



**Secretary to the Committee of Ministers  
Council of Europe**  
Avenue de l'Europe  
67075 Strasbourg Cedex

25 February 2014

**RE: NGO comments to Azerbaijani Government's response to CM on *Mahmudov and Agazade v. Azerbaijan* and *Fatullayev v. Azerbaijan* cases**

### **CM human rights meeting on 4-6 March 2014**

We, the Baku-based Media Rights Institute (MRI), the Institute for Reporters' Freedom and Safety (IRFS) and the Legal Education Society, in collaboration with the International Media Support (IMS) would like to address the Committee of Ministers with regard to the latest developments in the cases of the Mahmudov group against Azerbaijan that are to be discussed at the upcoming CM meeting on 4-6 March 2014. All signatory organizations focus on media freedom in Azerbaijan and have been closely following the situation in that regard<sup>1</sup>.

On 3 January 2014, the Government of Azerbaijan (GA) submitted its response to the questions provided by the Committee of Ministers, as well as the updated action plan of 13 January 2014, in respective cases<sup>2</sup>. We therefore would like to comment on the information provided by GA as to the progress made in terms of execution of above mentioned judgments, given the dire freedom of expression situation in the country.

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<sup>1</sup> Media Rights Institute's individual communication on the cases to the Committee of Ministers can be found here <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2347936&SecMode=1&DocId=2051068&Usage=2>

<sup>2</sup> <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2419510&SecMode=1&DocId=2093214&Usage=2>

The following Committee of Ministers questions are hereby addressed:

**1. What measures have been taken or are envisaged in order to ensure that relevant legislation is applied in conformity with the Convention?**

**2. Are the Azerbaijani authorities planning to continue cooperation with the Venice Commission and take its recommendations into consideration before adopting the new law?**

The delegation reiterated that the Court's judgments had a great impact on the national judicial practice. In both cases, the European Court for Human Rights (ECtHR) denounced the imprisonment of journalists as a sanction for defamation and found it in violation of the right to freedom of expression as protected by Article 10 of the European Convention for Human Rights. Soon after, GA has taken the initiative for reforming the regulation on defamation.

GA specifically mentioned in its reply that the Supreme Court of Azerbaijan, following the ECtHR judgments, made a decision to quash the decision against the applicants. Moreover, it was said that on 11 November 2010, the Supreme Court, held a plenary where the judges of the Supreme Court, the appellate courts, first instance courts and the representatives of the Prosecutor Office examined **the judicial practice in terms of applications of criminal law provisions on libel and insult**. The civil society and lawyers are not aware of such discussions – to our knowledge, the plenum has only reviewed the sentence of the applicant Eynulla Fatullayev and quashed the initial decision, following the ECtHR judgment.

The Plenum of the Supreme Court has in fact the authority to adopt special commentaries on the court practice on application of national laws for national courts (Article 79 of the Law On Courts and Judges). On 14 May 1999, the Supreme Court has made a commentary "On the practice of application of laws regulating of protection of honor and dignity by courts"<sup>3</sup>. The national courts widely refer to the respective commentary in consideration of cases on criminal and civil defamation. The Commentary, however, is not in line with the freedom of expression standards developed by ECtHR and should be revised.

In its letter, GA has reiterated that several measures have been taken to ensure the independence of judicial system, including the revision and improvement of the laws regulating activity of courts. As a result, **the Judicial – Legal Council** has been established with the aim to ensure that external interference with the independence of activities of judges and courts is prevented. Moreover, **Judges Selection Committee** has been created and the rules on selection of candidates for judge positions were adopted.

The structure and the management of the two bodies, however, raise many concerns in terms of their independence from the executive power. The Minister of Justice is the Chairman of the Judicial – Legal Council. Majority of 15 members of the Council are appointed by the executive power. Such selection procedure in itself contradicts the Law on Courts and Judges, which defines the Council as the self-governance body of judicial power. Other members are being appointed by the Supreme Court, the Collegium of Advocates, Association of judges; however, no

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<sup>3</sup> <http://www.supremecourt.gov.az/?mod=2&cat=3009&id=215&c=7&lang=az&f=1>

information is available on how the whole process is being conducted, including the nomination and appointment of candidates. The civil society has on several occasions attempted to receive the respective information; all the efforts have led to a failure.

