

Institute for Reporters’ Freedom and Safety

Annual Report

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**Acknowledgments**

This report is a publication of the Institute for Reporters’ Freedom and Safety (IRFS), an independent, non-profit organisation dedicated to promoting freedom of expression in Azerbaijan.

This report has been prepared on the basis of desk-based research, field investigations, interviews, monitoring of court proceedings, media-monitoring, analysis of enquiries and complaints submitted to IRFS, IRFS hotline statistics, and other legally obtained information. IRFS staff compiled this report in close consultation with local and international freedom of expression experts.

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**SUMMARY**

This report addresses the court cases and major violations of Human Rights within Azerbaijan. First violence against journalists is reviewed with information gathered over the time period. Active suppression of freedom of expression is then discussed. It will then move to the imprisonment and harassment of members of the media whether they are from formal or informal media outlets. Interestlying there was a case of corruption that forced members of the ruling party to turn on one another. This case is discussed in detail and could have long lasting implications. The governments control and manipulation of the media is also discussed in a later section. The difficulties facing online freedom of expression are increasing as the government tries to regulate and police the internet more and more. Finally there is a conclusion from what we have learned and intend to portray in this report.

**VIOLENCE AGAINST JOURNALISTS**

There is a continuing and growing trend of journalists, human rights defenders, youth activists and ordinary citizens being exposed to pressure and violence by employees of justice and police agencies of Azerbaijan. Complaints filed with courts for investigation of such facts and punishment of culprits, particularly in politically motivated cases, are generally not granted by courts of lower to higher instance. People, who are suffering from health problems, are denied medical assistance. It is *per se* a form of violence. People's rights and freedoms are not protected. It is impossible to prove the truth in courts. The government is neglecting its own citizens.

**For instance,** Seymur Hazi, Azadliq newspaper reporter and host of the Azerbaijani Hour TV programme broadcast from abroad, was denied medical assistance despite his health problems. Having contacted the journalist on 13 November, his wife Musavat party activist Nigar Hazi told the media that ‘Despite the exacerbation of Seymur Hazi’s rheumatic pains, the leadership of Prison No.17, where he is held, remains idle. We were expecting that Seymur would be sent to the hospital this week, it did not happen. Seymur said the responsibility for all adversities happening to him lies with the government’.

Another journalist, Azadliq newspaper’s distribution director Faig Amirli was also left without medical attention despite his health issues, his wife Lala Amirli reported. Faig Amirli suffers from a gastric ulcer. He should be on a diet, but it is impossible in prison conditions, and the authorities do nothing for his treatment. As a result Faig Amirli had lost 20 kilos in jail.

**On 21 November,** Sabail District Court, chaired by Judge Rauf Ahmadov, considered a complaint filed by Fikrat Faramazoglu, the Editor-in-Chief of the Journalistic Research Centre (jam.az) news website, regarding his allegation of torture. Faramazoglu stated that he had been beaten at the Main Organised Crime Department of the Ministry of Internal Affairs, an assault which left him with broken teeth. Despite his lawyer’s petition, the journalist was not brought to attend his hearing. Sabail District Court dismissed the journalist’s complaint.

Another form of pressure used against journalists is limiting the geographic scope of their activities. The methods and means used against journalists are similar to the tactics of clamping down on the civil society with tax avoidance allegations and effectively immobilizing NGO leaders by prohibiting them from going abroad.

**For this very reason, a group of journalists, who have been banned from leaving the country after collaborating with Meydan TV,** are planning to apply to the European Court of Human Rights. One of them is freelance journalist Aynur Elgunash. Journalist Natig Javadli, another journalist affected by the travel ban, suggested that at least ten journalists had been under a travel ban for about a year. The journalist said they had been disputing the bans in local courts for the past 6 months. Journalist Sevinj Vagifgizi complained that she was unable to participate in trainings and events held abroad due to the travel ban. Journalist Aytan Farhadova said she wished to study abroad, but was unable to realise her desire because of the travel ban. Having no legal basis, the travel bans imposed on the journalists will be appealed to the European Court of Human Rights. Meydan TV was founded in 2013. The Baku bureau of the television ceased to operate on 9 December 2014.

