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# National Framework for Internet Freedom in Azerbaijan

**Baku 2013**

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# Acknowledgements

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# Recommendations

IRFS calls on the Azerbaijani authorities to immediately take steps to improve Internet freedom in the country. First and foremost, this will involve creating an environment conducive to freedom of expression and human rights more broadly. Journalists, bloggers, activists and ordinary citizens must be able to freely express themselves and participate in public life without fear of harassment, intimidation, threats, attacks or imprisonment, both on- and offline, in accordance with Azerbaijan's international obligations.

Specifically, the IRFS calls on the Azerbaijani authorities to undertake the following steps:

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

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

**Persecution of cyber dissidents:**

- Immediately and unconditionally release all persons in detention or in prison in connection with exercising their right to freedom of expression online, including Araz Guliyev, Nijat Aliyev, Faramaz Novruzoglu, Ilkin Rustemzadeh, Rashad Ramazanov, Hilal Mammadov and Parviz Hashimli;
- Immediately drop the politically motivated charges against journalist Mehman Huseynov, who has been targeted for his online activism;

**National legal framework:**

- Reinforce Azerbaijan's international obligations by aligning its Internet policy with the requirements of international law and principles, ensuring that the Internet remains an open and public forum for freedom of expression; 10 False Freedom Internet freedom in Azerbaijan after the 7th Internet Governance Forum The Expression Online Initiative. October, 2013
- Ensure that any interferences with Internet users' enjoyment of their rights have a legitimate aim and are proportional to that aim, in accordance with international standards; • Refrain from applying "Internet kill switch" provisions as they are incompatible with the fundamental right to communicate;

- Introduce specific regulations to ensure network neutrality and guarantee universal access to a minimum standard quality of Internet throughout the country, ensuring no unjustified restrictions are imposed on Internet users;
- Establish an independent body to regulate all telecommunications issues;
- Take effective measures to ensure the privatization of the telecommunications industry in order to establish a competitive market and prevent governmental law enforcement bodies from unlawfully interfering in the activities of ISPs and Internet users;
- Repeal the recently introduced legislative changes criminalizing online defamation, and initiate a legislative reform for decriminalization of defamation

# Summary

The Constitution of the Azerbaijani Republic was adopted in 1995.<sup>44</sup> Amendments were made through referendums in 2002 and 2009<sup>1</sup>. 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.” Azerbaijan is party to all major regional and international human rights treaties guaranteeing freedom of expression, including the ICCPR and the ECHR. By virtue of Article 151 of the Constitution, international agreements binding upon Azerbaijan prevail over domestic legislation, with the exception of the Constitution itself and acts accepted by way of referendum. Thus, in the case of a conflict between the provisions of the ICCPR or the ECHR and the provisions of any domestic laws pertaining to Internet governance, the former shall prevail. Under the Law on Mass Media of 1999, the internet is designated as a form of mass media, thus all rules applied to traditional media can be used to regulate the online sphere as well.

The following documents provide for the technical regulation of the Internet, Internet infrastructure, the relationship between Internet providers and users, directions of activities of Internet service providers and state control and regulation in this area. “Law of the Republic of Azerbaijan on telecommunications” comes at the beginning of the legislative framework of these relations. This law was passed by the Azerbaijani Parliament (Milli Meclis) on June 14, 2005 and came into force by the Decree of the President of the Republic of Azerbaijan No. 277 issued on August 9, 2005. Prior to this law, the relations in this sphere were regulated by the Law on Communications and had a very limited scope. “Law of the Republic of Azerbaijan on accession to the Charter and the Convention on the International Telecommunication Union, as well as the adjustment documents”, which covers the legal force of international regulations and thus opens up opportunities for the application of the international law in the national context. By adopting the law on May 14, 2000, the legislative organ of Azerbaijan, The Parliament (Milli Meclis) recognized the application of international legal regulations in the country. The first law to stipulate the use of the Internet for ensuring information transparency of government agencies is the ““The Law of Azerbaijan Republic on the right to obtain information”. Coming into force on December 9, 2005, “The Law of Azerbaijan Republic on the right to obtain information” provided a starting point for the use of Internet in the system of state administration. Article 29 of this Law provides a list of information to be disclosed by information owners. In addition to the available tools, the government agencies must disclose the information specified in that list via the Internet as well. By stating in its article 31 that “If this obligation arises also based on requirements of Article 29.1 hereof, the public information is included in Internet Information Resources”, the Law includes the Internet information. In 2005 the government of Azerbaijan Republic adopted a State Program on the Development of

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<sup>1</sup> [bit.ly/1m8Byoo](http://bit.ly/1m8Byoo)

Communication and Information Technologies in Azerbaijan Republic for 2005-2008 (Electron Azerbaijan), in which it confessed to existence of a digital divide between the regions of the country, as one of the expected achievements of this program was intended to be “Reduction of the “digital divide” existing among social strata, and between the rural and urban areas of the country”.