The new rules on **selection of judges** raise many concerns about the transparency and neutrality of the whole selection mechanism. First of all, the Judges Selection Committee is established by the Judicial-Legal Council. Chairmen of the Supreme Court, Courts of Appeal and the Court of Grave Crimes are appointed directly by the President of Azerbaijan, without any consultations or approval of any other state body. All other judges are nominated by the President and approved by the Parliament. Such a procedure raises serious doubts about the independence of judiciary from the executive power in Azerbaijan.

GA also refers to the increase of number of judges in the judicial system. We, however, do not see how such an increase could strengthen the independence of judiciary.

GA has also referred to the ongoing **development of the Action plan** between GA and the Council of Europe, which, as stated, includes a number of activities on freedom of expression and media freedom. We express our great disappointment that **civil society is not involved** in the process of developing a plan on how to improve the media freedom situation in the country.

We would like to remind the Committee of Ministers that initially the Government of Azerbaijan has committed itself to elaborate "*on the proposals on improving the legislation in order to decriminalize defamation*" (Article 1.2.7. the National Programme for Action to Raise Effectiveness of Protection of Human Rights and Freedoms adopted in December 2011). Soon after, the dialogue with the Venice Commission was initiated in that regard, and the Venice Commission produced its opinion on the draft Law on the Protection Against Defamation in Azerbaijan Defamation Law on 14 October 2013.

The Venice Commission concluded that 'the **Draft Law is, in many respects, not in line with the applicable ECHR principles and case law** and fails to ensure adequate implementation of the country's obligations in this field. Moreover, it seems to have been prepared in complete isolation from other parts of domestic law and no progress has been made towards decriminalizing defamation.'<sup>4</sup>

The Venice Commission particularly considers it essential:

- to ensure that regulations dealing with defamation are formulated in a way that prevents unduly severe rules and sanctions and is of the view that strong and effective remedies - while proportionate - can be provided through civil law.
- A comprehensive and consistent approach - development of strong and efficient civil law provisions, coupled with the removal/substantial amendment of the relevant criminal provisions - is necessary to ensure the compatibility of the legislation with the requirements of the ECHR"<sup>5</sup>.

We are particularly dismayed by the fact that the provisions stipulating the repeal of the

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<sup>4</sup>Para 117, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2013\)024-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2013)024-e)

<sup>5</sup> Ibid 3, para 120

Criminal Code provisions providing for heavy penalties for defamation, including imprisonment, and limiting the amount of compensation for damage caused by defamation have been removed from the defamation bill submitted to the Venice Commission<sup>6</sup>.

Moreover, in May 2013, **amendments to the Criminal Code extended its application on online content**, which runs contrary to the above-mentioned commitments. The Committee of Ministers deeply regretted that" while the co-operation process with the Venice Commission was on-going, on 14 May 2013 the Parliament of Azerbaijan adopted amendments to the Criminal Code and the Code of Administrative Offences of Azerbaijan that impose criminal penalties for defamation and insult on the Internet"<sup>7</sup>. The first conviction was already handed down in July 2013, later overruled by the Appeal Court and the accused was acquitted<sup>8</sup>.

As stated by the Venice Commission in its opinion, "it finds it worrying that, in spite of the authorities' repeatedly stated commitment to work towards decriminalization of defamation in co-operation with the Venice Commission, defamation is still associated with excessively high criminal sanctions, including imprisonment"<sup>9</sup>.

**We therefore consider steps taken by the Azerbaijani authorities as insufficient to ensure that the national legislation would be in conformity to the Convention standards. We ask you to encourage the government of Azerbaijan to continue its dialogue with the Venice Commission and take its recommendations into consideration before adopting the new law on defamation.**

**3. Can the Azerbaijani authorities confirm that presently there is a de facto moratorium on the imposition of prison sentences for defamation in accordance with the Court's case law, namely, in the absence of incitement to violence or hate speech?**

We highly appreciate the fact that no convictions leading to imprisonment for defamation charges have been made in 2011-2013. We however would like to address that despite the unofficial moratorium, high officials continue the practice of claims with criminal defamation charges against critics, which has a strong chilling effect on media. In 2013 only, 3 claims for criminal prosecution against media and imprisonment were initiated:

