken serious investigations into the attacks and brought the true perpetrators to justice. This has created a climate of fear for the media community and impunity for those who wish to use violence to silence criticism.

On 12 January, authorities used excessive force to disperse an unsanctioned protest in the Baku city center in response to deaths of conscripts in non-combat situations. Police used violence against up to 10 journalists who were clearly identifiable because of their press jackets and cameras. IRFS Chairman **Emin Huseynov** was among those injured during the protest. A police officer deliberately pushed Huseynov to the ground, where he hit his head on a large rock and sustained a minor head injury. The incident was captured on film.

On 22 January, *Azadliq* newspaper correspondent for the Ganja region **Arshad Ibrahimli** reported that he received a phone call from a person claiming to be an employee of the Ganja City Police Office, who told Ibrahimli he was under surveillance. The next day, Ibrahimli noticed a plain-clothed man following him. He said police might have suspected him of publicizing information about a conflict between a former police chief and the Ganja City Mayor.

On 24 January, musavat.com news portal reporter **Araz Bayramov**, faced violence from police while covering a riot in the Ismayilli region. Bayramov was filming police officers using excessive force against citizens, when he was stopped by a policeman. Bayramov was forcibly taken to the police office, held for an hour, and released after police confirmed his employment with his editorial office. Bayramov was later detained for a second time, again while filming the riot, at which point he was slapped by a policeman. He was held for 20 minutes and then released.

On 26 January, authorities used excessive force to disperse an unsanctioned opposition protest in the Baku city center. Police and plain-clothed officials used force to remove journalists with and without press jackets from the demonstration location. Yurd TV reporter **Emin Shahverdizadeh** was deliberately pushed from behind by a plain-clothed official into Objective TV reporter **Rashad Aliyev**. Both journalists fell to the ground, resulting in Aliyev sustaining a leg injury and Shahverdizadeh's video camera being broken.

Several media representatives were taken to police offices, including 1news.az reporter **Zaur Rasulzadeh** and blogger Fuad Hajiyeu, who was filming the protest. Ministry of Internal Affairs officer Orkhan Akhundzadeh, dressed in plain clothes, was particularly active in ordering the detention of journalists who were not wearing press jackets.

On 31 January, *Azadliq* newspaper regional correspondent for Ismayilli **Elchin Ismayilli** reported being followed by taxis without number plates and intimidated for several days. Ismayilli said he was repeatedly intimidated by the District Prosecutor, local government employees, and Deputy Chief of Police Shohrat Karimov, who claimed he had leaked news to the media about the 23-24 January riot in Ismayilli and organized visits by journalists and human rights defenders to the region. The officials told him to stop. He also received threatening phone calls and SMS messages. On 8 February, Ismayilli was summoned to the police office to give a statement. He reported that the intimidation stopped after he went public.

On 4 February, Obyektiv TV employee **Javid Gurbanov** faced interference from security police while he was performing his professional duties in front of the Department for the Investigation of Grave Crimes of the Prosecutor General's Office. Security police officers confiscated Gurbanov's camera and took him to the police office while he was filming REAL movement head Ilgar Mammadov and Musavat Party deputy chairman Tofiq Yagublu, who had been invited for interrogation in connection with the Ismayilli riot. Gurbanov was released after 30 minutes, and his camera was returned 15 minutes later. He was told that he must get permission before filming government buildings, which is not provided for in Azerbaijani law.

On 5 February, deputy editor of *Azadliq* newspaper **Rahim Hajiyeu** was summoned to the Prosecutor General's Office in connection with an article titled 'Shamakhi residents prepare to protest.' Hajiyeu reported that First Deputy Prosecutor General Rustam Usubov told him the information was incorrect and required him to refute it, warning that administrative or criminal proceedings could be initiated. Hajiyeu stated that the warning was unfounded, as it was the newspaper's duty to spread the information.

On 15 February, *Unikal* newspaper editor-in-chief **Asef Rzayev** reported that he was being intimidated. After the newspaper published articles stating that the AF Hotel in the Absheron district functioned as a house of ill repute, Rzayev said a man called Elchin called him and threatened him, saying if he did not stop publishing articles about the hotel, he would regret it.

Rzayev has reported the issue to the Ministry of Internal Affairs' 102 hotline, and the newspaper has appealed to the Ministry and the Prosecutor General's Office.

On 19 February, IRFS regional correspondent for Nakhchivan **Hakimeldostu Mehdiyev** reported that his wife had been refused medical treatment by both hospitals both in Sharur and Nakhchivan City. She suffers from a severe condition requiring surgery, which had been scheduled at the Nakhchivan City hospital. However, the surgeons refused to start the operation, on the grounds that Mehdiyev had problems with "the top." Mehdiyev and his family have faced years of persecution in connection with his journalistic activities.

On 20 February, freelance journalist **Fuad Huseynov** received a death threat in Prison #12, where he is serving a six and a half year sentence on politically motivated hooliganism charges. His mother, Susana Huseynova, reported that prison management suspected Huseynov of complaining to local media about illegal activities in the prison, complaints of which Huseynov was not aware.

On 27 February, **Natig Gulahmadoglu (Adilov)**, a journalist with **Azadliq** newspaper and Media TV as well as press attaché for the opposition Popular Front Party, reported that two of his relatives had been arrested in connection with his journalistic activities. Adilov's brother, **Murad Adilov**, and cousin, **Sabuhi Nadirov**, were arrested by officers of the Sabirabad District Police Department on drug trafficking charges. Adilov believes the men were targeted because of his criticism of the government.

On 21 February, Obyektiv TV reporter **Albufat Namazov** was attacked while performing his professional duties. Namazov was attempting to film outside the Sumgayit Court of Appeals where youth activist Nigar Yagublu's trial was taking place, as plain-clothed men were preventing media workers and political party activists from entering the courtroom. Plain-clothed men pushed Namazov and forcibly prevented him from filming.

On 24 February, opposition Musavat party council member **Jahangir Amirkhanli** was summoned by police in the region of Ganja in connection with an article he had published in *Yeni Musavat* newspaper, titled "Ganja – beautiful land, poor town." Amirkhanli reported that he was called to the Kapaz District Police Office, from where he was

taken to the Ganja City Police Department. He met with Deputy Police Chief Ilgar Balakishiyev, who expressed objection to what was written in the article and accused the journalist of being biased. Amirkhanli was then released.

On 2 March, *Zerkalo* newspaper reporter **Rashad Rustamov** was beaten by a village municipality chief and six other men while carrying out his professional duties. Rustamov reported that he was investigating a complaint from residents of the Chovdar village in the Dashkesen region, who claimed their lands had been illegally seized by the Azerbaijan International Mineral Resources Operating Company. When he arrived, a man identifying himself as the municipality head took him to a schoolyard, where he and six other men beat Rustamov and took his voice recorder. The newspaper's management has appealed to the Ministry of Internal Affairs and the Prosecutor General's Office in connection with the case.

