



1

Azerbaijan's Critical Voices Struggling for Survival

2012 Annual Report on Freedom of Expression in Azerbaijan

Contents

Introduction	3
Recommendations	6
Executive Summary.....	9
Chapter One: Violence, blackmail, and pressure against journalists	13
Chapter Two: Legal repression of freedom of expression	23
Chapter Three: Detention of journalists, bloggers, and human rights defenders ..	31
Chapter Four: State control over the media	39
Chapter Five: Freedom of expression online	44
Conclusion	49

2



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.

**Nineteen
journalists were
violently
attacked in
2012, and by the
end of the year,
eight journalists
and one human
rights defender
were behind
bars.**

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 2012, the stakes were higher than usual for those voicing critical opinions in Azerbaijan, with the country hosting two major international events: the Eurovision Song Contest, which was held in May, and the Internet Governance Forum, which was held in November. Those who exposed unsavory truths about the country in connection with these events faced acts of retaliation, particularly as international attention to the country began to fade.

Over the past year, the space for free expression in Azerbaijan shrank considerably as the government continued to take action to silence critical voices. Journalists, media workers, bloggers, and human rights defenders faced harassment, threats, blackmail, attack, arrest, and other forms of pressure in connection with exercising their right to freedom of expression. Nineteen journalists were violently attacked in 2012, and by the end of the year, eight journalists and one human rights defender were behind bars. This report provides details on these and the many other cases of freedom of expression violations that took place in Azerbaijan from 1 January to 31 December 2012.

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



**Government
must reverse
regressive
amendments to
freedom of
information
legislation
aimed at
limiting the
activities of
journalists and
media outlets.**

+ IRFS calls on international community not to turn a blind eye to the freedom of expression situation in Azerbaijan.

- 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.



4

Executive Summary: a 366 Day Crackdown

Many things could be said about the year of 2012 in terms of free expression, but at the very least, it could not be considered routine. This has been a year of contrast between the glitz and glamour of the Eurovision Song Contest, and the crackdown on free expression with dozens of people arrested, blackmailed, threatened, and otherwise pressured.

In 2012, the Azerbaijani government failed to take steps towards improving the freedom of expression situation in the country. Instead, the government adopted decisions and implemented policies that have had a chilling effect on free speech.

IRFS would like to highlight three examples of some of the “worst of the worst” freedom of expression developments from 2012:

Sexual blackmail against Khadija Ismayilova

In March, journalist Khadija Ismayilova, who works for the Azerbaijani service of Radio Free Europe/Radio Liberty (RFE/RL), was targeted in a vicious personal attack when a sex video of her filmed by hidden camera was posted to the Internet. Ismayilova had refused to be silenced after she was subjected to a blackmail attempt the previous week, when she received intimate photos taken of

her with a note stating “Whore, behave. Or you will be defamed.” Ismayilova is a well-known and outspoken critical journalist who has published a series of articles exposing official corruption.

A throwback to the Soviet period

In a worrisome move, on 1 June, the Azerbaijani parliament, the Milli Mejlis, adopted a regressive series of amendments to the Law on the Right to Obtain Information, the Law on the State Registration of Legal Entities, and the Law on Commercial Secrets. The amendments permit commercial entities to keep their registration information secret, including information about their ownership and structure. As is the case with many draft laws in Azerbaijan, the amendments were sent to Parliament without being made public. On 6 July, President Aliyev issued a decree giving the amendments the force of law within three months. They took effect in October. These amendments contradict international

standards for freedom of information and will make it more difficult for journalists to investigate and report on corruption.

Clampdown on protests

On 1 March, mass protests broke out in the city of Guba when a video was posted to YouTube showing the regional mayor making derogatory comments about local residents. Around 1,000 people took to the streets in protest, and the mayor was dismissed from his appointed position the following day. The authorities used excessive force to disperse the crowds, and at least two journalists were seriously injured and five others sprayed with tear gas. Khayal TV journalists Vugar Gonagov and Zaur Guliyev were arrested for uploading the video to YouTube and remained in detention at the time of publication, facing up to 10 years’ imprisonment if convicted on charges of organizing mass disorder and abuse of office.

Ominous amendments to the Law on the Right to Obtain Information, the Law on the State Registration of Legal Entities, and the Law on Commercial Secrets will make it difficult for journalists to investigate and report on corruption.

IRFS has identified the **top eight violators of the right to freedom of expression** in Azerbaijan in 2012. These public figures have used various methods to silence critical voices, including implementing regressive legislation and policies; allowing for a climate of complete impunity for crimes against journalists; imprisoning critical journalists, bloggers, and human rights defenders; and filing excessive defamation lawsuits against critical journalists and media outlets.

Ilham Aliyev, President of Azerbaijan.

In 2012, President Aliyev signed two draconian laws that restrict human rights and the activities of civil society organizations and media. On 6 July, President Aliyev signed into law amendments limiting disclosure of information by corporate entities, which had been adopted by Parliament on 12 June. The changes curtail public access to information about the ownership of commercial entities, the amount of their charter capital, ownership structure, and other similar data.

In November, President Aliyev signed into law amendments to the law on freedom of assembly that dramatically increased the penalties for organizing or participating in unsanctioned protests

Two journalists have been murdered in direct connection with their work since Ilham Aliyev became president. Physical attacks against critical voices occur with regularity and are encouraged by the impunity enjoyed by their perpetrators. This has created a climate of fear for the media community and impunity for those who wish to use violence to silence criticism.

Since Aliyev became president, there he has not 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.

Ramiz Mehdiyev, Head of the Presidential Administration.

Mehdiyev presides over the sophisticated repressive system of media control using weapons that range from lawsuits to physical violence. Mehdiyev is the main mastermind behind suppression of the press through intimidation, assault, crippling fines, and license denials.

The decriminalization of defamation, promised many times, and envisaged in the *National Action Program for increasing the efficiency of human rights and freedoms in the Republic of Azerbaijan* has been shelved.

Ali Hasanov, Head of the Socio-Political Department of the Presidential Administration

Like a master puppeteer, Hasanov pulls the strings of the major media, mostly owned or controlled by the ruling regime, to serve the government's political goals.

The international norms on freedom of expression recognize that public figures, while entitled to protection of their reputation, should tolerate a greater degree of criticism than private citizens. Public figures voluntarily place themselves in a position that invites close scrutiny. From this perspective, IRFS believes that the following public officials committed the crime against freedom of expression:

Kamaladdin Heydarov, Minister of Emergency Situations.

1,000 000 AZN defamation lawsuit against Yeni Musavat newspaper is the crime against freedom of expression.

Anar Mammadov, son of Transport Minister Ziya Mammadov

500,000 AZN defamation lawsuit against Yeni Musavat and Azadliq newspaper.