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<sup>6</sup>The initiated draft law on defamation that was prepared by civil society and the OSCE Baku office and presented to the Presidential Administration for its consideration included the provisions decriminalizing defamation [http://www.mediaryights.az/docs/pa\\_defamatlon\\_law\\_eng.pdf](http://www.mediaryights.az/docs/pa_defamatlon_law_eng.pdf)

<sup>7</sup>Decision of the Committee of Ministers of 6 June 2013 [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH\(2013\)1172/4&Language=lanFrench&Ver=original&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/OJ/DH(2013)1172/4&Language=lanFrench&Ver=original&Site=&BackColorInternet=B9BDEE&BackColorIntranet=FFCD4F&BackColorLogged=FFC679)

<sup>8</sup>On July 30, 2013, a Facebook user Mikayil Talibov was sentenced to a one-year public labor for his allegedly libelous Facebook posts under Article 147.1 of the Criminal Code (slander) over his comments on the "Accessbank-Haqsizbank" ("Accessbank- Unfair bank") Facebook page, whh he had created to criticize activities of the bank after being sacked from it. Media Rights Institute statement on the case <http://www.mediaryights.az/index.php?lngs=eng&id=79>. In January 2014, the District Court re-examined the case after its referral by the Court of Appeals and made its final decision to acquit the defendant.

<sup>9</sup> Ibid 3, para 119

- Minister of Internal Affairs Ramil Usubov and Minister of Emergency Situations Kamaladdin Heydarov demanded for arrest of **Ganimat Zahid, editor-in-chief of the main opposition newspaper “Azadlig”**; the claims followed the article published by the newspaper about the existing conflict between the two ministers. The case has received a lot of attention of international organizations and international community. After the public apology, the ministers withdrew their claims.
- Head of Imishli district executive power Vilyam Hajiyev demanded for arrest of **Nasimi Sharafkhanli – editor-in-chief of newspaper “Gundam Khabar”** and the Principal, supported by a group of staff of Baku State University demanded the arrest of **Anar Hasanli – editor of “Hurriyat” newspaper** based on criminal charges on slander and insult. The case was dismissed at a later stage.

We fully understand the need for protection against any humiliating content and protection of privacy including online. We are however very concerned that in reality this has resulted in the excessive application of such legal provisions to journalists, bloggers and social media activists who are critical towards the Azerbaijani authorities.

**Given that the Azerbaijani government has publicly stated not to be willing to decriminalize defamation for the above-mentioned purposes, but however considers eliminating imprisonment as a sanction, as stated in its recent letter to CM, we respectfully urge you to call upon the Azerbaijani government to eliminate the sanction of imprisonment for defamation from the Criminal Code, including defamation online.**

**4. What is the difference between a private and a criminal prosecution procedure? For instance, is there a difference in sanctioning? Can private prosecution also lead to a prison sentence?**

According to the national legislation, claims under criminal defamation charges can only be brought under private prosecution procedure. In other words, such a claim can only be initiated by a victim. No public prosecution can be initiated under the same charges, except in cases of insult of the President or a flag, or in cases of hate speech.

In civil proceedings, only an individual who claims to be a victim can bring a complaint.

Private prosecution procedure can lead to a prison sentence, as indicated in the Criminal Code provisions on libel and insult (Articles 147 and 148).

**5. Are there any other Internet-based cases since the first one the Committee discussed in September?**

We welcome the acquittal of Mikail Talibov in the so called “Facebook” case. Earlier in 2013, Talibov, former employee of AccessBank, was convicted under criminal defamation charges for sharing critical information about the respective bank on Facebook site and sentenced to 1-year public labor and withholding of 20% of his monthly salary. On 24 January 2014, the Astara District Court re-examined the case after its referral by Shirvan Court of Appeals in November 2013 and made its final decision to acquit the defendant.

Previously, M.Talibov worked at AccessBank Closed Stock Company. He considered his

dismissal from Accessbank to be illegal, complained to relevant bodies and created a Facebook page “Accessbank-Haqsizbank” (“Accessbank- Unfair bank”) where he harshly criticized the bank’s activity. The bank considered the page to contain libelous content and demanded the court to bring M.Talibov to justice for libel. The Astara District Court investigated the claim in accordance with the texts the prosecutor submitted from Facebook. The court concluded the expressions in the posts to be of libelous character: “Accessbank-Haqsizbank” (“Accessbank-Unfair bank”), “Against Azerbaijan with money earned by Azerbaijanis”, “Accessbank contributes to political tension, makes people discontent with the government”, “bank takes a kickback of 5.000 AZN for 50.000 AZN value deposit” and other similar expressions. The court considered M.Talibov guilty and charged him to 1-year public work, also withholding 20% of his monthly revenue. The court also ruled M.Talibov to give refutation in Facebook.

