



Institute for Reporters' Freedom and Safety

**Freedom of Expression Ahead of Controversial Constitutional
Referendum**

**2016 Third Quarterly Report on Freedom of Expression in
Azerbaijan**

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Executive Summary

In the lead-up to the controversial constitutional referendum the government escalated its campaign to quell the voices of dissent. The authorities detained and harassed journalists as well as activists in order to suppress the popular support for anti-referendum groups and to deter people from joining protest rallies.

Opposition groups were denied registration for official campaigning and only the New Azerbaijan Party and other two pro-government groups were allowed to conduct referendum campaigns.

Media monitoring conducted in by IRFS, in cooperation with MEMO 98 and International Media Support in the months leading up to the referendum revealed that there was a lack of balanced coverage of information pertaining to the referendum whereby alternative viewpoints were mostly neglected.¹ Although few online media outlets presented information on the referendum, their audiences' make up less than one percent of the electorate. As a result, the people of Azerbaijan were unable to make an informed choice during the referendum.

Several constitutional amendments incorporated additional restrictions to right to information. In addition, a possibility to introduce legislation regulating online media content was brought back to the table by pro-governmental Members of Parliament.

Furthermore, Azerbaijani authorities arrested journalists and activists labelling them Fetullah Gulen supporters, shut down the private television channel ANS TV, and stopped the publication of the opposition newspaper *Azadliq* through artificially created obstacles.

Overall situation of freedom of expression, freedom of assembly and right to information remains dire as journalists and activists continued to be detained, intimidated, pressured and refused reparations for injustices they were subject to by the authorities.

¹ Preliminary Report on Media Coverage prior to the 26 September Constitutional Referendum 20 August – 25 September 2016 (http://memo98.sk/uploads/content_galleries/source/memo/azerbaijan/az-referendum_mm-report_final.pdf)

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.

This report highlights violations of the freedom of expression in Azerbaijan in the run-up to and in the wake of the referendum on constitutional amendments in Azerbaijan. The information presented herein was produced on the basis of desk research, field investigations, interviews, monitoring of court proceedings, and media monitoring.

In the third quarter of 2016, controversial amendments to the Constitution in Azerbaijan were approved by the popular vote on 26 September. These changes included, inter alia, the extension of a presidential term from 5 years to 7 years, the elimination of the minimum for presidential candidates, and introduced posts of vice-presidents. These amendments are clearly intended to solidify Aliyev's grip on power.

This report documents the situation of freedom of expression in Azerbaijan from 1 August to 31 October 2016. During the reporting period government relentlessly continued its efforts to curtail critical voices and further suppress fundamental freedoms in Azerbaijan. By the end of October, six journalists, five bloggers and two poets were imprisoned for exercising their right to freedom of expression.

Key developments of the reporting period

On 8 August 2016 Azadliq A-Live, the daily programme of the Azerbaijani Service of Radio Liberty (Radio Azadliq) on [Kanal V via the Turksat Satellite](#) was taken off the air. In its official letter to Radio Azadliq, Kanal V did not explain the reasons for taking Azadliq A-LIVE off air.

On 12 August 2016 Natig Jafarli, the executive secretary of the opposition movement REAL, was arrested in relation to the criminal case launched against NGOs in 2014. He was charged with abuse of power and illegal business under Articles 192.1 and 308.2 of the Criminal Code. Nasimi District Court sentenced him to four-months of pre-trial detention. On 9 September, Natig Jafarli was released from pre-trial detention based on the petition of Serious Crimes Investigation Department of the Prosecutor General's Office submitted to Nasimi District Court. Travel restrictions were imposed on Natig Jafarli, and his criminal case remains ongoing.

On 20 August 2016 – Faig Amirli, the finance director of opposition newspaper Azadliq, was arrested. Employees of the investigating authority searched his car and house, and allegedly found and seized Fetullah Gulen books from his car. According to his lawyer, wedding video cassettes were also seized during the search. Amirli is charged with incitement and encroachment of citizens rights on pretext of commitment of religious activities under Articles 283.1 and 168.1 of the Criminal Code.. Nasimi District Court has ordered his pre-trial detention for three months.