Tagi Ahmedov, Head of the Baku Metro

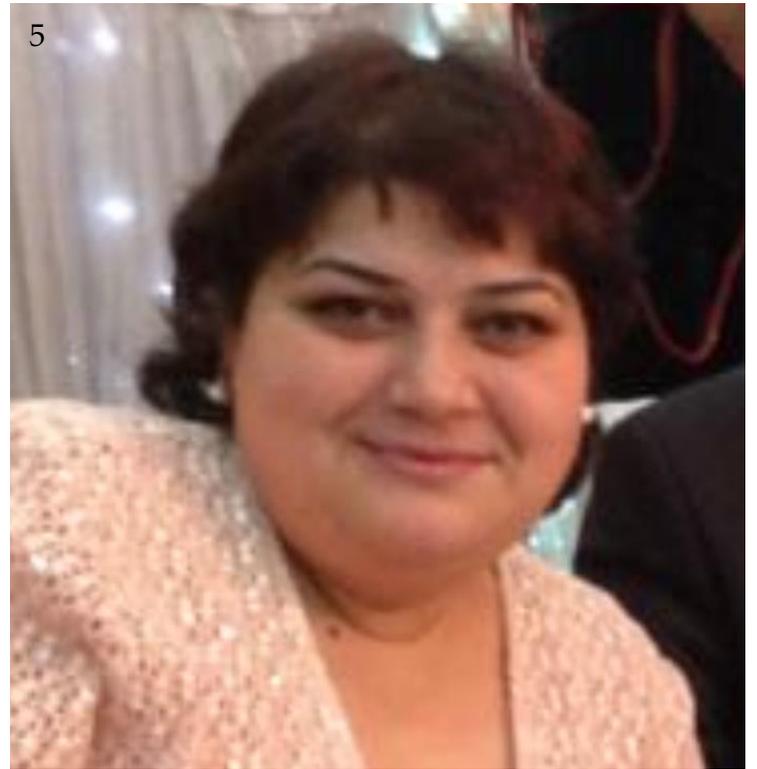
200,000 AZN defamation lawsuit against Azadliq newspaper

Jahangir Asgerov, Head of Azerbaijan Airlines (AZAL)

500,000 AZN defamation lawsuit against Yeni Musavat newspaper

Ramil Usubov, Minister of Interior

Ramil Usubov bears responsibility for the atmosphere of impunity in which physical and moral attacks against journalists encroaching on powerful interests – including, in two cases, murder – are commonly carried out as a way to silence critical voices.



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. This has resulted in widespread practices of self-censorship in the country, as many journalists fear crossing certain lines in writing about taboo topics, such as corruption and the business interests of the president's family.

In March 2005, *Monitor* magazine editor-in-chief **Elmar Huseynov** was murdered in a well-organized attack that appeared to be a contract-style killing. After receiving a number of death threats, he was gunned down in the stairwell of his apartment building in Baku, where he died on the scene. More than eight years later, the authorities have failed to adequately investigate this case and no one has been brought to justice for the attack. Huseynov was well known as a hard-hitting investigative journalist who was highly critical of the authorities. 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.

For these reasons, IRFS dedicates this chapter of report to Elmar Huseynov and his supporters, who continue to fight for justice in his case and the cases of other journalists who have been attacked in connection with their work.

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. In 2012 alone, there were 19 reports of violent attacks against journalists, 17 of which occurred on the job, and one attack against a family member of a journalist. 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 7 January, officers of the Saatli district police department illegally detained Kur Civil Society coordinator **Ogtay Gulaliyev** and Turan Information Agency director **Mehman Aliyev**. They were arrested near Novruzlu village, which is one of the communities affected by the river flooding in May 2011. Gulaliyev and Aliyev were talking to villagers, when police arrived and used force to detain them, taking them to the Sabirabad Police Office. They were released after an hour and a half.

+ IRFS dedicates this chapter of report to Elmar Huseynov and his supporters, who continue to fight for justice in his case and the cases of other journalists who have been attacked in connection with their work.

On 18 January, Turan Information Agency photographer **Etimad Budagov** and Objective TV video operator **Rashad Aliyev** were detained while performing their professional duties. They were filming a protest held by people defrauded by GEN and Kamran Construction Companies in front of the Presidential Administration building. Their camera and video camera were seized. Both journalists were released after their recordings were deleted.

On 16 January, police used physical force to prevent Turan Information Agency employee **Etimad Budagov** from filming a large protest held by taxi drivers in front of the Ministry of Transport. One police officer kicked the photographer and knocked him down.

On the morning of 1 March, a crowd estimated at 6,000 or 7,000 gathered outside the local government offices in the northern town of Guba, demanding the mayor's resignation. Police used violence to disperse the protesters, beating some with truncheons and releasing tear gas into the crowd, and arrested approximately 25 persons. Riot police and internal troops were deployed, resulting in further rioting.

Journalists covering the events were among those injured. Objectiv TV correspondent **Rashad Aliyev** sustained a head injury, and correspondent of IRFS and *Ayna* and *Zerkalo* newspapers **Idrak Abbasov**, sustained an arm injury. Furthermore, RFE/RL correspondents **Javanshir Agamaliyev** and **Abbas Atilay**, Turan Information Agency correspondents **Tapdiq Farhadoglu** and **Farid Gahramanov**, and *Yeni Musavat* newspaper photo-reporter **Farahim Ilgaroglu**, were poisoned by the tear-gas used by police against protesters.

On 6 March, IRFS's Nakhchivan correspondents **Elman Abbasov** and **Hakimeldostu Mehdiyev**, and Turan Information Agency correspondent **Ilgar Nasibov**, faced pressure as they were interviewing Popular Front Party member Sevindik Ahmadov, who was refused sufficient medical treatment on the grounds of his political party affiliation after he overdosed on drugs in an attempt to commit suicide. Abbasov, Mehdiyev, and Nasibov were threatened by an unknown person posing as a guard when they tried to interview Ahmadov outside a psychiatric clinic.

On 6 March, **Said Abbaszade**, the six-year-old son of Idrak Abbasov, correspondent of IRFS and *Ayna* and *Zerkalo* newspapers, was hit by a car near his school, kindergarten #313 in the Sulutapa settlement outside of Baku. The driver allegedly responsible for the accident was detained and taken to Binagadi Police department #40. Following a short period of detention, the driver was released. Abbasov believes his son was targeted for political reasons, in connection with Abbasov's journalistic activities.

On 7 March, *Azadliq* newspaper correspondent **Ramin Deko** faced police pressure while covering a protest near the Elmlar Akademiyasi metro station in response to abuses committed against prisoners of conscience Mahammad Majidli and Babak Hasanov. Deko was taken to Police Office #28, where his camera was confiscated and returned only after the images he had taken of the protest were deleted from the memory card.

In March 2012, well-known critical investigative journalist Khadija Ismayilova faced a particularly vicious blackmail attempt and violations of her right to privacy.

On 7 March, Ismayilova received a threatening letter containing intimate photos of her, with a note stating “Whore, behave. Or you will be defamed,” in an attempt to stop her from pursuing ongoing investigations. Ismayilova refused to be silenced, publicizing the blackmail attempt and vowing to continue her journalistic activities.

In response, a sex video of Ismayilova and her boyfriend filmed by hidden camera was posted online to a phony website which appeared to be affiliated with an opposition political party. Instead of condemning the violation, the ruling party’s newspaper, *Yeni Azərbaycan*, and pro-government newspaper *Iki Sahil* published articles criticizing Ismayilova and other RFE/RL employees.

