



Institute for Reporters' Freedom and Safety

Suffocating Freedom of Expression in Azerbaijan
2016 Second Quarterly Report on Freedom of Expression in
Azerbaijan

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Executive Summary

The IRFS report aims to assess the current state of affairs in Azerbaijan with respect to freedoms of expression and press as well as the right for access to information. It also strives to raise awareness on the persisting issues among local and international stakeholders. The information presented in this report was produced on the basis of desk research, field investigations, interviews, monitoring of court proceedings, and media monitoring.

Ongoing and systematic suppression of human rights in Azerbaijan continues to hamper work of journalists. One of the main impediments to the activities of media representatives remains undue pressure, harassment and even violence against them, as well as the unwillingness on the part of authorities to hold the perpetrators of crimes against journalists accountable.

Detention of reporters voicing critical opinions has been commonplace in Azerbaijan for years. Currently, numerous journalists and bloggers are imprisoned on the basis of spurious charges and, in the course of reporting period, several more journalists have been detained. More alarmingly, even relatives of journalists have been subject to arbitrary detention and pressure.

Online media outlets and users of social networks have also been affected by the measures aimed at curbing media freedom and freedom of expression whereby individuals expressing their views online are harassed. Furthermore, several news websites criticising governmental officials have been attacked by hackers.

The report unequivocally demonstrates that it is becoming increasingly difficult to exercise the right to freedom of expression in Azerbaijan. Therefore, to fulfil its international commitments and basic responsibilities to its own citizens, the government of Azerbaijan must:

- Ensure fair and thorough investigations into crimes committed against media representatives, and bring to justice individuals responsible for assaulting and even murdering journalists, especially in connection to the deaths of **Elmar Huseynov** (2005), **Rafiq Tagi** (2011) and the former IRFS chairman **Rasim Aliyev** (2015);
- Immediately and unconditionally release all journalists, bloggers and political activists imprisoned for their critical views;
- End detentions and intimidation of critical voices, and ensure adequate conditions allowing journalists to exercise their legitimate activities;
- Introduce safeguards and strengthen legislation protecting freedom of expression;
- Repeal legislation, including amendments to the law on non-governmental organisations, restricting operations of independent NGOs;
- Revoke travel bans for journalists and human rights defenders;
- Drop criminal charges against an independent media outlet Meydan TV for critical coverage of developments in Azerbaijan;

- Drop the fictitious criminal case against independent NGOs ongoing for more than two years, and unfreeze their bank accounts
- Remove the current provisions on defamation from the Criminal Code, and adopt new defamation law providing for civil law remedies instead of criminal sanctions;

Introduction

1.1. 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 to bringing freedom of expression issues in Azerbaijan to the attention of relevant organizations and officials in the United States as well as 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 approach to freedom of expression and its ability to respond rapidly to even the most egregious actions against freedom of press are the defining features of IRFS' activities in Azerbaijan. This report is part of IRFS' broader efforts to safeguard and promote freedom of expression in Azerbaijan. As part of this commitment, IRFS has been regularly producing comprehensive reports on the state of freedom of expression in Azerbaijan.

In the second quarter of 2016, Azerbaijan hosted the prestigious Formula 1 race in an attempt to whitewash the country's image. However, behind the facade staged for international audiences, the human rights situation in the country is alarming. The government has turned the country into an enclosed space whereby dissenting journalists are prohibited from leaving the country, while foreign journalists critical of Azerbaijan are denied entry. The President closed down a private television channel ANS TV and no steps were taken to release the imprisoned journalists and bloggers. The fictitious criminal case against independent television Meydan TV is still ongoing and journalists collaborating with the media outlet face the risk of getting arrested. Furthermore, as a result of the two-year-long fabricated criminal case against several non-governmental organisations (NGOs), the work of civil society actors protecting media freedom has become virtually impossible.

On top of that, the President proposed far-reaching constitutional amendments that would further consolidate the power of the ruling family by introducing a seven year presidential term as well as abolishing age restrictions for presidential candidates.

Moreover, the government has been exposed of attempting to prevent a resolution on political prisoners by the Parliamentary Assembly of the Council of Europe (PACE) in 2013. According to the Italian newspaper *Il Fatto*¹ on 27 June 2016, the Prosecutor's Office in Milan accused the former deputy chairman of PACE and a member of Italian Parliament Luca Volonte of accepting a bribe of 2.400.000 EUR from Azerbaijan in exchange for his efforts to thwart Strasser's report on political prisoners at PACE.