# Internet regulation

Although there is no specific law regulating the internet in Azerbaijan, the scope of legal regulation of the Internet is very wide.

This section presents analysis of the documents that provide for technical regulation of the Internet, Internet infrastructure, the relationship between Internet providers and users, directions of activities of Internet service providers and the state's control and regulation in this area..

**"Law of the Republic of Azerbaijan on telecommunications"**<sup>2</sup> comes at the beginning of the legislative framework for Internet freedom. This law was passed by the Azerbaijani Parliament (Milli Meclis) on June 14, 2005<sup>3</sup> and came into force by the Decree of the President of the Republic of Azerbaijan No. 277 issued on August 9, 2005. Prior to this law, the relations in this sphere was regulated by the Law on Communications<sup>4</sup> and had a very limited scope. "Law of the Republic of Azerbaijan on accession to the Charter and the Convention on the International Telecommunication Union, as well as the adjustment documents", which covers the legal force of international regulations, opens up opportunities for the application of the regulations in the country in a global environment. The Parliament of the Republic of Azerbaijan (Milli Meclis) adopted this law on May 14, 2000, thus recognizing the application of international legal regulations in the country.

## ***Open government (access to official documents online)***

The first law to stipulate the use of the Internet for ensuring information transparency of government agencies is the **"Law of the Republic of Azerbaijan on Right to Obtain Information"**<sup>5</sup>. Coming into force on December 9, 2005, "the law provided a starting point for the use of Internet in the system of state administration. Article 29 of this Law provides a list of information to be disclosed by information owners. In addition to the available tools, the government agencies must disclose the information specified in that list **via the Internet** as well. By stating in its article 31 that *"If this obligation arises also based on requirements of Article 29.1 hereof, the public information is included in Internet Information Resources"*, the Law includes the Internet information resources among modern methods of disclosing information. Article 32 of the law puts forward the obligation to create Internet information resources, and the article 33 enumerates the requirements set for Internet Information Resources.

## ***Digital divide***

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<sup>2</sup><http://bit.ly/1aJepDB>

<sup>3</sup><http://bit.ly/1bTLUTf>

<sup>4</sup> "Law on Communications" lost force by law on 20 October 2006. For Azerbaijani version of the see <http://bit.ly/KHr7g8>

<sup>5</sup><http://bit.ly/1aJgorp>

In 2005 the government of Azerbaijan Republic adopted a State Programme on the Development of Communication and Information Technologies in Azerbaijan Republic for 2005-2008 (**Electron Azerbaijan**)<sup>6</sup>, in which it confessed to existence of a **digital divide** between the regions of the country, as one of the expected achievements of this programme was intended to be “Reduction of the “digital divide” existing among social strata, and between the rural and urban areas of the country”.

However over the past 8 years, the objectives have hardly been achieved. Serious problems still remain in the country’s internet infrastructure. Although a significant amount of funds has been allocated for infrastructure from the State Oil Fund, a little progress has been made. It is partly because of the optical cabling which is necessary for high-speed Internet, especially in rural areas, is lacking. Now the new target is to solve the problem by 2015.

### **The main problems of legal regulation of the Internet as a means of telecommunication in Azerbaijan Republic**

The concept of Telecommunication was reflected in a broader sense in the Article 1 of the “Law on Telecommunications of the Republic of Azerbaijan” adopted on August 9, 2005 and it leaves no room for doubt that this definition also includes the Internet. Article 3 of this law covers main principles and directions of telecommunication activity<sup>7</sup>. It is important that the law provides for the protection of the legal equality and interests of the operators, providers and users. However, in practice, these principles are not followed. Although it is often told that state and private providers are equal, in reality, state providers get more state funds and advantages in many cases.

It is also clearly visible in the relationship between subscribers and the other parties (providers). In particular, gross violation of this principle (equality of the parties) is apparent in the regulations (e.g. agreement on the use of the Internet service), where only duties of the users are counted, but their rights are not stated.