Officially, however, the authorities spoke out against the violation. “The right to privacy for every citizen is guaranteed by the Constitution and no one can intrude into another citizen’s life,” the Chief of the Presidential Administration’s Public Policy Department, Ali Hasanov, told the Azerbaijan Press Agency. The next day the Baku Prosecutor’s Office opened an investigation into the case under Article 156 of the Criminal Code (Infringement of inviolability of private life).

On 26 April, the Prosecutor’s Office released a statement contesting Ismayilova’s claims. However, the statement shed little light on any progress made in finding the perpetrators. Instead, it listed the names and addresses of those who had been interviewed in connection with the case – namely the journalist’s family and friends. According to the Prosecutor’s Office, the investigation is still in progress.

Ismayilova believes, however, that the investigating agencies, in addition to the *Yeni Azərbaycan* and *Iki Sahil* newspapers, are connected to those behind the incident. She believes the order came from the Presidential Administration.

During the reporting period, *Azadliq* newspaper employee **Seymur Hazi** (Haziyev), who had been abducted and beaten by unknown persons last year, was assaulted once again. He was followed by unknown persons for several days in late January and early February. On the evening of 25 March, Hazi was kidnapped by masked men in the Jeyranbatan settlement, beaten and then dumped, with his arms tied behind his back, in the Binagadi district of Baku.

On 26 March, Baku Information Agency Director **Sudeyf Mejidov**, executive Director **Vasif Sadikbayli**, and video operator **Ilham Rasulzade**, were detained while investigating reports that plain-clothed men were illegally collecting bribes from drivers at a radar checkpoint in Salyan. When the journalists started to film, some of the men questioned whether they had permission to film, and called the police. The journalists were taken to the Salyan Regional Police Office and detained for 12 hours before they were released.

Since Elmar 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

On 28 March, *Yeni Musavat* newspaper regional correspondent for Balakan **Akif Mammadli** was summoned to the anti-narcotics department of the Balakan Regional Police Office, where he was questioned for two hours. According to *Yeni Musavat* newspaper editor-in-chief Rauf Arifoglu, Mammadli had written several critical articles on the situation in Balakan, in particular, on drug trafficking in the region. Mammadli faced intimidation from police officer Mahiyaddin Musayev, who demanded the journalist stop his investigations.

On 2 April, Turan Information Agency photographer **Etimad Budagov** and RFE/RL reporter **Nushabe Fatullayeva** faced physical pressure while filming demolition work at 20 Shamsi Badalbayli Street in Baku. Budagov and Fatullayeva were attacked by Head of the Baku Executive Power Secretariat Zulfali Ismayilov and 20 of his workers following a clash between residents and the demolition workers. No one has been prosecuted for the incident.

On 4 April, a voice recorder, video and still cameras were confiscated from IRFS Nakhchivan correspondents **Hakimeldostu Mehdiyev** and **Elman Abbasov** at the Sadarak Customs and Border Crossing Point. Police returned the equipment the next day in damaged condition.

On 18 April, correspondent of IRFS and *Ayna* and *Zerkalo* newspapers Idrak Abbasov was brutally beaten by employees of the Azerbaijan State Oil Company (SOCAR) while filming demolition work in a residential area close to one of Baku's numerous oilfields. When Abbasov began filming, SOCAR employees violently assaulted him, breaking two ribs, injuring his eyes, and leaving him unconscious for several hours with prolonged head trauma. He was in the hospital for nearly a month and has lingering health problems as a result. According to eyewitnesses, police looked on during the attack.

The other journalists present at the demolitions, including Gunay Musayeva of *Yeni Musavat* newspaper and two IRFS cameramen, have spoken about the incident. Musayeva was also attacked by guards but did not require hospitalization, and the taxi the cameramen arrived in had its windscreen broken, but the men were not hurt. SOCAR conducted an investigation and released a report at the end of May, concluding that (i) Abbasov had not been wearing a press jacket and that (ii) he had provoked the fight, supported by fellow villagers. Both conclusions contradict photographic evidence and witness testimonies.



On 10 May, RFE/RL correspondent **Javanshir Agamali** faced pressure by plain-clothed persons while performing his professional duties covering a protest in Baku in connection with the Flower Festival. His camera was confiscated and the footage of the protest action was deleted.

On 12 May, journalist **Tahmina Tagizade** was called to the Ganja City Police Office. Tagizade was stopped by police while she was interviewing residents of Nizami street in Ganja city, whose homes were being demolished. She was released after a brief interrogation. The police threatened Tagizade with possible arrest if she did not stop covering the evictions.

On 21 May, a group of journalists faced physical pressure by uniformed police and plain-clothed officials while performing their professional duties covering an opposition protest. The police also pressured journalists who were filming the demonstration. Objective TV photographer **Mehman Huseynov** and video operator **Mirrahim Hasanov** were assaulted, and their video and photo cameras were damaged. Furthermore, foreign media representatives who were covering the event also faced violence; a plain-clothed police agent hit **Steffen Haufe**, a German photo-reporter who had come to Baku to cover the Eurovision 2012 Song Contest.

On 23 May, IRFS and Objective TV correspondent **Vafa Nagi** (Nagiyeva) was insulted and physically attacked on her way home (at approximately 21:30) in the Yasamal district. A young man called Samir first insulted Nagi. When she asked him why he had insulted her, he suddenly attacked her, causing her mobile phone and bag to fall to the ground. Nagi ran away from the man and began to return home, when she remembered that her mobile was still on the ground. She went back to retrieve it, and was attacked again. Yasamal District Police Office #28 is investigating the case.

On 24 May, during a protest carried out by the Public Chamber opposition coalition, police and plain-clothed officials prevented journalists from carrying out their professional activities. During the picket, *Gundelik Telegraf* newspaper reporter **Bayram Isgandarli** was detained. The police also interfered with the work of Turan News Agency reporter **Etimad Budagov**, as well as Objective TV correspondents and other media representatives.

On 25 May, www.gunxeber.com website correspondent **Anar Garayli** was sentenced to 10 days in jail following his detention by Nasimi District Police officers on 22 May. Garayli was charged under Article 306 of the Criminal Code (violating social order and resisting police). Two days later he was released following a ruling by the Court of Appeals. The journalist was arrested simply for wearing a "Sing for Democracy" campaign t-shirt.

On 14 July, **Nazli Agayeva**, correspondent of the gozetc.az web portal and employee of the Azerbaijan National Branch of the Helsinki Citizens' Assembly, was assaulted by police at around 23:00 while covering forced evictions and housing demolitions in the Gabala region. Agayeva reported that while she was observing the evictions from a distance, police officers insulted her, dragged her into their car, and injured her leg. She has appealed to the regional police office and the Ministry of Internal Affairs in connection with the incident.

On 16 July, RFE/RL correspondent **Nushaba Fatullayeva** was assaulted while investigating reports of an incident at the Atakhan Iron Industry – a joint enterprise of Azerbaijan and Turkey. Fatullayeva reported that she was assaulted while attempting to film a group of unknown persons stealing property from the building. Fatullayeva's camera and mobile phone were seized by her assailants, and returned after she appealed to the police, although the memory stick of the camera had been removed.

On 17 July, employees of the "Gasid" Press Distribution Company, who had worked at newsstands recently removed by the Baku Executive Power, attempted to hold a protest in front of the Presidential Administration. *Yeni Musavat* newspaper correspondent **Roya Rafiyeva** was subjected to pressure while photographing the police during the protest. She was forcefully taken into a police car and was released after being kept there for 20 minutes.