This report examines the situation of freedom of expression in Azerbaijan from 1 April to 31 July 2016. During this period, activists, journalists and their relatives continued to face

¹ <http://www.ilfattoquotidiano.it/2016/06/25/corruzione-tangente-da-due-milioni-dallazerbaijan-indagato-a-milano-ex-udc-volonte/2859414/>

pressure from the authorities for their dissenting views.. By the end of July, there were more than 10 journalists, bloggers and activists imprisoned for exercising their right to freedom of expression.

Key developments of the reporting period

- On 29 April 2016, human rights defenders Leyla and Arif Yunus, who have been conditionally released from prison, were allowed to travel to the Netherlands for treatment;
- On 10 May 2016, two youth activists and NIDA civic movement members were arrested on false drug charges and were later subjected to torture for writing slogans on the statue of the late president Heydar Aliyev;
- On 12 June 2016, the office of the Ganun publishing company was searched. During the search flyers about the chairman of Republic Alternative Movement (REAL) Ilgar Mammadov were seized;
- On 18 July 2016, President Ilham Aliyev signed a decree proposing amendments to the Constitution. The draft referendum act was approved by the Constitutional Court on 25 July. The referendum will take place on 26 September 2016. Among the proposed amendments are the provisions foreseeing removal of the minimum age requirement for the presidential candidates, lowering the minimum age for Members of the Parliament from 25 to 18, and extending the presidential term from five years to seven years;
- On 18 July 2015, private television channel ANS TV was taken off air while the National Television and Radio Council has requested the court to revoke its broadcasting license due to the fact that the channel broadcasted news on attempted coup in Turkey and was preparing to air an interview with Fetullah Gulen who is accused of masterminding the coup.

Chapter 1: Violence, blackmail and pressure against journalists

The monitoring conducted by IRFS has shown that for years journalists in Azerbaijan have been exposed to threats and pressure on the part of government officials. One of the most significant obstacles to freedom of expression in Azerbaijan remains the high frequency of violent attacks against journalists as well as media workers, and impunity shielding their attackers. Individuals who murdered critical journalist Elmar Huseynov, have not been apprehended for over ten years as a result of the government's indifference towards investigating crimes perpetrated against media representatives.

Although national laws and international conventions ratified by Azerbaijan recognize journalists' right to freely exercise their profession and right of access to information, in practice they are nothing more than ink on paper.

Harassment of journalists performing their professional activities constitute a violation of the right for access to information guaranteed by Articles 49 (freedom of expression) and 50 (freedom of information) of Azerbaijan's Constitution as well as Article 10 (freedom of expression) of the European Convention on Human Rights (ECHR). Obstructing professional activities of journalists also entails criminal liability under Article 163 of the Criminal Code of Azerbaijan. According to statistics by IRFS, only a handful of criminal cases have been launched in connection to obstruction of journalists' professional work during the period from 2006 to 2016. However, no punitive measures have been taken against the perpetrators.

Journalists and human rights defenders exposed to pressure during the reporting period

- On 25 April 2016, government critic and independent online television Meydan TV's contributor, journalist Aytaj Ahmadova's filed a complaint with the Prosecutor General over her arrest by the Main Organized Crime Department (MOCD) on 16 September 2015, illegal search and seizure of her computer, and her subjection to torture, inhuman and degrading treatment during her detention at MOCD. The Prosecutor General's Office refused to launch a criminal case on the basis of Aytaj Ahmadova's complaint. Moreover, despite being merely a witness in the criminal case against Meydan TV initiated in August 2015, Ahmadova is banned from leaving the country.
- On 6 May 2016, Rahim Hajiyev, the first deputy chief editor of the opposition newspaper *Azadliq*, was summoned to the Prosecutor General's Office, where he was issued an official warning over Samir Aliyev's statements on the murder of his wife doctor Natavan Aliyeva's published in *Azadliq*. Hajiyev was warned that he would be prosecuted if he continued to publish information of this nature.
- On 4 June 2016, an incident broke out in "Shamakhi" restaurant located in Shamakhi city. The crew members of ATV's "Yoxlama" (Scrutiny) TV project Azer Ismayilov, Elgun Bayramli, Loghman Ismayilov, Arif Guliyev, Ilgar Guliyev and Polad Akhundzade were attacked while filming by the restaurant's owner Huseyn Allahverdiyev and his relative Elshad Osmanov. As a result, their video camera,

recording and other equipment were damaged. A criminal case was launched in relation to the incident by the regional Prosecutor's Office.² .