On 28 August 2016 journalist and video blogger Mehman Huseynov, youth activists Masud Askar and Samir Asadli were detained and taken to the Police Station #12 of Sabunchu District Police Department. Although they were set free after giving statements, they were told that they would be summoned to the police again. Speaking about the incident, Mehman Huseynov said he had been assaulted while filming misconduct of medical personnel at Sabunchu Hospital. On 6 September 2016 the Azerbaijan Publishing House ceased the publication of Azadliq newspaper over a debt owed by the newspaper. Azadliq was unable to use the funds in its bank account after the arrest of its finance director Faig Amirli as in order for another person to conduct a banking operation the newspaper needs to get another signature approved by a notary. Unfortunately, the notary office refused to approve new signature.

Chapter 1: Violence, blackmail and pressure against journalists

In a country where space for freedom of expression is narrowing, journalists are facing a range of obstacles to their legitimate work such as travel bans, police interrogations and even cyber attacks. Some journalist like Farahim Ilgaroglu lost their job for contesting a pro-governmental narrative. Even the relatives of critical journalists have been a target of harassment by the authorities.

Furthermore, in the run-up to the constitutional referendum several participants in opposition rallies have been questioned and pressured by the police in relation to their attendance in the protests.

Azerbaijan has also a proven track record of failing to investigate and prosecute crimes perpetrated against journalists thus creating a climate of impunity. A tragic exemplification of the pervasive impunity is Rasim Aliyev's murder. As a dedicated reporter who frequently exposed human rights violations and especially police brutality, Rasim Aliyev received numerous threats. On 8 August 2015, the journalist was attacked by a group of men and died at the hospital the following day. In October a well-known Gabala FC footballer Javid Huseynov who was involved in the murder of Rasim Aliyev was released after serving merely a fraction of his four-year sentence.

The cases of journalists and activist harassment outlined below are a reflection of consequences that exercising freedom of expression entails in Azerbaijan.

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

On 1 August 2016, Baku Court of Appeal denied journalist Khadija Ismayilova's request to lift the travel ban imposed on her. Khadija Ismayilova is under a foreign travel ban due to the fact that she has been conditionally released on probation.

On 4 August 2016, Baku Court of Appeal rejected journalist Aytan Farhadova's complaint against the travel ban imposed on her. Aytan Farhadova, a former contributor for Meydan TV, was detained at Baku Airport on 20 September 2015 while returning from Ukraine. and taken to the Main Organised Crime Department. Ever since, the journalist is prohibited from leaving the country.

On 12 August 2016, Baku Court of Appeal refused a complaint filed by Natig Javadli, a reporter for Meydan TV, concerning his travel ban. It has been more than a year since the Prosecutor General's Office banned the journalist from leaving the country in relation to the criminal case against Meydan TV.

On 18 August 2016, Gununsesi.info website editor-in-chief Parviz Hashimli was assaulted by former deputy minister of national security Hilal Asadov's driver. The journalist was then

taken to the 16th police station of Narimanov District Police Department to give a statement on the incident.

On 3 September 2016, Khural newspaper editor-in-chief and former political prisoner Avaz Zeynalli was ordered to appear at Police Station #4 of Binagadi District Police Department without being told the reason for his summons. He was received by a police major who pressured Zeynalli by reminding him of late journalists Elmar Huseynov and Najaf Najafov and recommending him to rethink what he was doing if he wanted to avoid prison.

On 5 September 2016, Sabail District Court heard journalist Aytaj Ahmadova's complaint against her unlawful detention by the Main Organised Crime Department of the Ministry of Internal Affairs. The court left the complaint undecided. Aytaj Ahmadova, who cooperates with online television Meydan TV, was detained by the Main Organised Crime Department on 16 September 2015, while shopping with a Meydan TV intern. She was only released after a 5-hour interrogation.

On 6 and 7 September 2016 respectively *Azadliq* newspaper correspondent Khayal Babayev and reporter for *Azadliq* newspaper Vidadi Mammadov were questioned at the Serious Crimes Investigation Department of the Prosecutor General's Office. The journalists, did not disclose the reasons behind the interrogation as they had signed confidentiality agreements. However, Mammadov noted that he was questioned in connection with *Azadliq* case.

On 7 September 2016, *Azadliq* newspaper editor Sujaddin Sharifov testified at the Serious Crimes Investigation Department of the Prosecutor General's Office. Sharifov was questioned for about two hours in the criminal case launched against *Azadliq* newspaper's financial director Faig Amirli.