On 14 August, IRFS Nakhchivan correspondent **Elman Abbasov** faced pressure from employees of the Sadarak customs and border checkpoint. Abbasov reported that he was travelling to Turkey as part of an IREX-funded project to monitor migration processes in the region. He was refused a form to register his staff and was told that his baggage would be checked upon his return. When he returned on 15 August, he was detained while Vusal Hasanov, chief of the Anti-Smuggling Department of the Sadarak Customs Office, and other customs employees checked his belongings, including his flash card and photo camera. Abbasov believes he and his colleagues were targeted for criticizing the customs office.

In 2012, there were 19 reports of violent attacks against journalists, 17 of which occurred on the job, and one attack against a family member of a journalist. In addition, there were numerous reports of pressure from authorities and other forms of interference with journalists' work.

On 8 September, International Media Support Program Manager **Gulnara Akhundova** and her driver faced pressure from police. Akhundova reported that two men driving a Toyota FJ Cruiser aggressively ordered her driver to stop the car and follow them to the police office. When he refused, the men called both the Traffic Police and the Police Department. Upon their arrival, the police insulted the driver in front of approximately 10 witnesses. They aggressively attempted to prevent Akhundova from taking their photos, grabbing her hand and threatening to take her to the police office, claiming she was violating the law. The police tried to forcibly confiscate phones from Akhundova and her six-year-old daughter, who also tried to record the incident. Akhundova immediately reported the incident to the Ministry of Internal Affairs' 102 hotline.

On 14 September, IRFS correspondent **Mehman Huseynov** was filming a protest by a group of dormitory residents in front of the Presidential Administration, when he was detained and illegally held at the Presidential Administration for two hours. He was released after the photos he had taken during the protest were deleted from his digital camera. The police also seized a video camera belonging to IRFS correspondent **Farida Aliyeva** and returned it only after the protest was dispersed.

On 18 September, an incident broke out between a police officer and photo reporter **Ahmed Mukhtar**, when the police officer claimed that Mukhtar was not wearing seat belt in his car. According to RFE/RL, the reporter told the police officer he had not yet started the car, but the officer did not agree and wrote a report. When Mukhtar tried to take a photo of the policeman, he was taken to Sabail District Police Office #9. He was released after being held for 10 to 15 minutes. He was later detained again, allegedly for not deleting the photos from his camera as demanded by the police officer, and was only released after deleting the pictures.

On 17 October, independent journalist **Zumrud Mammadova** was attacked while performing her professional duties outside the building of the Military Prosecutor's Office. Mammadova said that she went to the prosecutor's office with Irada Ibayeva, whose son, Ismayil Ibayev, had died in a non-combat situation while completing his military service. Ibayeva was treated rudely by officials when she objected to being denied a meeting with the Military Prosecutor, Khanlar Veliyev. Mammadova said that she was attacked by a soldier while she was filming the incident with her mobile phone. The soldier kicked her and tried to confiscate her phone, stopping after witnesses intervened. Mammadova reported the incident to the Ministry of Internal Affairs' 102 hotline, and was later invited by police to provide a full account and to undergo a medical examination.

On 17 November (the Day of National Revival), police used excessive force to disperse an opposition political protest in the center of Baku in response to recent legislative amendments imposing harsh penalties on organizers and participants of unsanctioned demonstrations. Police behaved aggressively towards journalists as well. *Yeni Musavat* newspaper correspondent **Farahim Ilgaroglu**, Turan Information Agency reporter **Etimad Budagov**, Media Forum correspondent **Amid Suleymanov**, and IRFS correspondent **Rasim Aliyev**, were subjected to physical pressure by police officers while covering the protest. Police violently kicked and punched the four journalists despite the fact that they wore press jackets. In addition, they took action to interfere with the ability of other journalists to carry out their professional duties.

In the cases mentioned in this chapter, and indeed in virtually no case of violence against a journalist since Elmar 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.

Impunity and violence go hand in hand.





Chapter Two: Legal repression of freedom of expression

Despite Azerbaijan's commitment to respect and protect the right to freedom of expression through its accession to major international human rights treaties and as provided for in the national legal framework, in practice the authorities do not respect this right. Instead, they use the law to silence criticism and repress dissent. The mere existence of some laws – such as criminal defamation provisions – has a chilling effect on the media community, contributing to the widespread practices of self-censorship in the country. Other laws are applied in a political manner to make examples of critical journalists, bloggers and activists; such cases resulting in detention are outlined in Chapter Three of this report.

Azerbaijan's legal system is modeled on Continental European law, with some holdover elements from the previous Soviet communist system remaining. After the collapse of the Soviet Union, Azerbaijan took some steps towards establishing a free economy and a pluralistic political system, and towards protecting human rights. However, some of the old traditions remain. Due to a lack of rule of law in the country, there are no effective mechanisms protecting citizens' ability to exercise their civil and political rights.

The Constitution of the Azerbaijani Republic was adopted in 1995. Amendments were made through referendums in 2002 and 2009.¹ The Constitution protects human rights and fundamental freedoms, including *inter alia* the right to freedom of thought and expression (Article 47), the right to freedom of assembly (Article 49), the right to access information (Article 50), and the right to freedom of association (Article 58).

Article 12 of the Constitution states that "The highest priority objective of the state is to provide for the rights and freedoms of a person and citizen." Furthermore, Article 12 states that "The rights and freedoms of a person and citizen listed in the present Constitution are implemented in accordance with international treaties wherein the Azerbaijani Republic is one of the parties."

In 2012, legislative amendments were made to restrict freedom of expression and freedom of information. Regressive changes were also made to freedom of assembly legislation, which will also have an impact on freedom of expression.

Restrictions on freedom of information

In 2005, Azerbaijan ratified the United Nations Convention Against Corruption,² thereby undertaking the obligation to take measures to enhance transparency in public administration.

Furthermore, Azerbaijan is a participating state in the Open Governance Partnership (OGP), and adopted a national action plan on OGP in September.³ But instead of taking steps towards open governance, the government adopted a series of regressive amendments to the law on the right to obtain information, the law on the state registration of legal entities, and the law on commercial secrets.

On 6 July, President Aliyev signed into law amendments limiting disclosure of information by corporate entities, which had been adopted by Parliament on 12 June.

"The highest priority objective of the state is to provide for the rights and freedoms of a person and citizen".

**Article 12,
Constitution of
Azerbaijan**

¹<http://bit.ly/Ya42Ta>

²<http://bit.ly/bRoybt>

³<http://bit.ly/SG9l97>

Strongly criticized by pro-transparency groups, the changes curtail public access to information about the ownership of commercial entities, the amount of their charter capital, ownership structure, and other similar data. These amendments, known as the “corporate secrecy amendments” became effective in October.

Amendments to the 2005 law on commercial information prohibit government officials from distributing information about companies if doing so “contradicts the national interests of Azerbaijan in political, economic, and monetary policy, the defense of public order, the health and moral values of the people, or harms the commercial or other interests of individuals.” The reforms also make release of information contingent upon receiving permission from all individuals named in the records.