On 14 March, *Gundalik Baku* newspaper editor **Habil Valiyev** was attacked by two men in Baku. Valiyev reported he had received a call from unknown people who asked to meet him near his house. When he arrived, he discovered there were 10 men armed with pistols and knives. Two of them beat Valiyev on his ear and temple with the handle of a knife. He has identified one of the men as Baku resident Emil Zeynalov; the second attacker was a passenger in Zeynalov's Mercedes Benz. Valiyev said the men attacked him as they knew he was the editor of *Gundalik Baku*, he believes in connection with a series of recent articles exposing trafficking in persons and other crimes. Valiyev reported the attack to the Ministry of Internal Affairs' 102 hotline, and an investigation has been opened by the Yasamal District Police.





## Chapter Two: Legal repression of freedom of expression

While the Azerbaijani Constitution provides for the rights to freedom of expression and media freedom, the ruling regime has increasingly restricted these rights in practice, particularly related to sensitive issues such as criticism of the president and government corruption.

During the first quarter of 2013, President Aliyev signed into law regressive legislation stipulating stricter registration and reporting requirements for NGOs, thus asserting greater government control over civil society and potentially hindering journalists from obtaining news from NGOs. In addition, authorities also began applying provisions from regressive changes to the law on freedom of assembly made in November 2012.

### ***Restrictions on NGOs***

On 11 March, President Aliyev signed into law a series of regressive amendments that will severely restrict the ability of independent NGOs to operate. The changes to the law on NGOs, law on grants, and law on freedom of religion, which were adopted by Parliament on 15 February, stipulate that NGOs receiving donations of a value greater than 200 AZN without a formal agreement could face massive fines and confiscation of property. The amendments would make it possible for the government to quickly and easily shut down critical NGOs.

During the reporting period, the authorities also stepped up other forms of pressure on independent NGOs. Critical NGOs continued to be denied registration, including the Public Union “Center to Protect the Interests of Society,” which had its appeal denied on 29 January by the Baku Court of Appeals, and the Human Rights Club, which was denied registration on 19 February by the Baku Administrative-Economic Court #1, attempting to register for three years.

In a statement made on 14 March, Head of the Presidential Administration Ramiz Mehdiyev accused foreign donors of “unlawfully” financing Azerbaijani NGOs. IRFS believes the authorities are setting the stage for a larger clampdown on independent NGOs by claiming they are part of a foreign plot to destabilize the country.

### *Restrictions on freedom of assembly*

During the reporting period, the authorities began imposing steep fines on protest organizers and participants under new amendments to the law on freedom of assembly. In November 2012, Parliament dramatically increased the penalties for organizing or participating in unsanctioned protests.<sup>1</sup> Protest participants can now be fined between 500 and 1,000 AZN, and organizers can be fined between 1,500 and 3,000 AZN if they are ordinary citizens, or between 3,000 and 6,000 AZN if they are officials. If the organizer is a legal entity – such as a political party or an NGO – it can be fined between 15,000 and 30,000 AZN.<sup>2</sup>

Many of those fined so far have refused to pay, as part of a civil disobedience campaign. As a result, court bailiffs have begun seizing property belonging to these individuals and their families. In light of the financial hardships faced by many activists and NGOs, as well as the fact that critical groups are rarely granted permission to hold demonstrations, these provisions could have a serious chilling effect on freedom of assembly in the country. This is a particularly ominous move in light of the upcoming presidential election in October 2013.

### *Defamation*

Among the most longstanding legal provisions problematic to freedom of expression are the defamation provisions that remain in Azerbaijan's criminal code. The government failed to implement the provision of the "National Action Program for increasing the efficiency of human rights and freedoms in the Republic of Azerbaijan"<sup>3</sup> for the adoption in 2012 of a new defamation law which would decriminalize defamation. At present, defamation remains a criminal offense, carrying a penalty of up to three years in prison. Defamation provisions are not used as frequently to imprison journalists as in previous years, but they are still in use.

The more frequent use of civil defamation provisions to restrict the ability of independent and opposition newspapers to operate presents a serious obstacle to freedom of expression. Highly critical newspapers such as *Azadliq*, *Yeni Musavat* and *Khural* are the most frequent targets of defamation lawsuits, many of which are based on complaints filed by Members of Parliament (MPs) and other public officials. The heavy damages awarded as a result of these lawsuits contribute to the already dire financial situation of these newspapers, making continued operations difficult. There were several significant developments in civil defamation cases against critical media outlets in the first quarter of 2013.

<sup>1</sup> <http://bit.ly/Z8ZFrR>

<sup>2</sup> <http://bit.ly/ZeMtkA>

<sup>3</sup> <http://bit.ly/PxH3Tw>

On 14 February, the Supreme Court, presided over by judge Tatyana Goldman, denied a cassation appeal filed by *Azadliq* newspaper. The court upheld the 30,000 AZN fine imposed on the newspaper by a ruling of the Yasamal District Court on 14 June 2012, which was upheld by the Baku Court of Appeals on 13 September. Head of the Baku Metro, Tagi Ahmadov, had filed the lawsuit, claiming that his dignity, honor, and business reputation were insulted in an article titled “Tagi Ahmadov appropriated 5 kopecks,” which noted that after metro fares had been raised to 20 kopecks, it became impossible to use 5 kopecks previously loaded onto metro cards.

On 19 February, the Baku Court of Appeals, under presiding judge Ilgar Damirov, denied an appeal filed by *Azadliq* newspaper against a fine imposed on the newspaper by a ruling of the Yasamal District Court on 22 October 2012. Bina shopping center owner Kabira Mammadova had filed the lawsuit against *Azadliq* newspaper and its employee, Ramin Deko, for defamation. The newspaper and Deko were ordered to pay Mammadova 30,000 AZN and 2,000 AZN in compensation respectively. Mammadova claimed that her business reputation was damaged by the articles “Kabira Mammadova’s Eurovision Operation” and “Kabira Mammadova’s New Title Deed Operation” published by *Azadliq* newspaper.

As a result of the steep fines imposed in these two lawsuits, as well as other fines levied on the newspaper in 2012 (totaling 69,000 AZN) and other economic factors, *Azadliq* newspaper remains in a critical financial situation and has announced several times it might be forced to close.



Two new lawsuits were brought against *Yeni Musavat* newspaper. One of the suits was filed by Baku Steel Casting JSC and the Baku Steel Company, over the article “Industrial plant of the Zulfugarli brothers plundered and closed” published in the newspaper on 23 November 2012. The plaintiffs claimed that the article is damaging their business reputation, and has asked the court to order the newspaper to provide a retraction and pay one million AZN in compensation.

On 26 February, *Yeni Musavat* newspaper editor-in-chief Rauf Arifoglu told IRFS that such a huge claim is aimed at “eliminating the newspaper.” “Those who file defamation lawsuits against *Yeni Musavat* are either government officials or commercial entities affiliated with them. The total amount of compensation demanded from our newspaper by plaintiffs in 2012 has come to two million 950 thousand AZN. In total, a 55,600 AZN fine was imposed on us on the basis of these claims” said Arifoglu.