**We however remain concerned about the extension of application of Articles 147 and 148 of the Criminal Code that stipulate criminal liability for libel and insult to online content in May 2013. Mikayil Talibov’s case was the first one where the provisions were applied. We strongly believe that existence of such provisions and potential imprisonment for criticism online has a severe chilling effect on critical voices expressing their views and therefore they should be repealed.**

#### **6. Imprisonment of journalists and bloggers on dubious charges not directly linked to their journalistic activities**

The Media Rights Institute has previously informed the Committee of Ministers about the cases of detained and imprisoned journalists and bloggers in its communication of September 2013 and an updated letter to CM delegations before the CM human rights meeting in December 2013. In its response, the Azerbaijani government refers to the cases of 8 journalists and bloggers that the Media Rights Institute indicated in its September 2013 communication that was published on the CM website. By the time of CM meeting in December 2013, 4 more cases had been launched against journalists and bloggers on trumped up charges that were added in the NGO letter. One more case was launched in January 2014.

At present, **15 journalists and bloggers are detained and imprisoned** on charges not directly linked to their journalistic/activism activities - however, as a mean of retaliation for their criticism. Bogus charges like hooliganism, bribery, tax evasion, weapon possession, public disorder are being brought against journalists, bloggers and other critical voices. (*Please see the full list of all cases below in the letter*).

In his July 2013 report on his visit to Azerbaijan, Nils Muižnieks, the Council of Europe Commissioner for Human Rights expressed serious concern at “the apparent intensification of the practice of unjustified or selective criminal prosecution of journalists and others who express critical opinions.”<sup>10</sup>

In its reply, GA specifically refers to cases of journalists **Hilal Mammadov, Nijat Aliyev and Araz Guliyev** (all three cases are described below) as the ones entailing criminal charges for

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<sup>10</sup><https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2343454&SecMode=1&DocId=2050674&Usage=2>

hate speech and incitement to violence. It is noteworthy that initially all three journalists have been arrested under charges of drug possession and hooliganism respectively. Only later new charges linked to incitement to hatred were added, which causes strong concern that their imprisonment serves as retaliation for their publications.

GA also states that **Tofig Yagublu** is not a journalist or a blogger, but the Vice Chairman of the political party. Until his arrest, Tofig Yagublu has run the column at the Yeni Musavat newspaper and was often critical towards the governmental policies. In addition, he was the adviser of the Chairman of the oppositional Musavat political party.

**We respectfully urge you to call upon the Azerbaijani government to immediately review all ongoing criminal prosecutions against journalists and bloggers, release those who are imprisoned unjustly and cease launching selective criminal prosecutions of its critics.**

Respectfully,

Emin HUSEYNOV, Chairman and CEO, Institute for Reporters' Freedom and Safety

Gulnara AKHUNDOVA, human rights advocate

Intigam ALIYEV, President, Legal Education Society

Rashid HAJILI, Chairman, Media Rights Institute

**List of cases of journalists and bloggers imprisoned on bogus charges not directly linked to their journalistic/activism activities:**

**1. Khural Newspaper Chief Editor Avaz Zeynalli (charges of bribery, contempt of court and tax evasion) - sentenced to 9 years imprisonment**

Avaz Zeynalli was arrested on October 28, 2011 following a lawsuit brought by MP Gulnara Ahmadova on October 19, 2011. The Anti-Corruption Office launched a criminal case against Zeynalli under article 311.3.3 (taking a large bribe) and article 311.3.4 (extortion). Later he was charged under article 306 (contempt of court) and article 213.1 (tax evasion). It is highly believed that the charges against Avaz Zeynalli are trumped-up and that he was arrested for his articles criticizing high-ranking state officials. In March 2013, he was sentenced to 9 years imprisonment.