**SUPPRESSION OF FREEDOM OF EXPRESSION**

Numerous court proceedings are underway in Baku and regional courts in connection with violation of the freedom of expression. Although the individuals targeted for their freely expressed opinions are charged on various unrelated articles of the Criminal Code, it is beyond doubt and question for anyone that the true reasons behind the pressures and arrests are the authorities’ intolerance to being criticised or exposed and their fear of expansion of the protests. The authorities use all forms of pressure against free speech. In light of this, the socially and politically active sector of society upholding democratic values have closely followed the trial of the political activists Bayram Mammadov and Giyas Ibrahimov, who have been jailed for their “Happy Slave Holiday” slogan. In this case that does not have precedents in Azerbaijan’s judicial history substance-wise, the youth activists were accused on trumped-up drug charges.

Bayram Mammadov, who wrote “Happy Slave Day” on the pedestal of the statue of incumbent president Ilham Aliyev’s father ex-president Heydar Aliyev after the Flower Festival held in Baku on Heydar Aliyev’s birthday - **10 May 2016,** was brought before the court. He said the drug charges had nothing to do with him, and he had been forced to admit the charges because of being subjected to torture. He noted that he had written the slogan as a sign of protest against the injustices in the country. He was forced into a Jeep after being detained, and was subjected to beating in the car. The youth activist was then taken to the 12th police station of Sabunchu District, where he was beaten again. After that, he was handcuffed and tortured in Baku City Police Department.

Lawyer Elchin Sadigov provided the court with documents which proved that the attesting witness in the case - Nizami Guliyev and Intigam Karimov - had also been attesting witnesses in other criminal cases. After the proceedings, the lawyer also revealed that attesting witness Intigam Karimov was registered in the Drug Rehab Centre with the diagnosis of opium addiction since 2002.

This fact was widely resonated among the society. This is how the witness base of the police is. The police cooperate with this kind of people and use them as attesting witnesses to frame individuals. This effectively confirmed the rumours about the police using the same people as attesting witnesses in many cases. Intigam Karimov, who framed Bayram Mammadov and testified about drugs being found in his apartment, was also an attesting witness in the Nardaran case and alleged that he had seen weapons being found on the defendants. At the hearing held on 2 December, the public prosecutor asked for a 10.5-year jail sentence for Bayram Mammadov. On 8 December, Baku Grave Crimes Court chaired by Judge Eynulla Valiyev sentenced NIDA Civic Movement member Bayram Mammadov to 10 years in prison.

During his final speech in court, Bayram Mammadov said, “[...] If the notion of homeland is limited to Heydar Aliyev Foundation, Heydar Aliyev Airport, Heydar Aliyev Palace, Heydar Aliyev Sports Complex, Heydar Aliyev School, Heydar Aliyev Centre, Heydar Aliyev Museum, the endless Heydar Aliyev Avenue, the Heydar Aliyev streets in every city and region, the network of Heydar Aliyev parks, and Heydar Aliyev’s statues in those parks, then I am betraying my homeland and I am proud of doing so… From now on, 10 May will be remembered not for Heydar Aliyev’s birthday and flower holiday, but for the graffiti written on Heydar Aliyev’s statue and Slave Holiday.”

Over this one single phrase, Baku Grave Crimes Court sentenced both Giyas Ibrahimov (on 25 October 2016, presiding Judge Anvar Seyidov) and Bayram Mammadov (on 8 December 2016, presiding Judge Eynulla Valiyev) to 10 years in jail.

**On 5 November,** NIDA Civic Movement member Elmir Tahmin and activist Tapdig Mammadov were detained in Ganja city for spray-painting the slogan “No to Dictatorship” in Heydar Aliyev Park located in New Ganja town. On 6 November, the court sentenced them to 30 days in prison. According to the youths’ relatives, the youths were tortured while in police custody and did not have lawyers at the time of arrest. On 6 November, the aluminium factory she was working for sacked Elmir Tahmin’s mother.

**On 7 November,** Vusal Zeynalov, an activist with Sumgait branch of the opposition party Azerbaijan Popular Front Party (APFP), was detained in Aghstafa region. Aghstafa regional court found Vusal Zeynalov guilty under Article 535 (wilful disobedience to a lawful requirement of a police or military officer) of the Code of Administrative Offences, and sentenced him to administrative imprisonment of 20 days.

APFP believes Vusal Zeynalov’s arrest is a reprisal for his critical posts on social networks.

**On 11 November,** Nasimi District Court chaired by Judge Babak Panahov examined the petition of the prosecutor’s office to extend the period of pre-trial detention of Fuad Ahmadli, the chairman of Khatai district Youth Committee of the opposition party Azerbaijan Popular Front Party (APFP). Ahmadli’s term of detention was prolonged until 12 January 2017, i.e. for two months.