Another lawsuit against *Yeni Musavat* was initiated by the ANS Independent Broadcasting Media Company, over the article “Two magazines of ANS closed” published on 15 January. ANS demanded *Yeni Musavat* provide a retraction and pay 20,000 AZN in compensation. Note that *Yeni Musavat* published this article with reference to the [aznews.az](http://aznews.az) website. The website has also been sued by ANS, which has demanded the website pay 100,000 AZN in compensation.

**Minister of Internal Affairs Ramil Usubov, and Minister of Emergency Situations Kamaladdin Heydarov, filed two parallel defamation lawsuits against *Azadliq* newspaper editor-in-chief Ganimat Zahid. The two ministers appealed to the court over the article “Ramil Usubov gets angry at Kamaladdin Heydarov” that was published in the 1 March issue of the newspaper. They requested that the court punish Zahid under articles 147.1 and 147.2 of the Criminal Code (defamation). On 18 March, the ministers withdrew the lawsuits, following *Azadliq*'s publishing of a refutation and an apology on 12 March.**

*Other cases*

On 23 January, Baku Administrative-Economic Court #1 heard the lawsuit of Turan News Agency against the Baku City Executive Power. Judge Vusala Bakhishova presided over the hearing. The court partially granted the lawsuit by requiring the Executive Power to pay 10 AZN in court costs and respond to the plaintiff's request for information regarding the number and owners of newspaper kiosks. Turan Information Agency director Mehman Aliyev said he intends to appeal against the ruling of the court for delaying the consideration of the lawsuit and serving the interests of the Executive Power.

On 18 March, the Yasamal District Court of Baku, presided over by judge Tahir Ismayilov, denied journalist Khadija Ismayilova's lawsuit against *Iki Sahil* newspaper. Ismayilova had filed the lawsuit in connection with the article "What is Khadija's fault" published on 15 March, considering this article to be libelous and damaging to her good name and business reputation. The journalist demanded that the newspaper publish an apology and refutation, and pay her 2,000 AZN in compensation for psychological damage. Ismayilova plans to appeal the decision.



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## Chapter Three: Detention of journalists, bloggers and human rights defenders

The Azerbaijani authorities have a proven track record of using detention as a means of pressure to stifle dissent and protest. Recent years have seen a shift of imprisonment on charges clearly linked with journalists' professional activities – such as defamation – to imprisonment on a wide range of other charges that seem at first glance to be unconnected with their work, but are intended to make an example of critical journalists, bloggers, and human rights defenders. These charges have included hooliganism, drug possession, weapons possession, inciting hatred, supporting terrorism, tax evasion, extortion, and appealing for mass disorder.

On 23 January, the Azerbaijani delegation was successful in defeating a key resolution at the Parliamentary Assembly of the Council of Europe on “The follow-up to the issue of political prisoners in Azerbaijan.”<sup>4</sup> The resolution failed to pass with a vote of 79 in favor and 125 against.

Human rights defenders viewed the defeat of the resolution as a failure by the Council of Europe to hold Azerbaijan accountable for its obligations as a member state. The Azerbaijani authorities appeared to view it as *carte blanche* to continue arresting persons for politically motivated reasons, including in connection with freedom of expression.

At the end of the quarter, there were seven journalists in detention or prison for politically motivated charges in connection with freedom of expression:

1. **Nijat Aliyev**, editor-in-chief, [www.azadxeber.net](http://www.azadxeber.net)
2. **Araz Guliyev**, editor, [xeber44.com](http://xeber44.com)
3. **Fuad Huseynov**, freelance journalist
4. **Hilal Mamedov**, editor-in-chief “*Tolishi Sado*”
5. **Faramaz Novruzoglu**, freelance journalist
6. **Tofiq Yagublu**, correspondent, *Yeni Musavat* newspaper
7. **Avaz Zeynalli**, editor-in-chief, *Khural* newspaper

In addition to the cases involving journalists, at the end of the quarter, two human rights defenders remained in prison on politically motivated charges in connection with freedom of expression. **Ilham Amiraslanov**, an activist with Kur Civil Society, is serving a two-year prison sentence on weapons possession charges after he accused local officials of misappropriating funding intended for victims of the 2010 Kura river floods. Human rights lawyer **Bakhtiyar Mammadov** is serving an eight-year prison sentence on charges of large-scale extortion, combined with a previous fraud conviction. He was targeted after he represented families who were forcibly evicted from their homes to make way for the construction of Crystal Hall, the venue for the 2012 Eurovision Song Contest.

**At the end of the quarter, there were seven journalists in detention or prison for politically motivated charges in connection with freedom of expression.**

<sup>4</sup> <http://bit.ly/W8aE6d>



*Current cases of detained or imprisoned journalists (as of 31/03/2013)*

Editor-in-chief of [www.azadxeber.net](http://www.azadxeber.net) **Nijat Aliyev** was arrested on 20 May 2012 in front of Killer menswear shop near the Memar Ajami metro station, and taken to Yasamal District Police Office #27. He was charged under Article 234.1 of the Criminal Code (illegal manufacture, purchase, possession, transportation, transfer or sale of drugs, and psychotropic substances). Many believe that Aliyev was targeted for criticizing the authorities in the run-up to the Eurovision Song Contest, including the government's high expenditures for the event and policies on LGBT issues.

On 26 January, Aliyev was additionally charged under Article 167.2.2.1 (import, sale and distribution of religious literature, religious items and other informational material of a religious nature with the aim of reproduction, sale and distribution without appropriate authorization), Article 281.2 (appealing for the violent seizure of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Republic of Azerbaijan, as well as distribution of materials of such content), and Article 283.2.3 (incitement of national, racial or religious hostility, humiliation of national honor, as well as discrimination of citizens based on their national, racial or religious background committed publicly or with use of mass media). Aliyev is being held at the Kurdakhani investigative detention facility. A verdict is expected shortly after the end of the reporting period.

Editor of [xeber44.com](http://xeber44.com) **Araz Guliyev**, was arrested on 8 September 2012 on hooliganism charges after he was accused of attempting to disrupt an international folklore festival in the Masalli region, causing bodily harm to two residents and a policeman, and smashing the windows of a car. His brother, Azer Guliyev, refuted the claims and said his brother had been arrested for covering protests in the region against the hijab ban. He also said his brother was tortured by police in detention.

In December 2012, new charges were brought against Guliyev. The previous hooliganism charge was replaced by five new charges, under Article 228.1 (illegal possession of fire arms), Article 233 (violation of public order), Article 283.1 (inciting national, racial, ethnic or religious animosity and hostility), Article 315.2 (resistance and violence against a representative of the authority) and Article 324 (insulting the national flag or emblem of the Azerbaijani Republic). Guliyev is being held at the Kurdakhani investigative detention facility while his trial is ongoing at the Lankaran Court of Grave Crimes.

Freelance journalist **Fuad Huseynov** was arrested in October 2010 on trumped-up charges of hooliganism after exposing illegal activities of public officials in the Ujar region, in particular, involvement in drug trafficking and trafficking in persons. On 26 September 2011, Huseynov was sentenced to six and a half years in prison under Article 221.3 of the Criminal Code. One of the “victims” who testified against Huseynov later stated that he had been pressured into giving false testimony by a local mafia group. Huseynov had previously served two years of a three and a half year prison sentence on hooliganism charges, after he accused a former Ujar city police chief of drug-related crimes. He remains in custody at Prison #12.