Even in the existing principles certain controversial aspects are observed. For example, the principle “adjusting tariff policy”<sup>8</sup> does not correspond with the principle “prohibition of monopoly in telecommunication service market and ensuring of healthy competition”<sup>9</sup>. Judging from the fact that a state authority, i.e. Tariff Council, holds the right to adjust tariffs and sets them, then it is contrary to the principles of fair competition and free market. In this case, it seems insincere to talk about free market and competitive development, and include this in the law as a principle.

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<sup>6</sup> Azerbaijani version of the State Programme is available on <http://bit.ly/1aJmbxd>

<sup>7</sup> Refer to Article 3 of the Telecommunications Law (Main principles and directions of telecommunication activity), find here <http://bit.ly/1aJepDB>

<sup>8</sup> Refer to Article 10 of the Telecommunications Law (Application of tariffs for use of telecommunication services and radiofrequencies), find here <http://bit.ly/1aJepDB>

<sup>9</sup> Refer to Article 11 of the Telecommunications Law (Regulation of healthy competition and antimonopoly activity in field of telecommunication), find here <http://bit.ly/1aJepDB>

Article 4 of the Law on Telecommunications determines objects and subjects of telecommunication activity. *One of the noteworthy points here is that along with having a regulatory function, the state is also a market subject, i.e. the state acts not only as a regulator, but also one of the competitors in the market.* It means being both a “player” and the “judge” in the market, and in this case, it is meaningless to talk about equality of the parties, their rights and opportunities, because private institutions do not have the same resources as the state bodies. It is no coincidence that today, the Ministry of Communications and Information Technologies has got more than fifty subordinate enterprises, LLCs and other commercial organizations<sup>10</sup>. The state currently both acts as a service provider (an operator or provider) and at the same time carries out the oversight function, giving licenses, rights to use, etc. All telecommunications infrastructure is under the control of government institutions and is quite expensive for average citizen. From this perspective, equality of parties is completely formal and does not correspond to reality.

Article 7.10 of the same law is one of the most disputable points. According to this article, *“rules of registration, use of domain titles of country code are regulated jointly by corresponding executive power body and **respective bodies** according to international norms”*. However the requirement *“together with respective bodies”* is never considered in practice during the implementation of the regulation. When fulfilling this condition, the Ministry of Communications and Information Technologies, which is defined as the *“corresponding executive power body”* by the President’s decree #277 on the application of the law on telecommunications issued on 9 August 2005, restrict the scope of the *“respective bodies”* to a limited number of organizations that are close to the ministry, keeping out main public institutions.

### **Regulation of healthy competitive environment and anti-monopoly activity in telecommunications sector**

Although the Telecommunications Law suggests that, *“operators, providers, other legal and physical persons operating in field of telecommunication, as well device producers and suppliers are equal subjects in creation and development of telecommunication nets”*, there is a strong monopoly in the field of telecommunications. *A significant portion of the Internet traffic imported into the country is controlled by the institutions created by the state or where the state is one of the participants.* In addition, both in Baku and in the regions the majority of the internet providers are state providers. Especially in the regions the internet provider is mainly Aztelekom, which is a state institution. The Law also states that *“corresponding executive power bodies take actions set by legislation to prevent unfair competition and monopoly in field of telecommunication. Persons admitting unfair competition, violation of users’ interests and rights, or any illegal acts bear responsibility by legislation”*. However, as mentioned above, the body carrying out regulation and control, in fact, itself creates unfair competition. In this case, implementation of this provision of the law seems practically impossible.

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<sup>10</sup>State organizations (which in turn have their own affiliates) subordinate to the ICT Ministry are listed in the Ministry’s structure. See bottom of the web-page <http://www.mincom.gov.az/ministry/structure/>

## Rules for using internet communication services

Adopted on 24 February 2000, 5 years earlier than the Telecommunications Law, by order of the Minister of Communications of the Republic of Azerbaijan, the rules on the use of internet services do not meet modern demands. Some points in the introduced rules seem problematic from the legal viewpoint.

According to clause 4.2 of the “Rules for Using Internet Services,” internet providers can suspend services provided to subscribers in certain cases without their consent: for example, if one of the parties to the contract, i.e. “the provider”, solely determines that the other party, i.e. “the user” violates the law, the former can therefore suspend its obligations. This is not in accordance with the principle of equality of parties.

Granting of this right to the provider in a unilateral manner is contrary to not only to the Law on Telecommunications, but also to requirements of Article 25 of the Constitution, the right to equality.