Fuad Ahmadli was detained on 18 August.  On 23 August, law-enforcement agencies stated that his case was investigated in the same proceedings as the case of another APFP activist Faig Amirov, who is suspected of cooperation with the Gulen organisation.

**On 15 November,** Emil Isgandarov, a member of the Youth Committee of the opposition party Azerbaijan Popular Front Party (APFP), was arrested. The youth was first taken to a police station in Mardakan settlement, and from there to Yasamal district police department of Baku.

The youth activist was convicted for disobeying the police under Article 535 of the Code of Administrative Offences and was sentenced to 30 days in prison by the court’s decision.

**On 18 November,** Supreme Court chaired by Judge Ali Seyfaliyev heard an appeal filed by REAL Movement chairman Ilgar Mammadov and journalist Tofig Yagublu, who were arrested in connection with the riots that hit the city of Ismayilli on 23 January 2013. The appeal was rejected and Shaki Appeal Court’s decision of 29 April 2016 was upheld. As mentioned by the lawyers and witnesses, contrary to what was stated in the indictment bill, Ilgar Mammadov and Tofig Yagublu went to Ismayilli on 24 January 2013, whereas the disorders in Ismayilli occurred on 23 January. There was no riot in Ismayilli, when Mammadov and Yagublu were there. However, the Supreme Court also ignored these facts as the lower courts had done. Mammadov and Yagublu were charged with inciting riots.

Although the government of Azerbaijan, which still refuses to execute the European Court’s judgment on Ilgar Mammadov, has released Yagublu under a pardon decree, they do not want to clarify why Ilgar Mammadov, who has been convicted under same charges, is still held in prison. This fact is a proof of intolerance and aggressiveness towards President Ilham Aliyev’s political opponents. Meantime, more than four years are left till the end of Ilgar Mammadov’s 7-year jail sentence.

**The trial of** Muslim Union Movement chairman Taleh Bagirzade, his deputy Abbas Huseynov, APFP deputy chairman Fuad Gahramanli and others, who were arrested following an operation conducted by law enforcement agencies in Baku’s religious hub Nardaran village on 26 November 2015, has been going on for several months now. At the proceedings held in Baku Grave Crimes Court and presided over by Judge Alovsat Abbasov, multiple motions *(for investigation of violations of the law and instances of torture, and for questioning of the 25 individuals arrested in Lankaran, Ganja and other regions for their alleged affiliation to Muslim Union Movement, as well as additional witnesses*) filed by defence lawyers have not been granted, the facts of torture inflicted upon the detainees are not investigated and the culprits are not punished, and valid arguments about the falsity of the charges are not accepted.

During the trial, the iron cage was replaced with an enclosed glass dock. In the course of the proceedings, the defendants waived their lawyers and the latter did not attend the hearings. The judge in turn excluded the defendants from the proceedings and warned that he would complain to the Bar Association against the lawyers unless they attended. On the days of hearing between 2 and 23 December, the defendants were barred from attending and were held in the cold cellar of the court building. In their motions, the lawyers pointed out this fact as an instance of torture. Defendant Shamil Abdulaliyev was not allowed to attend his mother’s funeral.

The members of Muslim Union Movement (MUM) are called a ‘criminal gang’ in the joint statement on the incident released by the Prosecutor General’s Office and the Ministry of Internal Affairs on 26 November 2015. The statement uses the word ‘were eliminated’ in reference to MUM members who died during the operation, as opposed to the phrase ‘heroically perished’ used in reference to the policemen who lost their lives. This is an example of discrimination which is prohibited by the Azerbaijani Constitution.

APFP deputy chairman Fuad Gahramanli has been arrested for his Facebook post related to the Nardaran incident. Even the people who ‘liked’ his post and commented on it have been interrogated by the investigative agency and questioned in court as a witness.

The defendants launched a hunger strike on 19 December.

On 26 December, the public prosecutor asked the court to sentence Muslim Union Movement chairman Taleh Bagirzade to life term, Abbas Huseynov to 20 years, Jabbar Jabbarov to 19 years, Rasim Jabrayilov to 17 years, APFP deputy chairman Fuad Gahramanli to 11 years, and each of the remaining defendants to 15 years in jail. The court proceedings on the case are ongoing.

**On 22 November,** opposition newspaper Azadliq’s regional correspondent Ziya Asadli was taken to Baku City Main Police Office (BCMPO) and held for several hours. Asadli lives in Bilasuvar region. At BCMPO, Asadli was grilled about his activity as a regional correspondent of Azadliq, his Facebook activity, and his relationship with Azadliq Editor-in-Chief and TuranTV director Ganimat Zahid. Azadliq newspaper condemned the police interrogation of Asadli about his social media activities /personal life, and regarded the incident as yet another attack on free speech.