- On 8 June 2016, relatives of Habib Muntazir, the social media manager of Meydan TV, an internet television critical of the government, were questioned by the law enforcement officers. Habib Muntazir himself lives in Germany as a political exile.
- On 24 June 2016, human rights defender and coordinator of the public alliance “Azerbaijan without Political Prisoners” Ogtay Gulaliyev was banned from leaving the country. Ogtay Gulaliyev was arrested after the protest rallies demanding fair distribution of the compensations assigned for the victims of Kura River floods in April 2012. Although he was later released, the criminal charges levied against him remain pending.
- On 28 June 2016, the head of Azerbaijan Lawyers Association Annagi Hajibayli's appeal against the travel ban was rejected by Nasimi district court on illegitimate grounds that the case needed to be heard by an administrative court;
- On 2 July 2016, the director of opposition newspaper *Azadliq* Faig Amirov was followed by unidentified individuals. Amirov reported the incident to the law enforcement agencies;
- On 8 July 2016, the head of Democracy and Human Rights Resource Centre Asabali Mustafayev was banned from leaving the country. The request to impose the travel ban was filed by the Territorial Tax Department #2, which claimed that the Democracy and Human Rights Resource Centre had a tax debt of 7,000 AZN. Asabali Mustafayev challenged the decision in court, but the the proceedings were suspended until the completion of the criminal case launched against multiple NGOs including Democracy and Human Rights Resource Centre, in 2014. The tax department is demanding the payment of the taxes without a court order while the court has illegally banned Mustafayev from leaving the country;
- On 22 July 2016, the chief editor of Arqument.az news website Shamshad Aga was questioned at the Main Organized Crime Department (MOCD) of the Ministry of Internal Affairs. During the interrogation, he was asked about the reasons why Arqument.az had been publishing articles on Fikrat Faramazoglu, chief editor of [Journalistic Research Centre \(jam.az\)](http://Journalistic Research Centre (jam.az)) news website who was arrested on 30 June 2016.
- On July 25, Nasimi District Court refused Sevinj Vagifgizi's appeal against her travel ban. the. Sevinj Vagifgizi is an investigative journalist who has also collaborated with Meydan TV.

² The criminal proceedings were initiated under Articles 163.1 (obstructing the lawful professional activities of journalists) and 221.2.1 (hooliganism, by a group of persons) of the Criminal Code of Azerbaijan.

Chapter 2: Legal repression of freedom of expression

The authorities have always sought to restrict the freedoms of expression and media by employing national legislation. Although officially the government claims to espouse freedom of expression that is supposedly protected by law, in reality, the authorities intend to further suppress free media by introducing restrictive amendments to legislation regulating media related activities.

During the reporting period, several restrictive amendments have been proposed

- On 12 April 2016, the Parliament's Culture Committee discussed draft amendments to the Law on Mass Media. Introducing the bill, Rafael Huseynov, the chairman of the Committee, said that one more paragraph would be added stipulating that copies of criminal prosecution materials which are considered documented information in accordance with the Criminal Procedure Code and the Law on Access to Information may not be disseminated "as is" from now onwards. Article 11 Paragraph 4 of the Law on Mass Media would also be changed to "information about the identity of underage suspects, accused persons or victims may not be disseminated without their own and their legal representatives' consent." The current wording of this paragraph is: "Information about the identity of minors accused of a crime may not be disseminated without their own or their legal representatives' consent." The amendments have been recommended to the plenary session of the Parliament.
- On 27 April 2016, President of Azerbaijan Ilham Aliyev submitted to the Parliament a draft law envisaging a prison sentence for individuals using drones for filming in Azerbaijan. The bill introduces a new sub-clause to Article 156 (breach of privacy) of the Criminal Code. According to the sub-clause, the individuals who use drones to disseminate information containing personal and family secrets will be subject to criminal prosecution. Such persons may be sentenced to either a two-year prison sentence or a three-year ban from holding a certain position or engaging in a certain activity.