Another duty imposed on subscribers is avoidance of posting offensive information about individuals or legal persons or disclosing state secrets on internet and web sites.

Though, in general, avoidance of posting offensive information can be understandable as a condition, its interpretation as *giving the provider a right to control online content* can instantly turn the “party fulfilling technical regulation” into a “censor” thereby undermining the internet freedom.

## Network Security

According to article 39 of the Law on Telecommunications of the Republic of Azerbaijan *which requires mutual relationship of providers and operators with the bodies carrying out search operations, intelligence and counter-intelligence activities*, “operators and providers must promote in proper legal manner implementation of search actions, intelligence and counter-intelligence activities, supply telecommunication nets with **extra technical devices** according to terms set by corresponding executive power body for this goal, solve organizational issues and **keep methods used in implementation of these actions as secret**. ”Disputable aspect of this article is the fact that it allows the “corresponding executive power body” to install **extra technical devices** in telecommunication nets without requiring a court order, under the veil of “implementation of search actions, intelligence and counter-intelligence activities”. It paves the way for obtaining of individuals’ private information and secrets by organizations without a court order, and unreasonable interception of their telephone conversations and online communication without provision of legal reasons or without judicial oversight.

Unless investigation of any specific fact or prosecution of a concrete suspect is the case, placement of any device directly to the network at the sole discretion of special service agencies, thereby allowing in the Law for interception of any individual’s personal communication without even the need for a court order, is sanctioning the intervention in conflict with the principles of fundamental human rights and freedoms. Existence of such a provision in the law is also in contradiction with the principle of the inviolability of private life provided for in the article 32 of the Constitution of the Republic of Azerbaijan. Particularly, by

allowing for such an interception at a sole discretion of the executive bodies without requiring a court order or judicial oversight, the law grants broad and unlimited power to executive bodies, no matter for what purpose, without providing for any legal means aimed at preventing the abuse of this power.

Clause 39.2 of the Law states that *“operator, provider bears responsibility for violation of these requirements in proper legal manner”*, i.e. for not installing in its network the device requested by the executive body without the need for a court order. Thus, the operator or the provider does not have any room for maneuver. Moreover, information leaks that would make public the cases of illegal bugging and prosecution are prevented by the frightening phrase that the operator and providers have to *“keep methods used in implementation of these actions as secret”*.

### **Restrictions on Internet content**

On May 14, 2013, the Azerbaijani Parliament (Milli Meclis) adopted a bill based on the changes to the articles 147 (libel) and 148 of the Criminal Code (insult) put forth by the General Prosecutor's Office. Before the change, only defamation on mass media stipulated liability. Internet was not mentioned in these articles.

After the amendment, Article 147 sets four types of punishment for **spreading libel** on internet information resources: a fine of 100-500 AZN, unpaid public works for up to 240 hours, or corrective labor for up to one year or imprisonment for a maximum of 6 months. According to the amended Article 148, the same punishments are applied for (insult) deliberate **humiliation** of honor and dignity of a person in an indecent way on the internet, the only difference is in the minimum and maximum amounts of the fine, which are 300 and 1000 AZN respectively.

In 2002, the government of Azerbaijan accepted the jurisdiction of the European Court of Human Rights which monitors the implementation of the European Convention on Human Rights. The government has undertaken a commitment to execute the Court's judgments. In judgments on the cases *“Agazadeh and Mahmudov against Azerbaijan”* of 2007 and *“Fatullayev against Azerbaijan”* of 2010, the Court has concluded that existence of criminal liability for defamation in Azerbaijan's criminal code is incompliant with the Convention and should therefore be changed with civil liability. Although in 2010 the Azerbaijani government officially announced that defamation would never be applied, in the recent 3 years more than 100 defamation lawsuits have been filed and journalists were arrested, and more surprisingly, despite that the discussion of a bill on decriminalization of defamation in the Azerbaijani Parliament (Milli Meclis) was included in the National Action Program, this never happened by the end of 2012, moreover, after a wave of social media protests against incorrect government policy in early 2013 online defamation provisions were promptly introduced and existing punishments were further toughened. Monetary penalties and the period of administrative arrest were increased nearly fourfold and the hours of compulsory work sanction was also extended. This step was a serious threat to Internet freedom.