The laws on the right to obtain information and the state registration of legal entities were also amended. The amendments extend the scope of “legitimate public interests” protected in Article 3 of the Constitutional Law of the Republic of Azerbaijan on Regulation of the Exercise of Human Rights and Freedoms, and use language that lacks precision and clarity.

The amendments to the law on state registration of legal entities makes secret the registration information of commercial legal entities, including information about their founders and shareholders. Such information can now only be disclosed on the basis of an inquiry to the courts and investigative bodies, to the subjects of operational search activities in cases specified by law, and to financial monitoring bodies in the cases and manner specified by the law “on the struggle against legalization of funds or other property obtained through criminal means and financing of terrorism.” According to the bill, this information can only be disclosed to relevant bodies, lawyers, and third parties following the consent of the information owner.

The amendments contradict Article 10.2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which stipulates: “The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.” The amendments also contradict provisions of the UN Convention against Corruption and the UN’s Global Counter-Terrorism Strategy.

The amendments can be viewed as an action by the Azerbaijani government to reject the obligations it has previously undertaken before the Azerbaijani people and international community to fight corruption.

They increase restrictions on freedom of information and breach the principles of transparency and public control over the activity of legal entities. From now on, it will be difficult for journalists to investigate instances of corruption, as they may face punishment under these new amendments.

Restrictions on freedom of assembly

In November, Parliament adopted amendments to the law on freedom of assembly that dramatically increased the penalties for organizing or participating in unsanctioned protests.⁴ Under the new provisions, protest participants can be fined between 500 and 1,000 AZN (increased from 7 to 13 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.⁵ 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 protests, 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”⁶ 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. Numerous civil defamation cases were filed against critical media outlets in 2012.

Under the new provisions, protest 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

⁴ <http://bit.ly/Z8ZFrR>

⁵ <http://bit.ly/ZeMtkA>

⁶ <http://bit.ly/PxH3Tw>

On 23 January, the Yasamal District Court, under presiding judge Elchin Gurbanov, partially granted a lawsuit brought by businessman Anar Mammadov, the son of Transport Minister Ziya Mammadov, against *Yeni Musavat* and *Azadliq* newspapers.

The newspapers were each fined 4,000 AZN, and were ordered to issue a retraction.

Mammadov appealed to the court, citing humiliation of his honor and damage to his business image in an article titled "Kamaladdin Heydarov's bear eaten" (published in *Azadliq* on 1 July 2010 and in *Yeni Musavat* on 2 July 2010), and in an article titled "Sheikh drives Anar Mammadov out of Dubai" (published in *Yeni Musavat* on 14 September 2010). Mammadov had asked for 250,000 AZN in compensation from each newspaper.

On 5 November, the Yasamal District Court Department for the Execution of Judgments froze the bank account of *Azadliq* newspaper for non-payment of the fine ordered in this case.

On 23 January, the Narimanov District Court, under presiding judge Sevinj Guliyeva, partially granted a lawsuit brought by Baltika-Baku LLC director Adam Tlekhuray against *Khural* newspaper editor-in-chief Avaz Zeynalli. According to the decision, Zeynalli and *Khural* newspaper were ordered to apologize, publish a retraction and together pay a total of 50,000 AZN in compensation.

On 17 May, the Lankaran City Court fined *Azadliq* newspaper correspondent Ramin Deko (Jabrayilov) in the amount of 3,000 AZN following a defamation lawsuit. The court decision stated that Ramin Deko must apologize to MP Novruzali Aslanov and provide a retraction of his article. Aslanov had accused Deko of defaming his personal dignity and reputation, claiming that his business and political reputation was damaged as a result of an article titled "Fizuli Alakbarov buys Ivanovka houses for 80 000 manats" published in *Azadliq* on 26 October 2011. He requested an official apology and asked the court to charge Deko under Article 147 (libel) and to fine him 10,000 AZN in compensation for psychological damage, with the money to be given to an orphanage in Baku.

On 23 January, the Narimanov District Court, under presiding judge Sevinj Guliyeva, partially granted a lawsuit brought by Baltika-Baku LLC director Adam Tlekhuray against *Khural* newspaper editor-in-chief Avaz Zeynalli. According to the decision, Zeynalli and *Khural* newspaper were ordered to apologize, publish a retraction and together pay a total of 50,000 AZN in compensation.

On 17 May, the Lankaran City Court fined *Azadliq* newspaper correspondent Ramin Deko (Jabrayilov) in the amount of 3,000 AZN following a defamation lawsuit. The court decision stated that Ramin Deko must apologize to MP Novruzali Aslanov and provide a retraction of his article. Aslanov had accused Deko of defaming his personal dignity and reputation, claiming that his business and political reputation was damaged as a result of an article titled “Fizuli Alakbarov buys Ivanovka houses for 80 000 manats” published in *Azadliq* on 26 October 2011. He requested an official apology and asked the court to charge Deko under Article 147 (libel) and to fine him 10,000 AZN in compensation for psychological damage, with the money to be given to an orphanage in Baku.

On 14 June, the Yasamal District Court, under presiding judge Elchin Gurbanov, ordered *Azadliq* newspaper to publish a retraction and pay 30,000 AZN in compensation to the head of the Baku Metro, Tagi Ahmadov. Ahmadov had appealed to the court, 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. Ahmadov had requested a retraction and 200,000 AZN in compensation.

On 31 July, Baku Administrative-Economic Court #2, under presiding judge Khalig Imanov, heard the lawsuit filed by Gilan Gabala Cannery LLC against *Yeni Musavat* newspaper. The judge partially granted the lawsuit and imposed a fine of 50,000 AZN on the newspaper. Gilan Gabala Cannery LLC had sued *Yeni Musavat* for the article “Juice called JALE is Very Dangerous,” published in the newspaper several times between 2009 and 2011, and requested one million AZN in compensation.

On 4 September, the Yasamal District Court, under presiding judge Tahir Ismayilov, held a hearing on the lawsuit brought by Anar Mammadov, son of Transport Minister Ziya Mammadov, against *Gundam Khabar* newspaper under Article 147 of the Criminal Code (libel). Ignoring the criminal complaint, the court ordered *Gundam Khabar* to pay 10,000 AZN in compensation. The complaint was filed on the basis of an article published by *Gundam Khabar* on alleged disputes related to the seizure of the Yevlakh Bus Station, which the newspaper claims was first published by Olaylar information agency and reprinted by other mass media outlets. The Anti-Corruption Office under the Prosecutor General’s Office has launched a criminal case against the newspaper under Article 213.2.2 (tax evasion) and 308.1 (abuse of power).

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.

On 22 October, the Yasamal District Court partially granted a lawsuit filed by Bina shopping center owner Kabira Mammadova 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. She had requested a retraction and for each of the defendants to pay 50,000 AZN in punitive damages, to be paid to the "Home for elderly, disabled and mentally ill" located in the Buzovna settlement of Baku.

Biased rulings against cases filed by critical journalists

In contrast to the high rate of lawsuits against critical journalists and media outlets being fulfilled or partially fulfilled by the courts, the courts have demonstrated a bias in their rulings on lawsuits filed by critical journalists.