On 14 September 2016, APA news agency reporter Farahim Ilgaroglu reported being fired after a disagreement on Facebook about the National Council protest rally on 11 September with Eynulla Fatullayev, the editor-in-chief of virtualaz.org and haqqin.az websites. Eynulla Fatullayev posted a photo showing 5 to 10 people taken before the start of the 11 September rally and claimed that the National Council 'suffered a fiasco'. In response to this, Farahim Ilgaroglu uploaded a photo showing more rally participants on the comment section under the post in question. After that, the journalist received a comment from Eynulla Fatullayev asking whether he worked for APA or Azerbaijan Popular Front Party (APFP). Ilgaroglu then replied that it was an irrelevant question and that he was fulfilling his professional duty as a journalist. After the exchange, their correspondence was sent to the Presidential Administration and Ilgaroglu was subsequently dismissed by APA. The reporter was told that his former employer had allegedly received an instruction from the Presidential Administration to fire him.

On 19 September 2016, former political prisoner and Tolishi Sado newspaper editor-in-chief Hilal Mammadov was summoned by the police. Mammadov was approached by a district police officer in the street and told that he had to go with him to the 25th police station of Nizami District Police Department, where he was asked by deputy chief Elnur Aliyev why he had taken a part in an opposition rally. The journalist was insulted by one of the officers.

called Etibar who then attempted to assault the journalist, but the deputy chief intervened. The district police officer drew up a list of the journalist's family members including their places of employment, and passed the list to another deputy chief who warned the journalist to think about his family and his asthma problem and to stay away from anti-government rallies. The journalist was freed, but was told that he could be summoned again. Hilal Mammadov was previously sentenced to five years in prison on 28 September 2013 on drugs, treason, and incitement charges. He was released under a pardon decree on 17 March 2016.

On 22 September 2016, Sumgayit Court of Appeal heard an appeal by the head of Human Rights Resource Centre Asabali Mustafayev's against Sumgayit City Court's decision of 08 July 2016 prohibiting him from leaving the country at the request of the Prosecutor General's Office and the Ministry of Taxes. The court refused to grant Mustafayev's appeal.

On 22 September 2016 the parents of Sevinj Vagifgizi, a journalist collaborating with Meydan TV, were called to the 6th police station of Binagadi District Police Department due to their participation in the National Council's anti-referendum rally on 17 September 2016. The journalist, however, did not let her parents go to the police office, instead inviting the police to come to their home.

On 28 September 2016, Azer Gasimli, deputy chairman of Republican Alternative (REAL) Movement, was banned from leaving the country. Gasimli was turned back at Boyuk Kasik border checkpoint while travelling to Georgia. Gasimli noted that there was no criminal case related to him, but he was summoned to Serious Crimes Investigation Department of Prosecutor General's Office when REAL Executive Secretary Natig Jafarli was arrested.

On 29 September 2016, the sale of writer Zumrud Yagmur's novel "Country Name: 22" was prohibited. The book was removed from all bookshops. Kitabevimaz, the main reseller of Yagmur's book, refused to take new copies saying that the novel had political connotations and was anti-government.

On 30 September 2016, journalist and video-blogger Mehman Huseynov was summoned and questioned at Baku City Main Police Department. Mehman Huseynov said he had been told stories at the Department about unparalleled development in the country and was admonished to come to the right path, and not put himself in danger as people do not deserve what he was doing for them. He was also told to think about his future and that they could offer him a bright future.

On 05 October 2016, US-based journalist Sevinj Osmangizi, who is also currently collaborating with the online television Meydan TV, received phone calls threatening her and her family members' lives.

On 05 October 2016, freelance journalist Aynur Elgunash reportedly received death threats over phone by Jannat Jannatov, an editor for Azerbaijan Information Agency. On 14 October 2016, National Council Coordination Centre members Ogtay Gulaliyev and Eldaniz Guliyev were questioned at the Main Organised Crime Department (MOCD). Eldaniz Guliyev was questioned with regard to defending religious people and his posts on social networks. He

was warned some content of this posts was of criminal nature. Ogtay Gulaliyev was interrogated in relation to his press comments on the Nardaran operation and was required to stop his socio-political activities. The officers hinted that he could face serious repercussions unless he complied with their demands.