Defamation

Among the most longstanding legal impediments to freedom of expression are the provisions on defamation that remain in Azerbaijan's Criminal Code. A proposal for new legislation on defamation was drafted with support of OSCE Baku Office in 2005. However, it did not find favour with the government. Contrary to international standards and recommendations, the government wants to retain provisions criminalising defamation. The scope of criminal provisions on defamation has been further extended to encompass online speech.

According to IRFS monitoring, there has been no arrest on defamation charges in the past three years. Instead, the government has used bogus drug and hooliganism charges to imprison its critics. It must be noted that sanctions such as community service, corrective labour and fines continued to be handed down in defamation cases.

Furthermore, the European Court of Human Rights judgments on defamation cases such as *Mahmudov and Agazade v Azerbaijan* and *Fatullayev v Azerbaijan* have not been implemented. Even though the government of Azerbaijan has committed itself to implement these judgments, carry out reforms and to adopt a defamation law for more efficient protection of media freedom, so far it has failed to fulfil these obligations.

On 31 May 2016, Presidential Aide on Social and Political Issues Ali Hasanov said³: *“Adopting defamation law at a time when people are increasingly being insulted in the press may cause a reverse effect. Some work remains to be done to improve professionalism of journalists.”*

Ongoing defamation cases during the reporting period:

- Arif Alishanov, chairman of Azerbaijan's state-run television AzTV, has initiated criminal proceedings under Articles 147 (libel) and 148 (insult) of the Criminal Code against Gulu Maharramli, who is a journalist and the chairman of the Fund for Advancement of Journalism. The reason Gulu Maharramli was sued is his remarks about the current head of AzTV in the interview with Moderator.az on the 60th anniversary of TV broadcasting in Azerbaijan.⁴ AzTV chairman Arif Alishanov has also brought a civil claim against Gulu Maharramli asking 100,000-AZN in damages. Currently, the proceedings in the civil case have been suspended whereas a forensic linguistic expert has been appointed in the criminal case.

- On 13 May 2016, Baku Customs Office chief, General Vusal Novruzov instituted criminal proceedings against Elmidar Aliyev, the editor-in-chief of the AzToday.az news portal under charges of slander.⁵ The trial is currently underway.

³ <https://www.irfs.org/news-feed/ali-hasanov-adoption-of-defamation-law-may-cause-a-reverse-effect/>

⁴ <https://www.irfs.org/news-feed/forensic-linguistic-examination-appointed-in-journalist-gulu-maharramlis-court-case/>

⁵ The legal claim was brought under Articles 147.1 (slander, i.e. dissemination of knowingly false information discrediting the honour and dignity of another person or undermining his reputation in public speeches, in publicly performed work, in mass media or on the internet information resource if demonstrated publicly), 147.2 (slander, combined with an accusation of committing a serious or especially serious crime) and 148 (insult, i.e. deliberate humiliation of the honour and dignity of another person, expressed in indecent form in public speeches, in publicly performed work, in mass media or on the internet information resource if demonstrated publicly) of the Criminal Code.

Chapter 3: Detention of journalists, bloggers, human rights defenders and political activists

Arbitrary detentions as means to silence critical voices have been prevalently used in authoritarian regimes. Politically motivated arrests in Azerbaijan have also become a standard practice employed by the authorities to quell dissent. The government's critics are arrested on fabricated charges like hooliganism, drug possession, weapons possession, inciting hatred, supporting terrorism, tax evasion, extortion, appealing for mass disorder, and so on. During the second quarter of 2016, the following journalists and bloggers were in prison.