*Tolishi Sado* newspaper editor-in-chief and Talysh cultural activist **Hilal Mamedov** was arrested on 21 June. The following day, the Nizami District Court sentenced him to three months of pre-trial detention. He was charged under Article 234.4.3 of the Criminal Code (illegal manufacture, purchase, storage, transfer, transport or sale of drugs and psychotropic substances in a large quantity). He was later additionally charged under Articles 274 (treason) and 283.2.2 (inciting national, racial, social and religious hatred, hostility and ethnic discrimination).

Mamedov has been accused of cooperating with Iranian secret services and carrying out activities against the security and territorial integrity of Azerbaijan. The previous editor-in-chief of *Tolishi Sado*, Novruzali Mammadov, was convicted of similar charges in 2008, and died in prison in 2009. Hilal Mamedov’s pre-trial detention period has been extended several times. At the end of the year, he remained in custody at the Kurdakhani investigative detention facility. He faces up to 12 years in prison if convicted.

On 22 August 2012, freelance journalist **Faramaz Novruzoglu** (Allahverdiyev) was sentenced to four and a half years in jail under Criminal Code Article 220.2 (appealing for mass disorders and violence against citizens) and Article 318.1 (crossing protected borders of the Azerbaijani Republic without established documents or outside of a border checkpoint). Novruzoglu was accused of posting calls for riots on Facebook ahead of the 11 March 2011 Great People's Day protest, and of crossing the border into Turkey and living there illegally from November 2010 to October 2011. Novruzoglu has denied the charges and believes he was targeted for articles about Azerbaijan's imports and exports, which were critical of the government. He remains in custody at Prison #1.

On 4 February, *Yeni Musavat* newspaper journalist and Deputy Chairman of the opposition Musavat party **Tofiq Yagublu** was arrested on charges of organizing public disorder (Criminal Code Article 233) and resisting authorities (Article 315). Yagublu was accused of organizing the 23-24 January riots in Ismayilli, when in fact he arrived in the region the day after the riots started, in his capacity as a journalist to cover the events. REAL movement presidential candidate Ilgar Mammadov travelled to Ismayilli with Yagublu and is in detention on similar charges. Yagublu was sentenced to two months of pre-trial detention, which was extended for another two months on 18 March. On 14 March, the Baku Court of Appeals denied his appeal for release under house arrest. He remains in detention at the Kurdakhani investigative detention facility.

**On 13 February, editor-in-chief of *Khural*/newspaper Avaz Zeynalli was sentenced to nine years in prison on charges of taking a large bribe (Criminal Code Article 311.3.3), extortion (Article 311.3.4), and contempt of court (Article 306). He was also convicted of tax evasion (Article 213.1), for which he was fined 4,076 AZN and prohibited from engaging in commercial activity for one year following his release. At the time of sentencing, Zeynalli had already been detained for 17 months, since his arrest on 28 October 2011. Zeynalli reports that his health has deteriorated in detention, as he suffers from a number of serious ailments.**

**The charges against Zeynalli stemmed from a complaint filed by the now-discredited then-MP Gular Ahmadova, who claimed he attempted to blackmail her. Ahmadova was later involved in a scandal after two videos were posted to YouTube appearing to show her negotiating the price for a parliamentary seat.<sup>5</sup> Ahmadova resigned following the release of the first video, and was later arrested on charges of embezzlement and concealment of a grave crime. Ahmadova is currently in detention at the Kurdakhani investigative detention facility.**

<sup>5</sup> <http://bit.ly/S384Kx>

### *Other cases*

A number of other journalists, bloggers, and human rights defenders spent time behind bars in the first quarter of 2013, while others served conditional sentences, and still others faced potential imprisonment if convicted on charges connected with freedom of expression.

**Kur Civil Society staff coordinator and Transparency magazine editor-in-chief Ogtay Gulaliyev was detained on 8 April 2012 in the Minbashi village of Sabirabad, where he was conducting a monitoring. He was sentenced to 12 days of administrative detention. On 17 April 2012, Gulaliyev reported through his lawyer that he had been beaten in detention by several police officers, including Deputy Chief of the Sabirabad District Police Department Rauf Majidov. On 19 April 2012, a criminal case was opened against Gulaliyev under Article 220.2 (active resistance to authorities' legal orders), and the Sabirabad Regional Court sentenced him to two months of pre-trial detention. Gulaliyev is believed to have been targeted for his criticism of local authorities in connection with the 2010 Kura river floods. On 13 June 2012, the Sabirabad Regional Court, under presiding judge Firdovsi Aliyev, ordered Gulaliyev's release. However, the criminal charges against Gulaliyev still stand, and he faces up to three years in prison if convicted.**

**Vugar Gonagov** and **Zaur Guliyev**, executive director and editor-in-chief of Guba-based Khayal TV, were arrested on 13 March 2012. They were accused of provoking the mass riots that broke out two weeks earlier on 1 March 2012 by uploading a video to YouTube showing regional governor Rauf Habibov making derogatory remarks about local residents. Thousands of protesters gathered to demand Habibov's resignation; he was later dismissed by President Aliyev.