On 24 January, the Nasimi District Court, under judge Elman Ahmadov, denied a complaint by *Democrat* newspaper editor-in-chief Mustafa Hajibeyli, against the Nasimi District Prosecutor's office, for its refusal to launch a criminal case against Deputy Chief of the Nasimi District Police Department Suleyman Nematov. Hajibeyli was detained at the Public Chamber's 2 April 2011 protest, taken to the Nasimi District Police Department, where he was physically assaulted by Nematov.

On 22 February, Azerbaijan's Supreme Court, under judge Ilham Jafarov, held a court proceeding on an appeal filed by IRFS Nakhchivan correspondent Hekimeldostu Mehdiyev against the Nakhchivan Supreme Court's decision of 10 November 2011. The appeal was denied. According to the criminal case launched against Mehdiyev under Article 189-1.1 of the Criminal Code (diverting electricity supplies), on 22 September 2011, the Sharur District Court demanded that he pay a 1,000 AZN fine. The Nakhchivan Supreme Court upheld this decision.

On 10 April, the Supreme Court heard an appeal filed by *Khural* newspaper reporter Aydin Janiyev against the Shirvan City Court of Appeals, which had denied his motion to launch a court investigation into his case. The appeal was denied.

On 11 April, the Baku Court of Appeals, under presiding judge Tofiq Samadov, heard *Yeni Musavat* newspaper's appeal against the 18 November 2011 decision by the Sabail District Court on the newspaper's lawsuit against the Ministry of Defense. The appeal was not granted. The lawsuit was based on a statement made in September 2011 by the Ministry of Defense regarding an article titled "Turkish students are hurt at military school."

The Ministry claimed that *Yeni Musavat* had published the article on behalf of the Turkish Embassy and the Anadolu Agency. The newspaper denied ever publishing the article, and case materials suggest that neither the Turkish Embassy nor the Anadolu Agency ever issued such a statement. *Yeni Musavat* claimed that the Defense Ministry was trying to discredit the newspaper, and appealed to the Sabail District Court, requesting 50,000 AZN in damages.

On 1 May, the Yasamal District Court, under judge Anar Rzayev, held a hearing on a lawsuit filed by *Azadliq* newspaper correspondent Natig Adilov (Gulahmadoglu) against Lider TV and the Afra Hotel. The judge rejected Adilov's lawsuit and ordered him to pay 150 AZN for forensic costs. A video of a sexual nature taken by hidden camera of Natig Adilov and Gan Turali in their hotel rooms during a training course in Oguz, was broadcast on Lider TV in April 2011. Adilov had requested financial compensation of 100,000 AZN each from Lider TV and the Afra Hotel, for the humiliation of his personal dignity, and interference in his private life and right to freedom of expression.



11



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.

At the end of 2012, there were eight journalists in detention or prison for politically motivated charges in connection with freedom of expression:

1. **Nijat Aliyev**, editor-in-chief, www.azadxeber.net
2. **Vugar Gonagov**, correspondent, Khayal TV
3. **Araz Guliyev**, editor, xeber44.com
4. **Zaur Guliyev**, correspondent, Khayal TV
5. **Fuad Huseynov**, freelance journalist
6. **Hilal Mamedov**, editor-in-chief “Tolishi Sado”
7. **Faramaz Novruzoglu**, freelance journalist
8. **Avaz Zeynalli**, editor-in-chief, *Khural* newspaper

In addition to the cases involving journalists, at the end of 2012, human rights defender **Ilham Amirslanov**, an activist with Kur Civil Society, remained in prison on politically motivated charges in connection with freedom of expression. Amirslanov 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.

Current cases of detained or imprisoned journalists (as of 31/12/2012)

Editor-in-chief of www.azadxeber.net **Nijat Aliyev** was arrested on 20 May in front of Killer menswear shop near the Memar Ajami metro station, and taken to Yasamal District Police Office #27. The next day, he was sentenced to two months of pre-trial detention. He has been 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. Aliyev’s pre-trial detention period was extended several times, and the investigator announced that new charges would be filed against him. However, by the end of the year, new charges had not yet been announced. At the end of the year, Aliyev was being held at the Kurdakhani investigative detention facility while the investigation was ongoing. He faces up to three years in prison if convicted of drug possession.

Vugar Gonagov and **Zaur Guliyev**, executive director and editor-in-chief of Guba-based Khayal TV, were arrested on 13 March. They were accused of provoking the mass riots that broke out two weeks earlier on 1 March by uploading a video to YouTube showing regional governor Rauf Habibov making derogatory remarks about local residents.

At the end of 2012, there were eight journalists in detention or prison for politically motivated charges in connection with freedom of expression.

Thousands of protesters gathered to demand Habibov's resignation; he was later dismissed by President Aliyev.

Gonagov and Guliyev have been 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. At the end of the year, Gonagov and Guliyev remained in detention at the Kurdakhani investigative detention facility while the investigation was ongoing. They each face up to 10 years in prison if convicted.

Editor of xeber44.com **Araz Guliyev** was arrested on 8 September 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, 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 Azerbaijan Republic). At the end of the year, Guliyev was being held at the Kurdakhani investigative detention facility while the investigation was ongoing.

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. At the end of the year, he remained in custody at Prison #12.

On 22 August, 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. At the end of the year, he remained in custody at Prison #1.

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.

Editor-in-chief of *Khural* newspaper **Avaz Zeynalli** faces up to 10 years in prison on charges of extortion and failure to implement a court decision. At the time of publication, he had been detained for more than one year, 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 stem from a complaint filed by 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 seat⁷. Ahmadova resigned following the release of the first video. Local activists have since called for the charges against Zeynalli to be dropped as Ahmadova has been discredited.

Other cases

A number of other journalists, bloggers, and human rights defenders spent time behind bars in 2012, while others served conditional sentences, and still others faced potential imprisonment if convicted on charges connected with freedom of expression.

Iranian Sahar TV Azerbaijan correspondent **Anar Bayramli** was sentenced to two years in prison by the Binagadi District Court on 12 June. Bayramli was detained on 17 February by officers from Binagadi District Police Office #4, who allegedly found 0.0387 grams of heroin in his pockets. He was charged under Article 234.1 of the Criminal Code (illegal manufacturing, purchase, possession, transportation, transfer or selling of narcotics, and psychotropic substances). Bayramli was released early along with 86 other prisoners by presidential pardon on 26 December.

Editor-in-chief of islamazeri.az **Ramin Bayramov** was sentenced to 18 months in prison by the Khirdalan City Court on 7 March. Bayramov was detained on 11 July 2011 on charges of illegal possession of drugs and firearms under Criminal Code Articles 228.1 (Illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, its accessories, explosives and supplies) and 234.1 (illegal purchase or storage of narcotics or psychotropic substances in a quantity exceeding necessary for personal consumption, without intent to sell). Bayramov was released on parole halfway through his sentence on 17 August.

⁷ <http://bit.ly/S384Kx>

Kur Civil Society staff coordinator and Transparency magazine editor-in-chief **Ogtay Gulaliyev** was detained on 8 April in the Minbashi village of Sabirabad, where he was conducting a monitoring. He was sentenced to 12 days of administrative detention. On 17 April, 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, 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, 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.