Current cases of detained or imprisoned journalists

- Nijat Aliyev, the editor-in-chief of azadxeber.az was convicted on 9 December 2013 and is currently serving a 10-year prison sentence for drug possession, illegal distribution of religious literature, appealing for seizure of power by force and incitement to national, racial or religious hostility and hatred, as well as discrimination. The sentence was later upheld by the court of appeal. On 7 April 2016, the Supreme Court dismissed the cassation appeal and upheld Baku Appeal Court's decision of 27 June 2014.
- Araz Quliyev, the editor of the religion-oriented news website www.xeber44.com, was sentenced to eight years in prison on 5 April 2013.⁶ He was arrested on 8 September 2012 on a charge of hooliganism based on accusation that he was attempting to prevent an international folklore festival in the Masalli region, and that he caused bodily harm to others, including police officers.
- Blogger Abdul Abilov was sentenced to five and a half years in prison on 27 May 2014. He was arrested on 22 November 2013 and charged with illegal possession, storage, and manufacturing or sale of drugs, which carries a prison sentence of up to 12 years. Abilov was the administrator of the Facebook page "Stop Sycophants!", known for its harsh criticism of the authorities. The page was closed down following his arrest.
- The deputy chairman of the Musavat Party Faraj Karimli was arrested on drug possession and trafficking charges on 23 July 2015. He was sentenced to six and a half years in prison on 6 May 2015. Faraj was the administrator of the "Istefa" ("Resign") Facebook group, "Basta" Facebook page and the musavat.org.az website. On 24 May 2016, the Supreme Court ruled that Faraj Karimli's charges to be reclassified from Article 234.4.3 (drug trafficking in a large quantity) of Criminal Code to Article 234.1 (illegal purchase or storage of narcotics or psychotropic substances in a quantity exceeding those necessary for personal consumption, without the intent to sell). Consequently, his sentence was reduced to three years in prison. On 20 May 2016, Milli Majlis adopted the Amnesty Act initiated by Member of Parliament and President's wife Mehriban Aliyeva. However, despite being among the prisoners covered by the Act, Faraj Karimli has not been released.

⁶ Quliyev was convicted under Articles 228.1 (illegal possession of fire arms), 233 (violation of public order), 283.1 (inciting national, racial, ethnic or religious animosity and hostility), 315.2 (resistance and violence against a representative of the authority) and 324 (insulting the national flag or emblem of the Azerbaijan Republic) of the Criminal Code.

- Blogger Rashad Ramazanov who used his [Facebook page](#) to criticize the ruling regime on issues related to freedom and justice was detained on 9 May 2013. The police reportedly found nine grams of heroin on the blogger, which Ramazanov denies unequivocally. On 7 August 2013 his case was referred to the Baku Court on Grave Crimes, and on 13 November 2013 the blogger was handed a lengthy nine-year prison sentence.
- Blogger Ilkin Rustemzadeh is serving an eight year prison sentence following a court verdict on 6 May 2014. He was detained on 17 May 2013 and initially charged with hooliganism. Afterwards, he was charged with organizing and attempting to participate in riots.
- Seymur Hazi was arrested on 29 August 2014, after a fight with Maharram Hasanov. He was charged under Article 221.3 of the Criminal Code (hooliganism committed by using an object as a weapon) and was sentenced to five years in prison by Absheron Regional Court on 29 January 2015. On 15 April 2016, the Supreme Court denied Seymur Hazi's cassation appeal and upheld the decision of Sumgayit Appeal Court.
- Arshad Ibrahimov, journalist working for *Azadliq* newspaper was arrested on 18 June 2014. Arshad Ibrahimli was sentenced to 11 years in prison on 13 August 2014 by Ganja Court on Grave Crimes on charges of extortion. On 17 June 2016, the Supreme Court revised Ganja Appeal Court's decision and reduced Arshad Ibrahimov's original 10-year jail sentence to five years.

Akram Aylisli's case

Writer Akram Aylisli faced the ire of the authorities in Baku for his novel "Big Traffic Jam" written in 2013. As a result, the pro-government media launched a smear campaign against him. The writer was accused of spreading pro-Armenian propaganda in his novel. Party leaders close to the government even threatened to cut off the writer's ear.

Akram Aylisli was detained together with his son Ilyas Aylisli at Heydar Aliyev International Airport en route to Italy on 30 March. The Press Service of the Ministry of Internal Affairs said the writer was detained for starting an argument with border officers while passing through the border checkpoint. Aylisli was eventually freed in the evening hours on 30 March. On 31 March 2016, a criminal case was launched against the writer for hooliganism. On 22 April 2016, the investigation division of the Air Traffic Police Department decided to change charges against Akram Aylisli from Article 221.1 (hooliganism) of the Criminal Code to Article 315.1 (use of violence against a government representative) and sent the case to Baku City Prosecutor's Office for investigation.