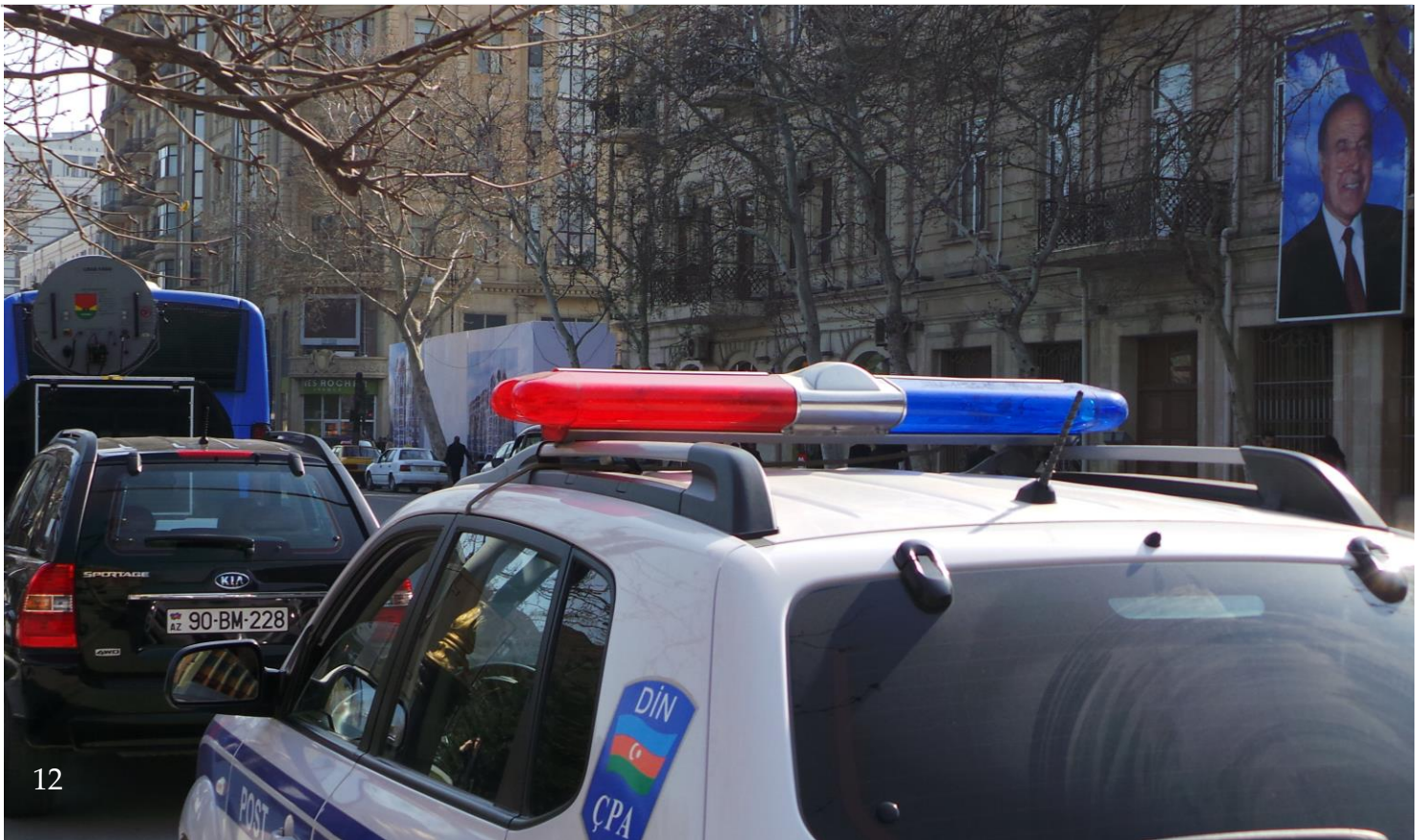
Gonagov and Guliyev were charged under Criminal Code Article 233 (organization of actions promoting infringement of social order or active participation in such actions) and Article 309 (abuse of power). Their pre-trial detention period, initially for two months, has been extended several times. Gonagov was forced by the investigator to refuse the services of his lawyer, Elchin Sadigov. On 15 March, the Khachmaz District Court convicted the two journalists but released them, giving them each a suspended three-year sentence in lieu of jail time. Gonagov and Guliyev intend to file an appeal against the ruling as they deny the charges.



IRFS photo-video journalist and Azerbaijan Youth Media Center member **Mehman Huseynov** was summoned to the Sabayil District Police station on 13 June 2012, questioned for three hours, and taken into police custody for 48 hours. He was accused under Article 221.1 of the Criminal Code (hooliganism). The charges against Huseynov stem from a verbal disagreement that he had with police at an unsanctioned protest in front of the Baku Mayor's Office on 21 May 2012. Huseynov was carrying out his professional duties when police used force against both protesters and journalists, including Huseynov and other IRFS employees, and broke Huseynov's camera. Huseynov may have been targeted in connection with his activism with the Sing for Democracy campaign, or his photographs depicting human rights abuses by the authorities, which are widely used in the local and international media. Huseynov faces up to five years in jail if convicted.

IRFS Program Manager and lawyer **Gunay Ismayilova** and Election Monitoring and Democracy Studies Center (EMDS) employee **Javid Nabiyeu** were detained by local authorities in the Khachmaz region on 12 February. The two civil society representatives were in Khachmaz to run a workshop on citizen participation in public policy as part of an initiative funded by the European Union and USAID. Police raided the venue just before the workshop started and detained the two trainers. Babiyeu was beaten by police officers and Ismayilova reported that she was subjected to pressure and kept hungry and thirsty for eight hours before the two were released.

Founder of *Gundam Khabar* newspaper **Shirin Jafari** has been charged with tax evasion and abuse of position under Articles 213.2.2 and 308.1 of the Criminal Code. The criminal case was opened following a request by the Press Council for an investigation into the newspaper's activities. The Press Council accused the newspaper of ignoring citizens' right to privacy, disseminating information insulting citizens' honor and dignity, and regularly violating journalistic ethics. Jafari has been prohibited from traveling outside of Baku while the Kapaz District Court of Ganja considers his case.



## Chapter Four: State control of the media<sup>6</sup>

The political climate in Azerbaijan remains hostile to the activity of mass media outlets and citizen journalists. Traditional radio and television broadcasters are under particularly tight government control, either directly or through informal means of pressure.

<sup>6</sup>For more information on Azerbaijan's broadcast media climate, see IRFS' March 2013 report, *Media in a Chokehold*, available at <http://bit.ly/14OZV6n>

There are very few independent media outlets left in Azerbaijan, as even many traditional opposition voices have been silenced through force or other means of influence (for example, free apartments have been given to some journalists and editors). Similarly, some opposition outlets have recently softened their tones after receiving government grants. In a marked change over the past year, few media outlets in Azerbaijan are now regarded as independent. In this environment, self-censorship has become as great a challenge as imposed censorship.

The four newspapers not sponsored by the state, which seek to disseminate alternative political views, have very low circulation figures, reaching less than three percent of the population. The state economy has been monopolized by a small number of oligarchs, limiting the advertising market and presenting another obstacle to the development of independent media in Azerbaijan. Even medium-sized companies and entrepreneurs refrain from advertising in the independent and opposition media for fear of angering the authorities. Restrictions on advertising revenue and printing and distribution facilities, as well as an acute lack of private investment, serve to suffocate the handful of relatively successful independent publications remaining.

Another tactic to keep the relatively independent media marginalized is limiting their access to decision-makers. Top policy-makers and their press officers do not hold regular public briefings. The presidential administration's press pool is a closed group of trusted and easily manipulated journalists. Those who have access to the ruling elite do not ask unwelcome questions, and those who are more inquisitive simply are not given access.

### *Control of the broadcast media*

Presently, the most controlled segment of the Azerbaijani media is television and radio broadcasting. The country has nine national, 14 regional and 13 cable television stations, and 12 radio stations. Following the authorities' ban on foreign broadcasters from accessing national frequencies in 2009, which took the Azerbaijani services of the BBC, RFE/RL and Voice of America off the air, there has been an absence of diversity of opinion in nationwide broadcasting. These stations were the only alternative information sources for Azerbaijani listeners. The 12 radio stations that currently broadcast over nationwide frequencies fail to ensure pluralism.

**Traditional radio and television broadcasters are under particularly tight government control, either directly or through informal means of pressure.**

**As far as political coverage is concerned, the message remains consistent: whatever problems Azerbaijan may be facing, President Aliyev is firmly in charge, and any political alternative is inconceivable .**

Three (AzTV, Idman Azerbaijan and Medeniyyet Azerbaijan) of the nine national television channels are state-owned, and in contrast to the international trend of privatizing state media, the government continues to open a new state television station approximately every other year. There are so-called independent television stations in the regions outside of Baku, but they merely broadcast music and entertainment programming and do not provide information about current affairs in the country.