**2. Tolishy-Sado Newspaper Chief Editor Hilal Mammadov (charges of drug possession, high treason and incitement of hatred) - sentenced to 5 years imprisonment**

Hilal Mammadov, Chief Editor of Tolishy-Sado Newspaper, was arrested on June 21, 2012 on charges of drug possession. A criminal case was filed against him under Article 234.4.3 of the Criminal Code (illegal possession of drugs). On 3 July, Mammadov faced new charges under Articles 274 (high treason) and 283 (incitement of national, racial, social and religious hatred, hostility, and ethnic discrimination). In September 2013, he was sentenced to 5 years imprisonment.

Prior to his arrest, Mr. Mammadov served as the chief editor of the *Talyshi Sado* (Voice of the Talysh), Azerbaijan's only Talysh-language newspaper. Mr. Mammadov's predecessor at the newspaper was himself imprisoned on espionage charges and died in 2009 after receiving a 10-year sentence. In his role as editor and activist, Mr. Mammadov spoke-out publicly in support of Talysh rights and was critical of what he considered a government that discriminates against non-Turkic minority groups in Azerbaijan.

**3. Chief Editor of [www.azadxeber.com](http://www.azadxeber.com) News Website Nijat Aliyev (charges of drug possession, distribution of religious literature without authorization, appeal to violent capture of authority and incitement of hostility) - sentenced to 10 years imprisonment**

Nijat Aliyev was arrested on May 20, 2012 under charges of illegal possession of drugs in a quantity beyond the one for personal use. Human rights organizations believe that Aliyev was arrested for his criticism of government policies on issues including religion, LGBT rights, and high expenditures for the Eurovision Song Contest. On January 26th, new charges were brought against Aliyev under three Articles of the Criminal Code: 167.2.2.1 (import, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization), 281.2 (making appeals to violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents) and 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). In December 2013, he was sentenced to 10 years imprisonment.

**4. Director of Xeber44.com News Website, Araz Guliyev (charges of possession of firearms, public disorder, incitement of animosity, resistance to public official and insulting national flag) – sentenced to 8 years imprisonment**

In April 2013, Araz Guliyev, the editor of the Islamist news website Xeber44, was sentenced to 8 years in prison under charges of illegal possession of fire arms, violation of public order, incitement of national, racial, ethnic or religious animosity and hostility, resistance and violence against a representative of the authority and insulting the national flag or emblem of the Azerbaijan Republic. Guliyev was initially arrested on hooliganism charges on September 8, 2012, while reporting on a protest in the southeastern city of Masally. The rally was staged by residents protesting dancers at a festival who they perceived to be not properly clothed, news reports said. Police arrested the protesters who were calling on the festival organizers to respect religious traditions.

**5. Freelance Journalist Faramaz Novruzoglu (charges of mass disorder and illegal crossing of frontier) – sentenced to 4,5 years imprisonment**

Faramaz Novruzoglu was arrested in April 2012, after criticizing the authorities on social media and calling on people to protest. Faramaz Novruzoglu was sentenced to 4.5 years in jail under charges of appeals to mass disorders and violence against citizens and crossing protected frontiers of the Azerbaijan Republic without established documents or outside of check point of frontier). Novruzoglu claims that his arrest is related to his articles "The whereabouts of Azerbaijani oil exported to Italy" and "Where do the candles imported from Russia go?" in which he was highly critical of the government.

**6. Freelance Journalist Fuad Huseynov (hooliganism charges) – sentenced to 6,5 years imprisonment**

Fuad Huseynov was arrested in October of 2010, after fighting and reporting illegal actions of employees of law-enforcement agencies and government in Ujar region. On September 26, 2011 Huseynov was sentenced to six and a half years in prison under Article 221.3 of the Criminal Code (hooliganism).

**7. Yeni Musavat Newspaper Columnist Tofiq Yagublu (charges of incitement of public disorder) – in detention**

Tofiq Yagublu was arrested on 4 February 2013, for allegedly attempting to undermine sociopolitical stability in Ismayilli region by calling on local people to resist the police and block the roads, during his visit to the region on January 24, 2013. He was sentenced to two months of pretrial detention on charges of organizing public disorder and resisting the representative of authorities or using violence against them. In April 2013, one of the previous two charges filed against Yagublu, organizing public disorder, was replaced by the charge of "organizing or participating in mass disorders accompanied by violence, looting, arson, destruction of property, application of fire-arms or explosives, or armed resistance against representative of authority". Yagublu is currently held at Baku Investigative Prison.