On 29 September, blogger and activist **Zaur Gurbanli** was arrested and held for more than 48 hours incommunicado before the authorities finally released information confirming he had been arrested and sentenced to 15 days of administrative detention for refusing to cooperate with a police investigation into drug trafficking. Gurbanli may also have been targeted for his activism with the Sing for Democracy movement or the NIDA youth movement, including his distribution of fliers bearing the image of the president's face and asking "What if I go in 2013?" (referring to the 2013 presidential election). Gurbanli was released at the end of his 15-day sentence.

A criminal case was opened against blogger and activist **Bakhtiyar Hajiyev** in January 2011. At that time, he signed a statement of commitment not to leave Ganja City. At the beginning of February 2011, his pre-trial detention was replaced with release on bail. On 4 March 2011, Hajiyev was arrested and sentenced to one-month of pre-trial detention. On 18 May 2011 the Nizami District Court of Ganja City sentenced Hajiyev to two years in jail under Article 321.1 of the Criminal Code (evasion of military service). Hajiyev, who ran as an independent candidate in the November 2010 parliamentary elections, is believed to have been targeted in part for his online activity on social networking sites, in particular his support for the 11 March 2011 Great People's Day protest, organized via Facebook. On 4 June, the Supreme Court ordered Hajiyev's early release on parole for good behavior, nine months before the completion of his sentence.

IRFS photo-video journalist and Azerbaijan Youth Media Center member **Mehman Huseynov** was summoned to the Sabayil District Police station on 13 June, 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. 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.

Human rights defender and political activist **Vidadi Iskenderov** was sentenced to three years in prison on 27 August 2011, on charges of interfering with the November 2010 parliamentary elections. He was arrested on 2 April 2011 for participating in anti-government protests. He was released early along with 86 other prisoners by presidential pardon on 26 December.

Khural newspaper correspondent **Aydin Janiyev** was arrested on 8 September 2011 and on 21 November 2011, the Lankaran City Court sentenced him to three years in jail under Article 221.2.2 (hooliganism committed with resistance to authorities acting to protect social order or to prevent the infringement of social order, or with resistance to another person). Janiyev was released early along with 86 other prisoners by presidential pardon on 26 December.

Blogger and human rights defender with “Law and Rights 2010” **Taleh Khasmammadov** was arrested on 12 November 2011 in the Ujar region. He was charged with hooliganism under Criminal Code Article 221.2.2 and Article 221.3, as well as resisting arrest under Article 315.1. Khasmammadov was sentenced on 20 April to four years in prison. He is thought to have been targeted for exposing the criminal activities of local officials, including by posting a series of videos to YouTube containing interviews with victims of human rights abuses.

Khasmammadov was released early along with 86 other prisoners by presidential pardon on 26 December.

Gundam Khabar newspaper correspondent **Ilham Suleymanov** was given a six-month conditional sentence by the Saatli Regional Court on 30 August. Suleymanov was arrested on charges of hooliganism under Article 221 of the Criminal Code. Suleymanov believes he was targeted for writing a number of articles critical of Saatli Regional Mayor Sirageddin Jabbarov.



12

Chapter Four: State control of the media⁸

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.

⁸ 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.⁹ 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.

**The
impossibility of
obtaining
broadcast
licenses has
led to the
emergence of
online
television
channels.**

⁹ <http://bit.ly/PaLcLA>

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.¹⁰

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.¹¹ 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.

¹⁰ <http://bit.ly/TB4v3d>

¹¹ As stated in June 2012 at a conference of the Azerbaijan Editors' Union: <http://bit.ly/ZaN73d>

As host of this year's Internet Governance Forum, which took place in Baku in November, Azerbaijan's record on Internet freedom became a topic of increasing scrutiny by actors within the country and by the international community .

Currently, approximately one third of the population¹³ 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.

As host of this year's Internet Governance Forum, which took place in Baku in November, Azerbaijan's record on Internet freedom became a topic of increasing scrutiny, by actors within the country and by the international community. While the Internet in Azerbaijan can be considered partly free, there are some obstacles that must be addressed to ensure full Internet freedom in the country. Some of these are technical forms of censorship – such as data-filtering and content-blocking – and there are concerns that use of these methods to restrict free expression could increase in the future.

In 2012, the most significant threat to free expression online was the targeting by authorities of individuals who used to the Internet to voice critical opinions. 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.

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.

In February, the Ministry of Justice issued a warning to IRFS citing the dissemination of “biased” information via www.nakhchivan.org.az. A month later, IRFS Chairman Emin Huseynov received an e-mail from the director of Network Technologies (the company that sells web addresses using the .az domain), in which she mentioned pressure from the authorities and asked IRFS to stop using the [nakhchivan.org.az](http://www.nakhchivan.org.az) domain.

¹³ <http://bit.ly/KsXwTl>

While online media are largely free from government censorship, the authorities have expressed a desire to regulate it.¹⁴ Statements made by top government officials suggest that legal mechanisms of control may be forthcoming, including the licensing of Internet-based television programming.¹⁵ These worrisome statements, which were mostly made with regard to online video and audio content, show that the state intends to interfere with the online broadcast news not covered by local television and radio, and views that differ from the official positions.¹⁶

The authorities have a long record of monitoring, interfering with, and sometimes censoring online expression, occasionally blocking pro-opposition and critical websites and prosecuting persons for their online postings. The government was believed to be behind the sabotaging of the e-mail accounts and Facebook messages of critical journalists, human rights defenders and opposition political party activists.¹⁷ A number of journalists and activists have been imprisoned in connection with critical articles they posted online.

At the end of 2012, four journalists and bloggers remained in detention or prison in connection with expressing critical opinions online: **Nijat Aliyev, Vugar Gonagov, Zaur Guliyev, and Faramaz Novruzoglu**. In addition, **Bakhtiyar Hajiyev** and **Taleh Khasmammadov**, also spent time in jail in 2012 in connection with their online activity.¹⁸ 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.

In addition to harassing and arresting youth involved with organizing demonstrations, police questioned a number of online activists in connection with their Facebook activities. These cases signaled an alarming new strategy on the part of Azerbaijani authorities. In addition to government pressure, several state-controlled television stations also ran campaigns against social network sites, broadcasting interviews with psychologists and Internet experts arguing that online activities could have a detrimental effect on Azerbaijan's image and pose a threat to the country's security.

These events demonstrate the pivotal role the Internet is currently playing in Azerbaijan's civil society activism, primarily in the capital but also, to a lesser degree, in towns outside Baku. Its role has grown significantly over the past two years, with the advent of cheaper smart phones and 4G services. It is increasingly becoming an important means of communication for activists and a vital news source, particularly given the lack of pluralism in the country's media¹⁹.

The government was believed to be behind the sabotaging of the e-mail accounts and Facebook messages of critical journalists, human rights defenders and activists.

¹⁴ <http://bit.ly/aJTzXs>

¹⁵ <http://www.today.az/view.php?id=77287>

¹⁶ <http://fpc.org.uk/fsblob/1462.pdf>

¹⁷ <http://bit.ly/WD5Pl6>

¹⁸ More information on these cases is provided in Chapter Three of this report.

¹⁹ <http://bit.ly/K2hNSi>

Another issue is cyber terrorism. While previously, hacker attacks were largely against websites of critical and independent media, now hackers have also started targeting state-controlled media.