On 14 October 2016 Azerbaijan Popular Front Party (APFP) Deputy Chairman Gozal Bayramli, APFP Supreme Assembly Chairman Nuraddin Mammadli and Musavat Party Chairman Arif Hajili were questioned at the Main Organised Crime Department (MOCD). Gozal Bayramli was demanded to stop defending arrested religious activist Taleh Bagirzade and APFP member Fuad Gahramanli. She was also warned that she could be arrested for advocating religious extremism. In addition, Nuraddin Mammadli was accused of promoting religious extremism in his social media posts, an allegation which he unequivocally rejected.

On 18 October 2016, Sumgayit City Court denied the President of Legal Education Society and human rights defender Intigam Aliyev's request for permission to leave the country to attend international events. Intigam Aliyev was conditionally released from prison on 28 March 2016. According to the decision of the Plenum of the Supreme Court, the human rights defender is required to not change his place of residence without informing the Sumgayit City Department for Execution of Court Judgments during the probationary period.

On 18 October 2016, Sabail District Court denied investigative journalist Khadija Ismayilova's claim against Baku City Prosecutor's Office. She was seeking compensation from the prosecutor's office for damage suffered as a result of her illegal detention from 5 December 2014 to 13 February 2015 on charges of abetting suicide. Khadija Ismayilova has been acquitted of these charges.

On 20 October 2016, investigative journalist Khadija Ismayilova was targeted by cyber attacks, which she believed were conducted by the government. The journalist's and her relative's phone numbers were posted in an advertisement for adult entertainment. Khadija Ismayilova reported that the cyber attack was retaliation for her involvement in the compilation and the announcement of the updated list of political prisoners in Azerbaijan.

Chapter 2: Legal repression of freedom of expression and right to information

The government of Azerbaijan has consistently employed national legislation to stifle freedom of expression and freedom to information in the country. The recent constitutional referendum presented another opportunity for the authorities to tighten their grip on fundamental rights. Several proposed amendments to the Constitution that have been approved during the constitutional referendum on 26 September would further inhibit right to freedom of expression and right to information.

During the reporting period, several restrictive amendments have been proposed

Three new sub-clauses were introduced to Article 32 of the Constitution:

VI. Except in cases prescribed by law, access to electronic or paper-based information resources with the aim of obtaining information about third parties is not allowed.

VII. Information technologies cannot be used for the disclosure of information on private life, as well as belief, religion and ethnicity, except when there is an express consent by the person to whom the information belongs, the processing of statistical data of anonymous nature on the condition of avoidance of discrimination, and other cases permitted by law.

VIII. The scope of personal data, as well as the terms of processing, gathering, transferring, usage, and protection thereof shall be determined by law.

Furthermore, on 12 October 2016, an amendment was proposed to the Law on Mass Media, according to which, information on a special operations conducted against religious extremism shall be provided to the public in the manner and scope defined by the agency carrying out the operation.

Defamation

Despite the government's pledge to decriminalise defamation as stipulated in "National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan", the provisions on defamation are still part of the Criminal Code of Azerbaijan and it carries a sentence of up to three years in prison.² Although there have been no arrests on defamation charges in the past three years, the mere fact that defamation remains a criminal offense poses a threat to the exercise of freedom of expression rendering journalist easily susceptible to lawsuits and prompting self-censorship.

The jurisprudence of the European Court of Human Rights has clearly established that exercise of freedom of expression should not lead to criminal prosecution with exception of hate speech, calls for terrorism and mass riots. The government of Azerbaijan continues to disregard the case-law of the ECHR thus violating its international obligations.

²<http://en.president.az/articles/4017>

Defamation cases in the reporting period

Journalist and TV critic Gulu Maharramli initiated legal proceedings against the Head of ITV's Information Department Rauf Rajabov for the latter's article about Maharramli published on 7news.az website. Maharramli was asking the court to convict Rauf Rajabov under Articles 147 (libel) and 148 (insult) of the Criminal Code. The court however dismissed the case.

On 27 September 2016, journalist Elnur Maharramli's appeal against Khatai District Court's verdict on 14 January 2016, which sentenced him to one and a half years of corrective labour based on the private criminal proceedings brought by Baku City Main State Traffic Police Department chief Nushiravan Safarov, was not granted and the verdict was upheld.

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.³ The trial is currently underway.