The Azerbaijani public service broadcaster, Ictimai, does not fulfill the functions of public service broadcasting as stipulated by international standards. Ictimai does not serve the public interest or ensure pluralism, failing to provide balanced and varied programming for all sectors of the population as required through its membership in the European Broadcasting Union. Since its formation in 2005, Ictimai has essentially served the needs of the state, largely being used as a propaganda tool of the government with little or no independent reporting. Ictimai gives only brief – and often incorrect – information about significant events in the country, such as the activities of political parties or public associations. It often disseminates incorrect information about individuals and organizations, and refuses to grant them airtime to exercise their right to reply.

The nine national channels work in a top-down manner, with one-way communication between the state and citizens. News coverage on these channels is closely coordinated with the president's office, so that coverage is similar from one channel to the next. This form of control is by no means coercive, as the top television managers are among the country's political elite and are the willing partners of the ruling regime. As far as political coverage is concerned, the message remains consistent: whatever problems Azerbaijan may be facing, President Aliyev is firmly in charge, and any political alternative is inconceivable. These channels serve the government's political goals, shaping public opinion by boosting, playing down, or ignoring certain issues, figures, or groups and instilling sentiments that benefit the ruling regime's political interests.

Just as there is a lack of political competition in the public realm, there is also no competition among the six private television channels as far as political coverage is concerned. When it comes to entertainment programming, however, the competition is fierce. Though all six channels operate as commercial entities that rely on advertising revenues, they remain tightly controlled by the state.

Combining state propaganda with a lucrative business operation works because it generates state-of-the-art television entertainment, sustains audiences, and thus attracts advertisers. The advertising market was more robust in the years preceding the global financial crisis, but even now national television channels remain profitable. To many in Azerbaijan – especially the provincial, older, less-educated, and poorer demographic – free national television is the only affordable form of entertainment. Once people are attracted to a channel by soap operas and other appealing entertainment programs, they also watch the national news on the same channel.

Because the government exercises full control over the broadcast licenses via the National Television and Radio Council (NTRC), the licensing of broadcast media outlets remains highly political, biased, and non-transparent. The NTRC consists of seven acting members appointed directly by the president and is fully funded from the state budget. There is no legal guarantee of its independence. Broadcast media outlets not sponsored by the state are unable to obtain licenses, such as Objective TV, which has been attempting to obtain a license for several years.

The government has recently minimized the number of tenders for new and potential broadcasters to get available frequencies. Until 2010, a lack of empty frequencies was used as an excuse to avoid providing broadcast licenses to unwelcome/uncontrolled media. At that time, the NTRC refused to publicize the list of empty frequencies, in blatant violation of the law on broadcast media. Now, the NTRC states that while there are enough empty frequencies, there is no need for so many television channels in such a small country. The NTRC has also suggested that the appearance of new television channels will negatively affect the advertising incomes of the existing channels, which might have an adverse impact on the quality of their work.<sup>7</sup> This argument shows that the NTRC is unwilling to allow new and independent players to enter the broadcast market, in this way hindering media development.

The impossibility of obtaining broadcast licenses has led to the emergence of online television channels. There are presently four online television channels in Azerbaijan, and content produced by three of these reflects alternative opinions. But low-quality and expensive Internet services hinder the development of these channels, as they are highly dependent on the speed and quality of the Internet (considering that video content must be uploaded onto websites). These online channels will only have a chance of becoming popular enough to compete with traditional television channels if fully affordable and accessible fiber optic Internet is ensured in the country.

<sup>7</sup><http://bit.ly/PaLcLA>



During the reporting period, the authorities reportedly imposed a ban on Turkish Media TV in all public places in the region of Barda. Turkish Media TV is a satellite television station that broadcasts an Azerbaijani opposition program, *Azerbaijan Saati* (Hour), into the regions. The program increased public debate on the issue of deaths of military conscripts in non-combat situations. Police reportedly demanded that owners of cafes and teahouses remove their antennas or they would face trouble with the authorities.

### *Restrictions on the print media*

Both direct political control and economic pressure, combined with a lack of fair rules, are damaging the development of professional journalism in Azerbaijan. This is particularly the case with the print media.

The ruling regime has sought to silence critical newspapers by putting the squeeze on their advertising revenue, limiting their distribution channels, and initiating hundreds of defamation lawsuits against them. The result has been a general decline in criticism and public debate on crucial issues. The concentration of buying power among state-supported publications and a lack of standards providing for impartiality have resulted in a rather uneven playing field for Azerbaijan's print media.

The state controls print media through economic pressure. State-owned and pro-governmental media are financed through compulsory subscriptions by state institutions, while also gaining revenue from advertising, in a market dominated by state companies. According to Rahim Hajiyev, deputy editor of *Azadliq* newspaper, companies that wish to advertise in critical media outlets are prevented from doing so through intimidation.<sup>8</sup>

Control over distribution also facilities also limits the market for critical publications. In 2012, a number of press kiosks were installed in Baku, which are actually booths selling all kinds of food and consumer goods except for newspapers (although there are small newspaper stands beside these booths). Information about the ownership of these booths is kept secret. They were installed in locations previously occupied by newspaper kiosks belonging to the Qasid and Qaya distribution companies.