**8. Ilkin Rustamzade, blogger and online activist (hooliganism charges, organization of public disorder) – *in detention***

Ilkin Rustamzade, member of the “Free Youth” organization and online activist, was arrested on charges of hooliganism as well as disturbing public order on May 17, 2013. His arrest is connected with the “Harlem Shake” video posted on YouTube where he is accused of being involved in its organization, despite the fact that he is not present there. In September 2013, new charges have been brought against Ilkin Rustamzadeh under Article 220.1 (organization of mass disorders) of the Criminal Code and faces up to 12 years in prison.

**9. Editor in Chief of newspaper Note Bone Serdar Alibeyli (hooliganism using a weapon charges) – *sentenced to 4 years imprisonment***

On 13 November 2013, Editor in Chief of newspaper Note Bone Serdar Alibeyli was sentenced to 4 years in prison following charges under Article 221.3 of the Criminal Code (hooliganism using a weapon or items used as a weapon). His imprisonment is considered illegal and politically motivated, following his critical publications targeting high-ranking officials in Azerbaijan. Moreover, the newspaper, being recently refused to be printed by the printing house, has ceased its circulation, while the online website remains available [www.psnota.com](http://www.psnota.com). In 2010, Alibeyli has been imprisoned for criminal defamation charges.

**10. Bizim Yol (Our Way) newspaper journalist Parviz Hashimli (charges of possession of firearms) – *in detention***

Parviz is a journalist of Bizim Yol newspaper, the director and editor of moderator.az news website and the Chairman of the Center for Protection of Political and Civil Rights, was detained on September 17 by employees of the Ministry of National Security. On September 18, 2013, the journalist was sentenced with a two-month pretrial detention under charges of smuggling of firearms on preliminary arrangement by an organized group and illegal obtaining, storing, carrying firearms and their spare parts on preliminary arrangement by an organized group. In early February 2014, new charges have been added - illegal purchase, transfer, selling, storage, transportation or carrying of firearms, accessories to it, supplies and explosives, committed repeatedly. The journalists reports about his ill-treatment in the custody.

**11. Blogger Rashad Ramazanli (drug possession charges) – *sentenced to 9 years imprisonment***

On 13 November 2013, blogger Rashad Ramazanov, known for his critical views towards the Azerbaijani government, has been charged with suspicious drug possession and sentenced to 9 years imprisonment. The fact that Rashad Ramazanov was detained shortly after his sharply critical views against the government were shared in social networks in May 2013 casts doubts over legality of drug-related charges against him and provides grounds to believe that his detention serves as retaliation for his criticism. His lawyers also report that the blogger was tortured while in custody, was insulted by law enforcement official during custodian interrogation and tried to commit suicide due to his psychological condition.

### **12. Online activist Abdul Abilov (drug possession charges) – *in detention***

Online activist and administrator of the recently closed Facebook page “Let’s Say Stop to Flatterers” and another Facebook page „Electoral fraud”. 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. Abdul was reportedly detained by the employees of the Department for Combating Organized Crime of the Ministry of Internal Affairs and asked why he had created that Facebook page, which has more than 5,000 followers, and influenced people. One day after Abdul Abilov’s arrest the said Facebook page was closed.

### **13. Blogger Omar Mammadov (drug possession charges) – *in detention***

Online activist and administrator of Facebook page “Extracts from AzTV” (government controlled state TV), very critical to government officials - which became very popular among Facebook users (tens of thousands of followers). On 6 February 2014, Omar Mammadov was arrested under drug possession charges.

### **14-15. Online activists Bakhtiyar Quliyev and Mammad Azizov (drug possession, illegal possession, carrying, transportation of firearms, explosives, and facilities and organization of public disorder charges) – *in detention***

Bakhtiyar Quliyev and Mammad Azizov were co-administrators of the government-critical Facebook page titled “Page for Heydar Aliyev”. Late Heydar Aliyev is the former president of Azerbaijan, the father of the incumbent president. Both activists were arrested on 7 March 2013 and charged for drug possession in big quantities, for possession of “Molotov cocktails” and organization of public disorder.