## Conclusion

This research makes it clear that the above-mentioned legal barriers that prevent freedom of the Internet must be replaced by more liberal regulations. The chances of the relevant executive authorities' interference with the Internet must be minimized. State bodies must only retain the legal regulatory function and not get involved in service provision sector. Conditions necessary for the development of private institutions must be created and all subordinate institutions of the Ministry must be privatized in a transparent manner. To make internet accessible in all parts of the country, all the residential areas, settlements and villages must be provided with fiber optic cables which ensure high-speed internet access. Providers must be enabled to make unhindered and inexpensive use of the whole communication infrastructure established so far at state expense. Regulation of the internet must be exercised by an institution determined by the online community within the framework of the rules ensuring protection of common interests of the online community which includes providers and users.

Agreements regulating legal relations between internet providers and subscribers should ensure equality of the rights of parties, the quality of service must be increased and a responsibility must be determined for it.

Internet must not be subject to illegal interventions and no one's confidentiality of online communication must be violated without a proper court decision. Installation of devices potentially violating the confidentiality of online communication in telecommunication nets though application of pressure on operators and providers at a sole initiative of executive bodies and without a court decision must be prevented.

Online community's participation in the process of establishing the rules of registration and utilization of ".az" domains must be ensured and opportunities for public oversight on compliance of these rules with the law and the principle of transparency and their application must be increased.

# Human rights situation in Azerbaijan

## Crackdown on and persecution for online activities

The Azerbaijani 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. A number of journalists and activists have been imprisoned in connection with critical articles they posted online.

By November 2013 and one year after the 7th IGF, seven journalists, bloggers and activists remained in detention or prison in connection with expressing critical opinions online.

### ***Nijat Aliyev***

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

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

Aliyev is being held at the Kurdakhani investigative detention facility while his trial is ongoing at the Baku Court of Grave Crimes. He has reported being tortured in custody.

### ***Araz Guliyev***

Editor of [xeber44.com](http://xeber44.com) news website Araz Guliyev was arrested on 8 September 2012 on hooliganism charges after he was accused of attempting to disrupt an international folklore festival held in the Masalli region, causing bodily harm to two residents and a policeman, and smashing the windows of a car. Although originally charged of hooliganism, on April 5th Guliyev was sentenced to eight years in prison on charges of illegal possession of fire arms (Article

228.1), violation of public order (Article 233), inciting national, racial, ethnic or religious hatred (Article 283.1), resisting a representative of the authority (Article 315.2) and insulting the national flag or emblem of the Azerbaijani Republic (Article 324).

### ***Faramaz Novruzoglu***

On 22 August 2012, freelance journalist Faramaz Novruzoglu (Allahverdiyev) was sentenced to four and a half years in jail under Criminal Code Article 220.2 (appealing for mass disorders and violence against citizens) and Article 318.1 (crossing protected borders of the Azerbaijani Republic without established documents or outside of a border checkpoint). The Baku Court of Appeals upheld the ruling on 2 April. Novruzoglu was accused of posting calls for riots on Facebook ahead of the 11 March 2011 Great People's Day protest, and of crossing the border into Turkey and living there illegally from November 2010 to October 2011. Novruzoglu has denied the charges and believes he was targeted for articles about Azerbaijan's imports and exports, which were critical of the government. He remains in custody at Prison #1.

### ***Rashad Ramazanov***

Blogger Rashad Ramazanov was detained on May 9th near the "20 January" metro station and taken to the Department for Combating Organized Crime. He was charged with drug possession after police claimed to have found nine grams of heroin on him. Ramazanov denies the allegation. On May 17th Ramazanov was sentenced to three months of pre-trial detention. Prior to his arrest, Ramazanov used his Facebook page to criticize the authorities and commented on issues related to freedom and justice. If convicted, he faces confiscation of property and up to 12 years in jail. Ramazanov is being held at the Kurdakhani investigative detention facility. He has reported being tortured in custody.

### ***Hilal Mammadov***

Hilal Mammadov was arrested on 21 June 2012 and is charged with illegal possession of drugs in large quantities (Article 234.4.3/Criminal Code), treason (Article 274/Criminal Code), and incitement to national, racial, social and religious hatred and hostility (Article 283/Criminal Code). Mammadov got very popular after the video "Ti kto takoy, davay dosvidaniya!" (*Who the hell are you? Why don't you get lost?*) he had posted on YouTube. The video drew attention of Russian NTV, who sent its crew to Azerbaijan to prepare reportage from the folklore festival and interview Hilal Mammadov. After this, Hilal Mammadov commented on his video, saying that with this sole video he made Azerbaijan more popular than the government did by spending lots of funds on Eurovision. Briefly after this comment Mammadov was arrested. He was sentenced to five years in jail on September 27.