**On 22 November,** Kanal 13 online television reporter journalist Teymur Karimov was detained after a conflict that occurred while he was preparing reportage in the refugee settlement in Barda city. Although the journalist was freed, a criminal case was launched against him under Article 127 (intentional infliction of less serious harm to health which was not dangerous to the life of the victim) of the Criminal Code. Journalist Teymur Karimov was detained together with a man by name Adil who had caused the conflict. But Adil was later released.

**On 23 November,** Gozal Bayramli, deputy chair of the opposition party Azerbaijan Popular Front Party (APFP), received a letter from Surakhani District Police Department notifying her that the investigations into the death threats made against her had been concluded. The harasser was sentenced to administrative imprisonment for 12 days.

Gozal Bayramli received an anonymous telephone death threat on 28 October, which she reported to the Ministry of Internal Affairs. On 1 November, Bayramli was invited to Surakhani District Police Department, and an investigation was launched. The investigation carried out is actually incomplete. Bayramli’s purpose in filing the complaint was to have the masterminds identified. But the police did not conduct any investigation in that respect. The person who was jailed for 12 days said the phone was not his, but someone else had given it to him to make the call. The identity of the phone owner and the masterminds of the threat remained unknown. The police failed to investigate this and to find the culprits. The police response to the complaint can be called ‘operation’ on paper only.

**On 24 November,** Surakhani District Court, chaired by Judge Elchin Agayev, held a hearing on the application filed by Mammad Ibrahim, advisor to the chairman of the Azerbaijan Popular Front Party (APFP). Currently being held in Prison #16, Mammad Ibrahim asked for a transfer to an open prison, given that he had already served one-third of his sentence. The court rejected the request.

On 22 December, Baku Court of Appeal chaired by Judge Sahibkhan Mirzayev held a preliminary hearing on Mammad Ibrahim’s appellate complaint against Surakhani District Court’s decision. At the second hearing on the appeal held on 29 December, the court denied the appeal.

Mammad Ibrahim was arrested on 30 September 2015, based on the complaint of Mikayil Guliyev, who had left the APFP shortly before. He was accused of punching Mikayil Guliyev and was charged under Article 221.1 (hooliganism) of the Criminal Code. Later, two more people – Oruj Valiyev and Mahammad Gurbanov – came forward claiming that Mammad Ibrahim had also hit them during the incident when they tried to separate those who were arguing. After that, the charge brought against Mammad Ibrahim was aggravated. He was sentenced to 3 years in prison by Narimanov District Court’s verdict of 15 March 2016 (Judge Turgay Huseynov). However, Mammad Ibrahim has rejected the charges and stated that his imprisonment is politically motivated.

**On 25 November,** Islam Sahiboglu, a member of the Youth Committee of the opposition party Azerbaijan Popular Front Party (APFP), was detained and taken to the 29th police station of Yasamal District. Sahiboglu was sentenced to 30 days of administrative imprisonment by the court decision. The reasons for the arrest were not disclosed. The party regarded the activist’s arrest as part of the ongoing government repression against APFP.

**On 2 December,** Shirvan Appeal Court, chaired by Judge Alasgar Novruzov, held a preliminary hearing on the appeal of satirical poet Tofig Hasanli who has been sentenced to 6 years in jail on charges of drug trafficking. Gasim Farzullayev and Balakhan Huseynov, who have been involved in the case as attesting witnesses, denied having seen the seizure of the drugs allegedly belonging to Tofig Hasanli. They were shown the drugs by the police, who told them that the drugs had been ‘found’ on Tofig Hasanli. They also noted that they had signed the record without reading it, as they couldn’t read or write in Latin script.

It is an interesting fact that the attesting witnesses of the police are illiterate, which means that they can sign any record without knowing its content. How was it possible to ‘find’ such attesting witnesses? This is where part of the fakery comes from.

On top of that, the lawyer pointed out that witness Balakhan Huseynov had been engaged as an attesting witness in numerous cases related to drug trafficking, including cases investigated by the State Security Service. The witness did not deny this.