³ 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 arrests on fictitious charges have been prevalently employed by the government to suppress freedom of speech in Azerbaijan. In the run up to the constitutional referendum the authorities intensified repressions aimed at silencing voices of dissent by imprisoning activists on administrative charges and employing other methods of intimidation.

Notwithstanding international and domestic calls to end politically-motivated persecutions, the government continues to arrest its critics unabatedly. Relatives of critical journalists are also routinely harassed and even arrested. By the end of October, six journalists, five bloggers and two poets were in prison for exercising their right to freedom of expression. Torture.

Arrests during the reporting period:

10 August 2016, journalist and video-blogger Mehman Huseynov was detained by the police for filming in Shabran region. Residents of Shabran region had contacted the journalist complaining about Tahir Suleymanov, an Member of Parliament from Shabran. They told him that they had not heard azan (call to prayer) come from the mosque for months. Huseynov travelled to Shabran region to investigate the reports. When the journalist was filming a villa belonging to Tahir Suleymanov and the mosque next to the villa, a plainclothesman approached him and he was told the MP wanted to meet with him. The policemen took the journalist to a restaurant, where several men waiting for him demanded that he delete the recordings. As he refused to do so, the police took him to Shabran Regional Police Department, where they examined his camera recordings and then demanded him to leave the region.

On 12 August 2016, Natig Jafarli, the executive secretary of the opposition Republican Alternative Movement (REAL), was arrested in connection to the criminal case launched against NGOs in 2014. He was charged with conducting illegal business and abuse of power under Articles 192.1 and 308.2 of the Criminal Code. Nasimi District Court sentenced him to four months of pre-trial detention. On 9 September, Natig Jafarli was released from pre-trial detention based on the petition of Serious Crimes Investigation Department of the Prosecutor General's Office submitted to Nasimi District Court. Travel restrictions were imposed on Natig Jafarli, and his criminal case remains ongoing.

On 12 August 2016, NIDA Civic Movement member Elgiz Gahraman was detained by plainclothesmen. The activist's family members could not determine his whereabouts for three days. On 15 August, they learned that Elgiz Gahraman was charged with drug trafficking and was placed in pre-trial detention for four months by Narimanov District Court's decision of 13 August 2016.

On 15 August 2016, Togrul Ismayilov, the head of opposition Republican Alternative Movement's (REAL) Sabail-Nasimi Assembly, and Elshan Gasimov, the deputy head of

REAL's Binagadi Assembly, were arrested on their way to collect campaign flyers about REAL's jailed chairman Ilgar Mammadov. On 16 August, Sabail District Court convicted the two women of disobeying police officers under Article 535 Administrative Offences Code and sentenced them to seven-day administrative imprisonment.

On 18 August 2016, Fuad Ahmadli, chairman of Khatai district Youth Committee of the opposition party Azerbaijan Popular Front Party (APFP) was detained on 18 August. He is charged with infringement of legislation on operative search activity and abuse of power under Articles 302.1 and 308.1 of the Criminal Code. According to the joint statement of the State Security Service and the Prosecutor General's Office, Fuad Ahmadli, an operator at the Call Centre of Azerfon LLC, transferred personal subscribers' information and phone tracking data to certain individuals. In addition, religious literature prohibited by law, CDs, speeches of Fetullah Gulen, and documents on persons called "Hizmet (Service) imams" and their relations were allegedly seized from his apartment during search. Fuad Ahmadli has been also banned from meeting his family members or contacting them via phone by the investigator investigating his case.

On 18 August 2016 Gadim Bakirov, a member of Surakhani district branch of APFP Youth Committee, was detained. On 19 August, he stood a trial in Surakhani District Court and was sentenced to 25-day administrative imprisonment. He was convicted of disobeying the police under Article of the Administrative Offences Code. Elgiz Gahraman was subjected to torture upon detention in order to extract a statement from him.

On 18 August 2016, NIDA Civic Movement member Turgut Gambar was detained by plainclothesmen in front of Baku Court of Appeal while they also seized the phone and the press card of Radio Liberty reporter Islam Shikhali who was filming Turgut Gambar's detention. The journalist's phone and press card were returned shortly afterwards. Youth activist Ismi Shahzade, who was filming the moment Radio Liberty reporter Islam Shikhali was prevented from filming the incident, was also detained by the police. Riot police officers and plainclothesmen apprehended Ismi Shahzade and took him to the police car behind the court building, where they checked his phone and camera memory and then released him. Journalists Aytaj Ahmadova and Ilgar Valiyev, who came to the front of the Main Police Department where Turgut Gambar had been taken, were detained and taken to the 37th police station. The journalists were freed shortly afterwards.