### ***Parviz Hashimli***

Journalist of *Bizim Yol* newspaper, director of moderator.az website Parviz Hashimli was detained on September 17th by employees of the Ministry of National Security. On September 18th the journalist was handed down a two-month pretrial detention sentence by the Sabail District Court awaiting trial under two articles of the Azerbaijani Criminal Code: Article 206.3.2 (*smuggling of firearms on preliminary arrangement by an organized group*) and 228.2.1 (*illegal obtaining, storing, carrying firearms and their spare parts on preliminary arrangement by an organized group*).

### ***Ilkin Rustemzadeh***

Azad Genclik (Free Youth) Organization member Ilkin Rustemzadeh is in detention on hooliganism charges connected with a Harlem Shake video filmed in Baku. Rustemzadeh was notably active on Facebook. He was the author of Facebook events created on the eve of January 12, 26 and March 10 demonstrations, which were joined by more than 10,000 people. He was repeatedly threatened for sending out invitations to these events on Facebook.

### ***Abdul Abilov***

Online activist and admin of the recently closed Facebook page “Let’s Say Stop to Flatterers” [Abdul Abilov](#) was arrested on November 22 on charges of drug trafficking (article 234.4.3 of the Criminal Code). On 23 November the Narimanov district court handed down 3-month pretrial detention sentence to the youth activist. According to her, Abdul was detained by the employees of the Department for Combating Organized Crime of the Ministry of Internal Affairs. “They twisted Abdul’s arms in the yard of our building and then brought him to our flat. As they entered in, my son told me that one of the officers had something in his hand and asked me to watch out and do not let them cast something in. When I asked the man what he held and demanded him to show it to me, he punched me in the jaw. Then he pointed to an old jacket asking whose it was and when I said that it is Abdul’s, he took the jacket and showed me a powder-like substance saying that he found it on the jacket” said the activist’s mother. She added that together with Abdul his cousin, Ramin Abilov was also handcuffed and detained. According to Ramin Abilov, in the police office he heard how Abdul was asked why he had created that Facebook page, which has more than 5,000 followers, and influenced people. A day after Abdul Abilov’s arrest the said Facebook page was closed. Abilov is known for his sharp criticisms against the authorities on his “Let’s Say Stop to Flatterers” page.

### ***Mehman Huseynov***

On 2 October well-known photo and video reporter Mehman Huseynov was detained by three plainclothes cops, who first took him to the Baku city Main Police Department, and then to the Prosecutor General’s Office. According to Huseynov, he was interrogated in connection with a video mash-up of Azerbaijani Presidential debates with a well-known movie [“300 Spartans”](#). Mehman Huseynov’s lawyer Elchin Sadigov was not allowed to attend the six-hour interrogation, despite of holding appropriate power of attorney. In a statement issued on Mehman Huseynov’s detention, Head of the Press Service of the General Prosecutor’s Office Eldar Sultanov said that employee of the Institute for Reporters’ Freedom and Safety Mehman Huseynov had been invited to the Prosecutor General’s Office to give a statement in connection with investigation of “the information of a criminal nature disseminated on social networks”. After the questioning, Mehman Huseynov was warned not to spread such videos in the pre-election period any more. Mehman Huseynov is an active photo and video blogger, who has recently been awarded Gerd Bucerius Free Press of Eastern Europe Award for investigating and highlighting the problems of corruption and human rights violations in Azerbaijan in 2012. But he was not allowed to leave the country in order to attend the award presentation ceremony.

## **Criminal defamation online**

On 4 June 2013, Azerbaijani President Ilham Aliyev [signed into](#) law amendments to the Criminal Code passed by parliament that would criminalize “defamatory and offensive views” posted on the Internet. The amendments allow for the initiation of criminal cases against online activists who post such statements, with penalties of up to three years in prison. The first conviction came two months after the President approved the law – just two weeks after it took effect.

On 14 August the Astara Regional Court found Mikayil Talibov [guilty of slander](#) under Article 147.1 of the Criminal Code of Azerbaijan, sentencing him to one year of “corrective labor” under which 20 per cent of his monthly income would be deducted into the state budget for a period of one year.

In another case, Javad Javadov, the lawyer of an arrested theologian, [was sued](#) by the former investigator in his client’s case, for writing an absolutely uncritical post about the investigator on Facebook. Along with the lawyer, Azadliq newspaper was also litigated for re-publishing the post.