Akram Aylisli stands accused of violating public order, uttering profanities, and hitting State Border Service officer 35-year old Nihal Seyidov on the chest on 30 March 2016. Article 315 of Criminal Code, under which Akram Aylisli is charged, foresees a prison sentence for up to three years, and does not provide for an alternative punishment.

Arrests during the reporting period:

- On 10 May 2016 members of the opposition NIDA civic movement and final-year students of Azerbaijan Slavic University, Giyas Ibrahimov and Bayram Mammadov were arrested on drug charges. Both youths claim that they have been detained for exercising their right to freedom of expression. Youth activist Giyas Ibrahimov wrote “Happy Slave Day” on the late Azerbaijani president Heydar Aliyev’s statue whereas Bayram Mammadov took a photo of the slogans on the statue. The photo of the slogans⁷ was posted on NIDA Facebook page late on 9 May 2016. The two activists went missing in the evening on 10 May 2016. It was only on 12 May 2016 that the Ministry of Internal Affairs released information on the youths’ arrest. According to the statement of the Ministry of Internal Affairs, as a result of search carried out by the law enforcement officers, 2.607 grams of heroin were found and seized on Giyas Ibrahimov, and additional 1 kilogram and 10 grams of heroin were found and seized during the search of his apartment. Furthermore, as a result of another search, 2.904 grams of heroin were found and seized on Bayram Mammadov, and additional 1 kilogram and 150 grams of heroin were found and seized during the search of his house. Both activists are charged under Articles 234.4.1 (illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors - on preliminary arrangement by a group of persons or by an organized group) and 234.4.3 (- in a large amount) of the Criminal Code. Bayram Mammadov and Giyas Ibrahimov were detained for 4 months by Khatai District Court’s decision of 12 May 2016. The youth activists have been subjected to torture, which they have reported in writing.
- On 16 May 2016, critical poet Saday Shakarli, who was arrested on 23 December 2015 on charges of extorting a large amount of property, was sentenced to 10 years in prison by Baku Grave Crimes Court’s. Shakarli is accused of extorting money through threats to publish defamatory information about the Minister of Taxes. However, the actual reason behind the poet’s arrest was his recent book *Wolf’s Heart* containing criticism of Ilham Aliyev and his late father. A day after the poet’s arrest, his home was searched and all copies of the book as well as his computer were confiscated.
- On 25 May 2016, NIDA civic movement activist Amid Elnur Suleymanov and photo-reporter Elnur Mukhtar were detained. They were sentenced to administrative arrest for 10 days. The reason for their detention was the recording showing the two men read outloud the words “Happy Slave Holiday” written by youth activists Giyas Ibrahimov and Bayram Mammadov on 9 May 2016 on late president Heydar Aliyev’s statue.
- On 1 June 2016, Nizami District Court changed the charges brought against journalist and NGO activist Elchin Hasanov from Article 221.3 (hooliganism, committed with a weapon) to Article 221.1 (hooliganism) and sentenced Hasanov to corrective labour for one year. Consequently, 20 percent of Hasanov’s salary will be deducted for the

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<https://www.facebook.com/nidavh.org/photos/pcb.1029797817057322/1029797757057328/?type=3&theater>

state for duration of the corrective sentence.⁸ According to the indictment, Elchin Hasanov and Jafar Jafarov - previously unacquainted - insulted each other on Facebook. Following their online exchange, they met in person, and Elchin Hasanov allegedly kicked Jafar Jafarov for no reason and assaulted him with a blunt metal object unidentified by the investigating authority.

- On 20 July 2016, Ruslan Garayev, the chairman of Sumgayit city Youth Committee of Azerbaijan Popular Front Party (APFP) went missing. Only two days later, on 22 July 2016, it emerged that Garayev was sentenced to administrative arrest for 20 days.⁹ The youth activist was denied access to his lawyer for three days. Ruslan Garayev [took a selfie holding a can of energy drink in front of late President Heydar Aliyev's statue in Sumgayit](#) which presumably led to his arrest.