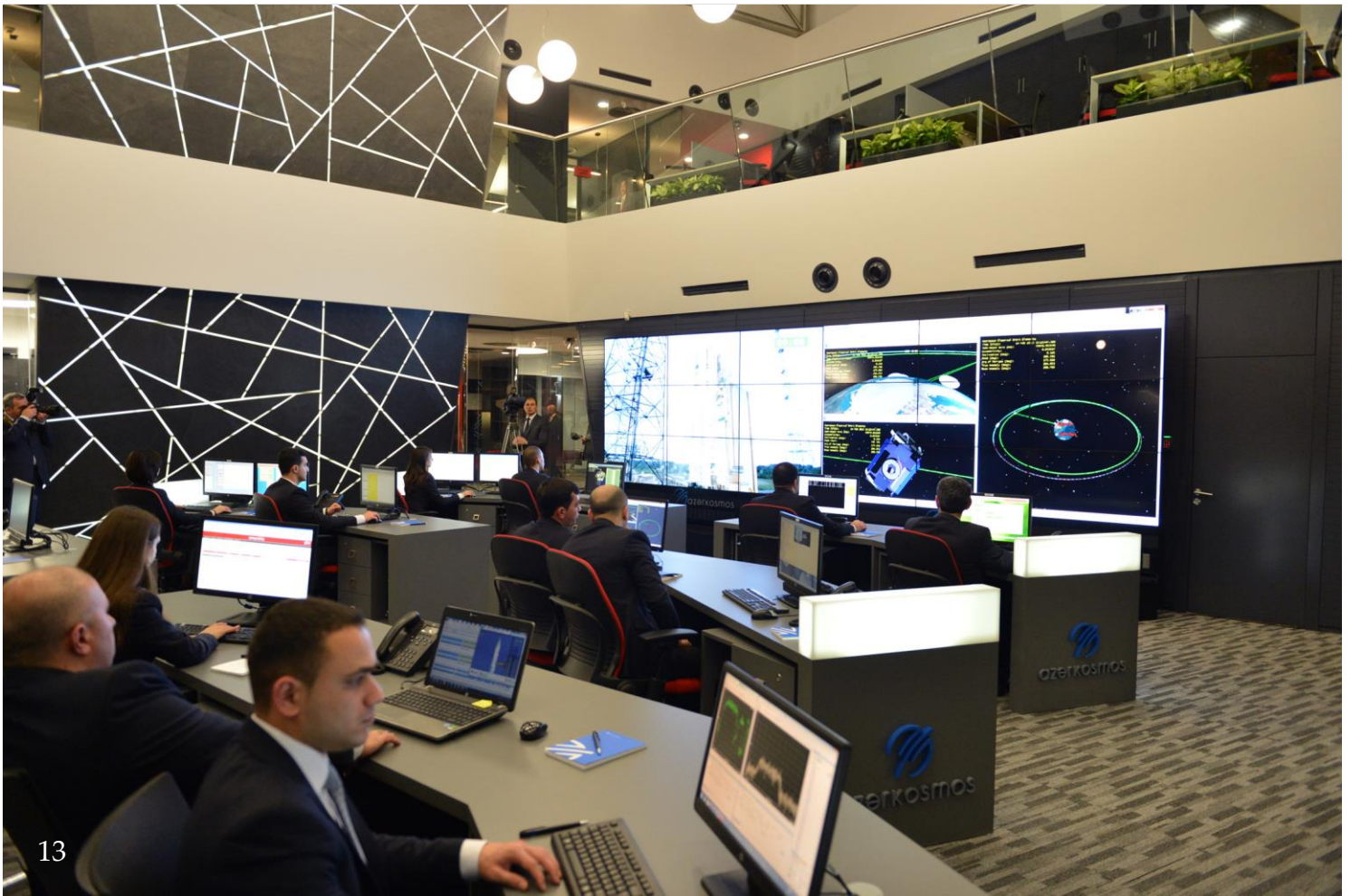
Qasid and Qaya have also taken a hit in terms of subscription revenue. According to Qaya Distribution Company Director Khanhuseyn Aliyev, all state agencies have been unofficially ordered to subscribe to newspapers via the Kaspi Distribution Company.<sup>9</sup>

<sup>8</sup> <http://bit.ly/TB4v3d>

<sup>9</sup> As stated in June 2012 at a conference of the Azerbaijan Editors' Union: <http://bit.ly/ZaN73d>

Restrictions on press distribution have seriously affected the sales incomes of some high-circulation newspapers such as *Yeni Musavat* and *Azadliq*. This monopolization of all forms of press distribution (mobile sales, kiosks and subscriptions) will allow the government to easily prevent the sale of certain newspapers and magazines.

Distribution problems were not limited to Baku. During the reporting period, there were reports of a ban in Nakhchivan on the sale of newspapers that are critical of the government. Critical newspapers were not sold at kiosks or available via the post in Nakhchivan. In particular, there were reports that *Azadliq* and *Yeni Musavat* newspapers could not be found in the exclave.



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## Chapter Five: Freedom of expression online<sup>10</sup>

The last several years have seen a marked increase in Internet use, both globally and within Azerbaijan, as technological developments and a rising consumer demand have made it possible for more and more people to access the Internet.

<sup>10</sup> For more detailed information on freedom of expression online in Azerbaijan, see the Expression Online Initiative's November 2012 report, *Searching for Freedom: Online Expression in Azerbaijan*, available at <http://bit.ly/10HO18X>

**The Internet in Azerbaijan can be considered partly free; however a number of worrisome developments have occurred in the aftermath of the 2012 Internet Governance Forum, and in particular, during the first quarter of 2013.**

Currently, approximately one third of the population<sup>11</sup> has access to the Internet, making it a key platform for information exchange. In parallel to this growth in Internet use, however, have come increased measures to restrict how people can access the Internet and what they can do online.

The Internet in Azerbaijan can be considered partly free; however a number of worrisome developments have occurred in the aftermath of the 2012 Internet Governance Forum, which was held in Baku in November, and in particular, during the first quarter of 2013.

Targeting by authorities of individuals who used to the Internet to voice critical opinions remained a significant threat. For the most part, Azerbaijanis are technically able to do what they like online, but that does not mean there will not be repercussions. On the contrary, those who cross certain lines in their online postings – such as calling for protest, exposing corruption, or criticizing the president and his family – do so at significant risk.

At the end of March, two journalists remained in detention or prison in connection with expressing critical opinions online: **Nijat Aliyev**, and **Faramaz Novruzoglu**. In addition, **Vugar Gonagov** and **Zaur Guliyev** also spent time in detention this quarter in connection with their online activity.<sup>11</sup> Blogger **Elnur Majidli**, who lives abroad, faces arrest if he returns to Azerbaijan, as he has been criminally charged in absentia based on his calls for protest via Facebook.

Activists who use Facebook to organize protests are now facing steep fines under recent changes to the freedom of assembly law. N!DA civic movement activist **Turgut Gambar** has been fined 2,500 AZN for calling for a protest on 26 January via Facebook. Previously imprisoned blogger **Emin Milli** was arrested during the same protest and sentenced to 15 days in administrative detention, in connection with his use of Facebook to call for protest. The court decision stated that the activists placed “illegal” appeals on Facebook, inviting citizens to take part in an illegal protest.

On 27 February, **Turkel Alisoy**, a member of the Popular Front Party’s youth movement, was taken from his home by police to the Baku City Main Police Office. There, Head of the Criminal Investigation Department Aliaslan Agayev, showed him printed screenshots of his Facebook posts, accusing him of calling on students not to attend classes that day as part of a protest against problems in the education system. Alisoy was detained for approximately seven hours and threatened with a criminal case if he continued to be active and call for protest on Facebook.

<sup>11</sup> More information on these cases is provided in Chapter Three of this report.

In light of the growing influence of social media in the country, ruling party MPs have stepped up rhetoric suggesting that social networking sites – and Facebook in particular – should be regulated or blocked in Azerbaijan. For example, on 28 March, influential ruling party MP Siyavush Novruzov said Parliament should impose legal regulations on social media in order to protect “citizens’ honor and dignity.”

The government has increasingly attempted to exercise greater control over the Internet, though it remains much less restricted than print and broadcast media, which are the main sources of news for most citizens. In the Law on Mass Media of 1999, the Internet was categorized as part of the mass media. Because of this, all rules applied to the traditional media, which are considered to be highly problematic, could also be used for Internet regulation. The Ministry of Communications and Information Technologies is the major body responsible for regulating the Internet, but experts have emphasized the urgent need for this role to be shared with an organization that is not under state control. The ministry imposes restrictions on the assignment of the “.AZ” national domain.