On 16 January, computer hackers launched an attack on fifteen internet sites in Azerbaijan, mainly the official websites of state bodies, including: the Constitutional Tribunal; the Ministry of Internal Affairs; the Ministry of Education; the Ministry of Communication and Information Technology; the State Security Service; the ruling New Azerbaijan party; and pro-government media outlets. After hacking into the websites, the individuals posted messages promoting the wearing of hijabs (which the Ministry of Education banned in 2011 from being worn in Azerbaijani schools) and criticizing corruption and the government's cooperation with Israel. The hackers called themselves the "Azerian Cyber Army" and stated that the Azerbaijani authorities would share the fate of former Arab dictators.

The Trend News Agency website was also hacked after posting a story critical of Azerbaijani-Israeli relations. Hackers also attacked the website of the Committee on State Support for NGOs (cssn.gov.az) and the Absheron Regional Executive Authority (absheron.gov.az).

The hackers who destroyed the edu.gov.az and vet.edu.gov.az websites of the Ministry of Education placed former Islamic Party Chairman Movsum Samadov's opinions on the hijab ban on the websites.

In response, on 17 January, a group of Azerbaijani hackers known as "Pirates Crew" posted a list of Iran-based websites it claimed to have hacked in retaliation for the Azerian Cyber Army's attacks. (Relations between Azerbaijan and Iran, home to a large Azeri minority, have been strained over Baku's closure of mosques and restrictions on the wearing of headscarves.)

"Iranian hackers" attacked the websites of the Azerbaijan State Television & Radio Company, AzTV, and Azerbaijani Airlines (AZAL) from 22 to 23 February. In the overnight attack, the hackers replaced the AzTV website homepage with the message "Life is a game. Game is over!" Hackers posted a different message in English on the AZAL website: "Hacked By Cocain Warriors from persia" (sic). On the same night, the Sport Azerbaijan and Culture TV channels were also hacked. Azerbaijan authorities believe these attacks were organized in Iran.

In July, some of the most visited Azerbaijani news websites such as musavat.com, qafqaz.info, publika.az and trend.az faced browsing (continual DND errors) and reloading problems. The alleged hackers used IP address belonging to a telecommunications company based in Turkey, musavat.com editor Khalid Kazimli said to modern.az. "Our web service provider has restricted access to the portal to avoid more serious damage. We do not know the exact reason for this attack, but we suspect that the attack might have been ordered by those discontent with the article published on our website. The story was about the possible emergence of "Great Kurdistan," said Kazimli.

Several attacks against *Azadliq* newspaper's website have been reported, originating from an IP address registered to the Azerbaijani ICT Ministry: 188.72.183.50 IP. The hosting company reported these attacks and displayed the following message about a temporary block on the website's search engine: "We blocked the attacker's network 188.72.183.0/24 in our firewall. The attacker did many concurrent searches to exhaust the maximum connections to the database. The search engine is always one of the heaviest parts of the websites, because it is not cached. As a temporary measure to stop similar attacks, we have blocked the search engine in your website."

Armenian hackers carried out denial-of-service (DDOS) attacks on 31 August 2012 against major Azerbaijani news sites: www.day.az; www.lnews.az; www.apa.az; www.news.az; www.vesti.az; www.aztv; and President Ilham Aliyev's website, www.president.az. The DDOS attacks began in response to the extradition from Hungary of Azerbaijani military officer Ramil Safarov, and his immediate presidential pardon. Safarov had been serving a lifetime prison sentence following his conviction for murdering an Armenian officer during a NATO training exercise in Budapest. The DDOS attacks were from Armenian, Iranian and Russian IP addresses.

**In the
overnight
attack, the
hackers
replaced the
AzTV website
homepage
with the
message: "Life
is a game.
Game is over".**



14

Conclusion

The only relatively positive freedom of expression development in 2012 was the government's adoption of a National Action Plan on the Open Governance Partnership,²⁰ a "multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance."²¹

²⁰ <http://bit.ly/SG9197>

²¹ <http://bit.ly/qW85Np>

But, as has been widely demonstrated, a government's commitment to anti-corruption is almost directly related to the independence and freedom the news media enjoys in that country. So while Azerbaijan may have signed onto an important accord, a vital domestic resource that would normally hold the government accountable – a watchdog press – has been silenced.

Freedom of expression and media freedom are essential to democracy and human rights. Though cultural and developmental distinctions do impact the level of information flow within a country, blatant repression of the media is a clear violation of this basic human right. In the case of Azerbaijan, the state's control over the dissemination of information seems to stem from a fear of political change.

The handful of independent journalists continuing to work against the odds in Azerbaijan are increasingly becoming the targets of intense pressure by officials who enjoy complete impunity. It has become nearly impossible for journalists and media workers who have suffered serious violations of their human rights to achieve justice.

While immediate action to address the safety of journalists could and should be the focus of NGOs and the media community, political will is ultimately required to achieve longer-term positive results.

As for the broader freedom of expression situation in the country, IRFS reiterates its conclusions as stated in previous reports, noting concern over the absence of a climate of tolerance promoting active participation in public life and the open exchange of ideas among diverse sectors of society.

While Azerbaijan may have signed onto an important accord, a vital domestic resource that would normally hold the government accountable – a watchdog press – has been silenced.

Copyright Institute for Reporters' Freedom and Safety, ©April 2013

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 or follow us on Twitter @IRFS_Azerbaijan



Institute for Reporters' Freedom and Safety

8 R. Behbudov Str, Apt. 85/86, AZ 1000Baku, Azerbaijan

Tel: (+99 412) 408-75-30

Fax: (+99 412) 598-4519

E-mail: irfs.az@gmail.com

Pic 1 Security guard at the Boulevard (National Park) do not allow journalists to cover unsanctioned rally. © IRFS

Pic 2 Police brutality on journalists during mass riot in downtown Baku, 2012. © IRFS

Pic 3 Roundtable discussions on online expression and internet freedom. © IRFS

Pic 4 Rashad Aliyev, Objective TV continued filming despite a serious head trauma. © IRFS

Pic 5 Award-winning investigative journalist Khadija Ismayilova. © IRFS

Pic 6 Journalists demand fairness in distribution of print media. © IRFS

Pic 7 Award-winning journalist Idrak Abbasov presents his safety vest © IRFS

Pic 8 Award-winning photo reporter and blogger Mehman Huseynov © IRFS

Pic 9 In Azerbaijan, severe crimes against freedom of expression -- including in two cases murder-- go unpunished. © IRFS

Pic 10 A session of Azerbaijani Parliament. © www.meclis.gov.az

Pic 11 At the trial of arrested journalists - Khural newspaper editor Avaz Zeynalli, azadxeber.org editor Nijat Aliyev and Tolishy Sado newspaper editor Hilal Mammadov © IRFS

Pic 12 TV tower, Baku. © IRFS

Pic 13 Panel session of the Internet Governance Forum-2012 held in Baku, Azerbaijan © IRFS

Pic 14 A usual scene: Policeman hinders the journalist's work © IRFS

Pic 15 Policemen does not allow citizen to enter demonstration area © IRFS

Pic 16 Journalist Idrak Abbasov brutally beaten up while covering illegal demolitions.

Pic 17 Police crackdown on peaceful protestors

Pic 18 Arrested human rights defender Ilham Amiraslanov