Harassment and arrests of journalists' relatives:

- The brothers of Gunel Movlud editor and writer at Meydan TV Raji and Vakil Imanov were arrested on drug charges due to the journalist's professional activities. As a result, Gunel Movlud's family publicly disowned her. On 29 April 2016, the journalist's brothers were granted an early release.
- On 22 April 2016, Baku Grave Crimes Court changed the charges against Nazim Agabayov, brother-in-law of the online television Meydan TV director Emin Milli, from Article 234.4.3 (illegal purchase or storage, manufacturing, processing, transportation or transfer of narcotics or psychotropic substances with the intent to sell, or illegal selling of narcotics or psychotropic substances) of Criminal Code to Article 234.1 (illegal purchase or storage of narcotics or psychotropic substances without the intent to sell in a quantity exceeding necessary for personal consumption) and sentenced him to a suspended sentence of two years and four months. The measure of pre-trial detention in Agabayov case was changed to travel restrictions and he was subsequently released.. However, Nazim Agabayov continues his efforts to obtain an acquittal.
- Rufat and Rovshan Zahidov are relatives of Ganimat Zahid, the editor-in-chief of *Azadliq* newspaper and the host of the Azerbaijani Hour TV program who currently lives in exile in France. Rufat Zahidov is Ganimat Zahid's nephew and Rovshan Zahidov is his cousin. Rufat and Rovshan Zahidov were arrested in July 2015 on drug-related charges.¹⁰ On 28 June 2016, each of them was sentenced to six years in prison by Baku Grave Crimes Court.
- Murad Adilov, brother of *Azadliq* newspaper as well as Azerbaijani Hour TV program reporter and outspoken government critic Natig Adilov, remains imprisoned. On 22 April 2016, the Supreme Court rejected his appeal and upheld Shirvan Appeal Court's

⁸ The criminal case against Hasanov was opened on 3 March 2016, under Article 221.1 (hooliganism) of the Criminal Code. On March 4, the case was reclassified from Article 221.1 (hooliganism) to Article 221.3 (hooliganism, committed with a weapon) of the Criminal Code.

⁹ Ruslan Garayev was charged under Articles 510 (minor hooliganism) and 535 (resistance to police) of Administrative Offences Code.

¹⁰ The two men are charged under Articles 234.4.1 (illegal manufacturing, purchase, storage, transfer, transportation or selling of narcotics or psychotropic substances - on preliminary arrangement by a group of persons) and 234.4.3 (- in a large amount) of the Criminal Code.

decision of 27 October 2015. Murad Adilov was arrested by the Main Drug Enforcement Department of the Ministry of Internal Affairs on 11 August 2014 and on 14 May 2015 he was sentenced to six years in prison by Lankaran Grave Crimes Court.¹¹

¹¹ He is charged under Article 234.4.3 (large-scale drug trafficking) of the Criminal Code.

Chapter 4: Freedom of expression online

The last several years have seen a substantial increase in the Internet users both globally and within Azerbaijan. The Deputy Minister of Communications and High Technologies, Elmir Valizade noted that: “More than 70 percent of Azerbaijan's population (about 76 percent) are Internet users. 65 percent of them use broadband Internet.”¹²

In parallel to the proliferation of the Internet users, the government has increased its efforts to restrict the freedom of expression online. According to the Freedom House report in 2015, the Internet is only partially free in Azerbaijan¹³.

With the fast-shrinking space for free media and free speech platforms, people turn to social networks to express their critical opinions. However, those who dare to criticise the government and even their relatives face reprisals.

- On 13 May 2016, Ramiz Zeynalov, the brother-in-law of the former political prisoner Tural Hasanzade who now lives in Germany as a political refugee, was detained over Hasanzade’s criticisms of the government on Facebook where he wrote a critical post about the President Ilham Aliyev’s daughter Leyla Aliyeva. Hasanzade also expressed his thoughts about the arrest of NIDA activists Giyas Ibrahimov and Bayram Mammadov for writing a graffiti on Heidar Aliyev's statue: “Arresting two youths on drug charges for one useless and damned Satan’s statue is an old habit of a scoundrel like Ilham Aliyev.”

Even individuals who merely "liked" a post of political nature have been summoned to the investigative authority and interrogated as witnesses.

- On 29 June 2016, the people who had “liked” Facebook posts of the imprisoned deputy chairman of the opposition party Azerbaijan Popular Front Party’s (APFP) Fuad Gahramanli, which are cited as the reason for his arrest, were interrogated by the investigating authority as witnesses. Fuad Gahramanli was arrested on 8 December 2015 after the police operation carried out in Nardaran.¹⁴ The investigative agency alleges that Fuad Gahramanli made appeals against the state and called on people to riot through his Facebook posts.