On 20 August 2016, Faig Amirli, the finance director of opposition newspaper *Azadliq*, was arrested. After searching his house and car, representatives of the investigating authority allegedly found and seized Fetullah Gulen books. Amirli is charged with incitement and encroachment of citizens rights on pretext of commitment of religious activities under Articles 283.1 and 168.1 of the Criminal Code. Nasimi District Court has ordered his pre-trial detention for 3 months.

On 28 August 2016, journalist and video blogger Mehman Huseynov, youth activists Masud Askar and Samir Asadli were detained and taken to the Police Station #12 of Sabunchu District Police Department. Although they were set free after giving statements, they were

told that they would be summoned by the police again. Mehman Huseynov reported that he had been assaulted while filming malpractice of medical personnel at Sabunchu Hospital.

On 19 September 2016, a number of youth activists were detained after the National Council's "No to Monarchy" protest rally on 17 September. Yasamal District Court ordered eight-day administrative detention of youth activists Togrul Ibrahim, Ruslan Garayev, Nuru Nuruzade, Elton Ali, Orkhan Jarchi, Majnun Piraliev, Araz Samad, Mammad Balammadov, Dayanat Aliyev, Ulfat Hasangarayev, Kazim Imanov, and Shamistan Shahverdiyev. Youth activist Nurlan Sariyev was sentenced to 200-AZN fine. The activists were found guilty under of resisting the police Article 535.1 of the Code of Administrative Offences.

On 7 October 2016, Gundam Khabar newspaper editor Shirin Jafari was detained for several hours in connection to an article published in Gundam Khabar on property owned by certain citizens of Azerbaijan in Ukraine.

On 11 October 2016, religious activist Tabriz Guliyev was arrested. Sabunchu District Court found him guilty of resisting the police and sentenced him to 30 days in prison.

On 11 October 2016, Khatai Nabiyev, a member of Sumgayit branch of Azerbaijan Popular Front Party (APFP), was taken to Sumgayit City Police Department. Sumgayit City Court convicted the youth activist of resisting the police and sentenced him to 30-day administrative imprisonment.

Journalists, bloggers and authors that are currently detained or imprisoned

On 3 August 2016, Baku Appeal Court reduced poet Saday Shakarli's 10-year prison sentence to five years. The prison sentence was reduced as a result of reclassification of the offense that Saday Shakarli was convicted of. He was arrested on 23 December 2015 on charges of extortion. He was accused of blackmailing a senior official of the Ministry of Taxes by threatening to disseminate defamatory information.

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, as well as discrimination. His sentence was later upheld by the Court of Appeal. On 7 April 2016, the Supreme Court dismissed the journalist's cassation appeal and upheld Baku Appeal Court's decision on 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 2013.⁴ 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.

⁴Quliyev 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 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.

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 with hooliganism under Article 221.3 of the Criminal Code 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, a journalist working for *Azadliq* newspaper, was arrested on 18 June 2014. Ibrahimov was sentenced to 11 years in prison on 13 August 2014 by Ganja Grave Crimes Court on charges of extortion. On 17 June 2016, the Supreme Court revised Ganja Appeal Court's decision and reduced Arshad Ibrahimov's original sentence to five years.

Harassment and arrests of journalists' relatives:

On 9 September 2016 Sumgayit Court of Appeal began the hearing for Rufat and Rovshan Zahidov, the relatives of *Azadliq* newspaper editor-in-chief and Azerbaijani Hour TV programme host Ganimat Zahid who is now living in exile in France. The appeal hearing is currently ongoing. Rufat and Rovshan Zahidov were arrested in July 2015 on drug-related charges.⁵ On 28 June 2016, each of them was sentenced to six years in prison by Baku Grave Crimes Court.

On 22 September 2016, Journalist Research Centre ([jam.az](#)) news website editor Fikrat Faramazoglu's wife Faige Nosreti reported that she could be deported from the country. Fikrat Faramazoglu was arrested on 1 July 2016. After meeting with the journalist, his wife Faige Nosreti and lawyer Elchin Sadigov went public with the reports that Faramazoglu had been subjected to torture at the Main Organised Crime Department of the Ministry of Internal Affairs. Faige Nosreti is from Southern Azerbaijan, which is part of Iran. She has a registered residence in Azerbaijan and has been living here since 2004. She married Faramazoglu in

⁵The 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.