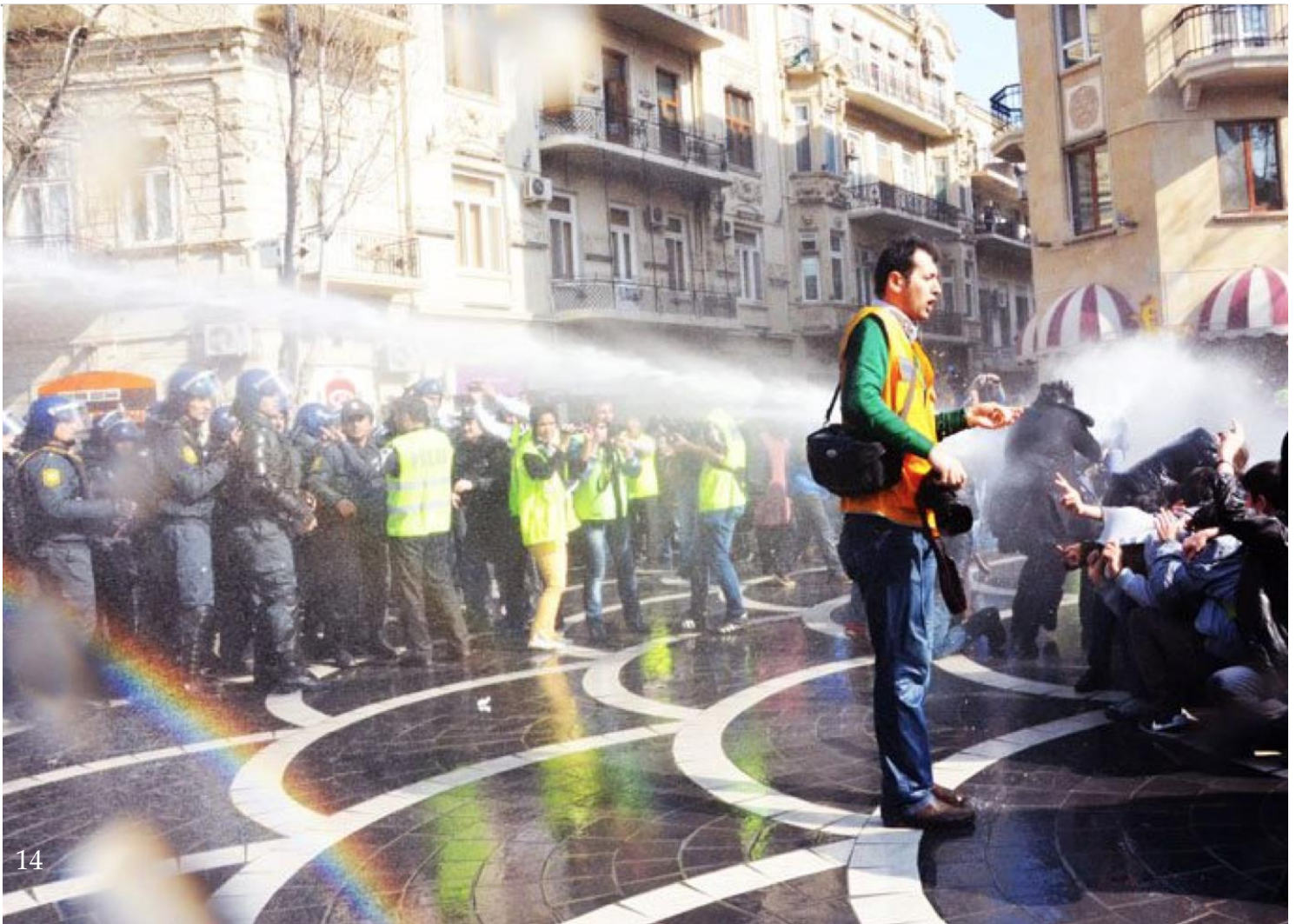
While online media are largely free from government censorship, the authorities have expressed a desire to regulate it.<sup>12</sup> There have been numerous statements by top government officials suggesting that further mechanisms of control are forthcoming, including the licensing of online television stations. For example, in a statement issued on 10 January, NTRC Head Nushirevan Maharramov said that online stations should be subject to licensing, just like traditional television stations.

IRFS is also seriously concerned about plans for a new bill that would grant the government broad powers to restrict online content, ostensibly to protect children from pornography and other harmful material. In authoritarian regimes, the introduction of such legislation is often followed by technical censorship of the Internet. For example, government bodies might prepare a blacklist of prohibited sites, resulting in blocked access to these sites.

**While online media are largely free from government censorship, the authorities have expressed a desire to regulate it.**

<sup>12</sup> <http://bit.ly/aJTzXs>





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## Conclusion

Azerbaijan's freedom of expression record remained extremely poor in the beginning of 2013, with the regime employing both crude and sophisticated tactics to silence critical voices in an attempt to distract the public from widespread government corruption, anti-government protests, and other social issues in the country.

In order for the upcoming presidential election to be considered fair and free in accordance with international standards, the government must provide for a 'level playing field' and respect and protect the rights to freedom of association and freedom of expression of all candidates and their supporters.

Media freedom is particularly crucial during elections and pre-election periods. Acts of censorship, intimidation, imprisonment and other forms of silencing critical voices are completely incompatible with a free election.

To promote fair, safe and professional media election coverage, the government must create conditions to encourage full, fair and efficient disclosure of information to journalists covering the elections; ensure safety of journalists and their right to work without threat; and produce and distribute election guidelines outlining principles of professional reporting during elections, journalists' rights, election processes and safety information, as well as briefing notes on international human rights law with an emphasis on freedom of expression.

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IRFS envisages a region where citizens are free to speak freely, to be heard, and to participate in decision making. IRFS is committed to unlimited access to a diverse and independent news media.

IRFS believes that, without freedom of expression, democracy and development cannot happen. Therefore IRFS' mission is to protect and improve freedom of expression in Azerbaijan.

For more information, visit us at [www.irfs.org](http://www.irfs.org) or follow us on Twitter @IRFS\_Azerbaijan



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**Pic 1-** March, 2013. Journalists covering mass riots against noncombat military deaths ©IRFS

**Pic 2,3 and 4** - Journalists covering riots in downtown Baku, March of 2013 ©IRFS

**Pic 5** – A roundtable discussion on the situation with press freedom in Azerbaijan. ©IRFS

**Pic 6** – Riot police do not allow journalists to go through cordon. ©IRFS

**Pic 7** – Colleagues and friends visit late journalist Elmar Huseynov's grave. ©IRFS

**Pic 8** - The building of Azerbaijani Parliament (Milli Mejlis). © <http://www.meclis.gov.az/>

**Pic 9** - Well-known photo reporter, Mehman Huseynov covering rally. ©IRFS

**Pic 10** - Employee of Khural newspaper demands freedom for his chief editor ©IRFS

**Pic 11** - Journalists and human rights defenders hold silent protest against the arrest of Tolishy Sado newspaper editor Hilal Mammadov ©IRFS

**Pic 12** - March, 2013. Police cars and Long Range Acoustic Device on Baku's streets ©IRFS

**Pic 13** - Staff of "Azerkosmos" Open Joint Stock Company watching the release of Azerbaijan's first telecommunications satellite. © Azerkosmos

**Pic 14** – Riot police shoot water streams at protesters and journalists . ©IRFS

**Pic 15** - March 2, 2013. Candlelight memorial service in front of the apartment of late journalist Elmar Huseynov ©IRFS