During this reporting period several news websites were subjected to hacker attacks for publishing articles about state officials.

- On 30 May 2016, infoAZ.org news portal was hacked. According to Namig Jafarli, the head of the news portal, the hacker attack came after the publication of the article “How Does Rovnag Abdullayev Add SOCAR’s Millions to His Own Capital?”

¹² <http://gecce.az/xeberler/6345-azerbaycanda-internet-istifadechilerinin-sayi-achiqlandi.html>

¹³ <https://freedomhouse.org/report/freedom-net/2015/azerbaijan>

¹⁴ He is charged under Articles 281 (making explicit appeals against the state), 283 (instigation of national, racial, social or religious hatred and hostility) and 220.2 (incitement to active insubordination to lawful demands of a representative of authority and to mass disorders, as well as to violence against citizens) of the Criminal Code.

- On 18 June 2016, gununsesi.info news website was attacked by hackers. The website's chief editor and former political prisoner Parviz Hashimli said there was an oligarch behind the hacker attack.
- On 4 July 2016, Bastainfo news website was hacked. When users would access the website, a virus was downloaded to their computer or phone. According to the website's chief editor Mustafa Hajibayli, improper words were used in the virus file in order to mislead readers. The website management put up a virus alert that read: "Do not open the downloaded file! It is a virus. The file's name is 'Ali Karimli insulted Isa Gambar's wife.' The title suggests that the attack comes from the authorities. Their purpose is to silence Basta and to stir up provocation within the opposition."
- After the suspension of ANS TV's broadcasting, the TV channel's website anspress.com has been inaccessible in Azerbaijan since 18 July 2015. The website can only be accessed through foreign Internet Protocol (IP) addresses.

Online media outlets that have ceased operations:

- On 20 July 2016, Zaman-Azerbaijan newspaper ceased its activities in Azerbaijan. The newspaper's website zaman.az has been deactivated due to reported ties to US-based Fetullah Gulen.

Conclusions and Recommendations

The current human rights situation in the country stands in a stark contrast to meticulous image of a democratic and progressive state Azerbaijan tries to project for the international community by hosting high profile events like Formula 1.

The evidence presented in this report clearly shows that the situation with respect to freedoms of press and expression as well as to the right to information is in an extremely serious state and it appears to be further deteriorating. Criticism of Azerbaijani government continues to be met with varying degree of repressions. The authorities have been employing detentions premised on trumped-up charges, travel bans, legislation obstructing work of journalist and NGOs, and even resorting to harassment of the relatives of media representatives as means to silence their critics. Furthermore, journalists who are victims of assaults or, in extreme cases even murder, do not receive adequate redress or justice as the perpetrators continue to enjoy impunity.

The newly proposed amendments to the Constitution further threaten to undermine human rights and consolidate the power of the ruling Aliyev family.

More disturbingly, media freedom is not solely restricted on the basis of criticism directed to the Azerbaijani authorities. Some of the most recent repressions on media outlets stemmed from the request by Turkish government in relation to the attempted coup in Turkey and alleged ties of Azerbaijani media outlets to Fethullah Gulen.

In the light of the of these findings, IRFS reiterates that Azerbaijan must:

- Ensure fair and thorough investigations into crimes committed against media representatives, and bring to justice individuals responsible for assaulting and even murdering journalists, especially in connection to the deaths of **Elmar Huseynov** (2005), **Rafiq Tagi** (2011) and the former IRFS chairman **Rasim Aliyev** (2015);
- Immediately and unconditionally release all journalists, bloggers and political activists imprisoned for their critical views;
- End detentions and intimidation of critical voices, and ensure adequate conditions allowing journalists to exercise their legitimate activities;
- Introduce safeguards and strengthen legislation protecting freedom of expression;
- Repeal legislation, including amendments to the law on non-governmental organisations, restricting operations of independent NGOs;
- Revoke travel bans for journalists and human rights defenders;
- Drop criminal charges against an independent media outlet Meydan TV for critical coverage of developments in Azerbaijan;
- Drop the fictitious criminal case against independent NGOs ongoing for more than two years, and unfreeze their bank accounts

- Remove the current provisions on defamation from the Criminal Code, and adopt new defamation law providing for civil law remedies instead of criminal sanctions;