2006 and they have 2 children. After publicising that her husband was tortured, Ms. Nosreti was questioned by the Migration Office.

On 12 October 2016, the car belonging to the wife of *Azadliq* newspaper finance director Faig AmirlisLala Amirli was seized upon her husband's arrest, and is currently impounded in the yard of the Serious Crimes Investigation Department of the Prosecutor General's Office. Despite Ms. Amirli's repeated requests to the prosecutor's office, the car was not returned. She launched a complaint in connection with this situation.

Chapter 4: Freedom of expression online

Social networks remain one of the few platforms that provide an opportunity for people of Azerbaijan to voice their opinions and concerns unrestrictedly. Freedom of expression online is a source of great concern for the authorities who are unable to exert control over online content.

On 30 September, MP Malahat Ibrahimgizi of ruling New Azerbaijan Party (YAP) criticised online media content at a plenary session of Milli Majlis. The parliamentarian in particular complained about online media outlet Meydan TV and Facebook page *Sancaq Production* due to the critical content they produce. The MP suggested including a bill on regulation of online television channels into the agenda of the autumn session. Though her proposal was rejected at the Parliament, discussions about possible avenues for regulating online media content are ongoing.

On 6 October, a group of MPs held a conference at the International Press Centre where they were debating potential regulation for online media as a response to critical content published online.

MP Malahat Ibrahimgizi stated that some people were exploiting democracy and freedom of speech in Azerbaijan for their personal interests, misusing these freedoms and trying to discredit other people.

Ibrahimgizi also noted that some media outlets, particularly social networks were used to disseminate information contradicting national and moral values. “Honour and dignity of citizens are humiliated. The number of social network users is growing fast. But to this day there is no law regulating the online media. We must mobilise all intellectuals of the society, publicly condemn such practices, and reverse this trend. We must create a Monitoring Group, monitor their activities, and take appropriate steps within the law,” Ibrahimgizi said.

MP Elmira Akhundova argued that the post of information commissioner should be established, and the Press Council should be given significant powers to regulate online content.

On 6 September 2016, activist Mahammad Salimov was detained in Agdash region for disseminating information on Facebook about the upcoming anti-referendum rally on 11 September organised by the opposition, and was sentenced to 10 days of administrative imprisonment on charge of resisting the police.

Furthermore, during the reporting period, fake email accounts were used to impersonate civil society representatives and journalists. For example, after Rasul Jafarov distributed the list of political prisoners via email, a fake email account was created in Rasul Jafarov’s name. and an email from that account was sent to civil society representatives and journalists. Some of the recipients could not tell that the email account was fake and after opening the email, they

experienced technical difficulties while using their email accounts. Similarly, fake accounts have been created on Facebook and attempts have been made to hack other people's accounts.

Conclusions and Recommendations

The cases documented in this report unmistakably demonstrate that the situation of freedoms of expression and assembly as well as right to information continues to be in dire straits.

Ahead of the Constitutional referendum the government intensified its efforts to silence the opposition. Administrative arrests and intimidation by the police of the participants in opposition rallies serves as a clear indication of the repressive climate in the country. The referendum was essentially held in an environment where citizens of Azerbaijan were unable to exercise their fundamental freedoms.

With a marked increase in detentions on administrative charges, the government continued to detain critics on bogus pretexts such as disobedience and alleged association with Turkish preacher Fethullah Gulen.

The increasing calls for online media regulation are another concerning development. Although the government has not taken any concrete actions in this regard, it is a matter of time until legislation on online media content is adopted.

In the light of these findings,, to fulfil its international commitments and basic responsibilities to its own citizens, the government of Azerbaijan must:

- Immediately and unconditionally release all journalist, bloggers and activists imprisoned on spurious charges;
- End arbitrary detentions and intimidation by authorities aimed at suppressing fundamental freedoms
- Lift travel restrictions hindering professional activities of journalist and activists
- Remove the current provisions on defamation from the Criminal Code, and adopt new defamation law providing for civil law remedies instead of criminal sanctions;
- Create enabling environment whereby media workers could continue their professional activities unrestrictedly