On 22 December, Shirvan Appeal Court chaired by Judge Alasgar Novruzov rejected the appellate complaint of Tofig Hasanli and upheld Lankaran Grave Crimes Court’s judgment of 22 August 2016. Tofig Hasanli is famous for his poems critical of the authorities and officials. The satirical poet made his name in 2000s when his critical poems appeared on the now-closed ANS TV’s Gulp (Cavil) TV show and in Millatin Sasi (People’s Voice) and Khural newspapers. Hasanli had previously been convicted of drug charges in 2005 and sentenced to 3 years in prison, but was released under an amnesty law in 2007. He continued to publish his satirical works on Facebook and Youtube. He was reportedly threatened with arrest in January 2015 and was eventually detained in October of the same year.

**On 9 December,** Baku Court of Appeal, chaired by Judge Aflatun Gasimov, held a preliminary hearing on the appeal filed against the judgment concerning Jahangir Hajiyev, the former chairman of the International Bank of Azerbaijan, and his co-defendants. Jahangir Hajiyev was sentenced to 15 years in prison at a hearing held in Baku Grave Crimes Court chaired by Judge Afgan Hajiyev on 10 October.

The court ordered Jahangir Hajiyev to pay 7 million AZN to AqrarKredit OJSC. Hajiyev will also jointly pay the fine imposed on his co-defendants.

**On 13 December,** Baku Appeal Court chaired by Judge Vugar Mammadov commenced the hearing on an appeal filed against Baku Grave Crimes Court’s judgment dated 25 October 2016 rendered against youth activist Giyas Ibrahimov. On 26 December, the Court held the second hearing on the appeal. None of the ten petitions filed by Ibrahimov’s barrister Elchin Sadigov was granted. The proceedings are ongoing.

Youth activist Giyas Ibrahimov was arrested together with NIDA Civic Movement member Bayram Mammadov in late hours on 10 May, after writing the “Happy Slave Holiday” slogan on a monument to ex-president Heydar Aliyev opposite to the Central Bank. They were charged under Article 234 (illegal purchase, storage or selling of narcotics) of the Criminal Code.

The 10-year jail sentences delivered for one short sentence written on a stone is an indication of the level of Azerbaijan’s justice system. The purpose of the punishment and isolation of these intellectual and socially active youths from the society is to intimidate others and discourage them from political struggle.

Tough measures resorted to by the authorities and harsh treatment of protesters by the police has led to a decrease in the number of unauthorized demonstrations. Nevertheless, though not on a large scale, citizens can still raise their voices in protest against violation of their rights.

On 22 December, a protest rally was held in a settlement of Bilasuvar region populated by IDPs from Jabrayil region. The IDPs attempted to block the Imishli-Bilasuvar highway in protest at frequent power outage in IDP settlements. Police forces were deployed in the area. The protesters clashed with the police. Thirty five people were reportedly arrested. Of them, Gulagha Alimammadov, Jalal Guliyev and Ilkin Iskandarov were ordered detained for 3 months.  The detainees are charged under Articles 186.2.2 (destruction of other’s property by arson, explosion or other publicly dangerous way), 233 (breach of public order), and 315.2 (use of violence dangerous to life or health against a representative of authority) of the Criminal Code. The detainees’ appeal against their detention has not been granted.

**On 14 December,** Jalilabad Regional Court held a hearing on the criminal case of journalist Afgan Sadigov. Azel.tv website editor and founder Afgan Sadigov was detained on 22 November. He is charged under Article 127.2.3 (deliberate infliction of minor serious harm to health in publicly dangerous way or from hooligan prompting) of the Criminal Code. The journalist is accused of attacking and punching a woman by name Aliya Rzayeva in the corridor of the building of Jalilabad Regional Executive Power in August.  The incident was immediately documented and classified by the police as infliction of damage to health. However, the journalist does not consider himself as guilty and has maintained that he has been arrested for his journalistic activities, particularly for exposing lawlessness in the region.

**On 20 December,** Baku Grave Crimes Court chaired by Judge Mayil Bayramov (lay judges Samir Aliyev and Rahib Salmanov) commenced judicial proceedings on the criminal case of Muslim Union Movement Chairman Taleh Bagirzade’s deputy Elchin Gasimov and eleven other men. The proceedings continued on 30 December. The detainees pleaded not guilty, called the charges trumped-up, and stated that they had been subjected to pressure and torture.

Muslim Union Movement chairman Taleh Bagirzade’s deputy, Elchin Gasimov was arrested on 5 November 2015. He was initially charged under Article 310 (wilful disobedience to lawful requirements of a police officer) of the Code of Administrative Offences and was sentenced to 30 days in jail. Afterwards, a criminal case was initiated against him and he was arrested. He and his co-defendants were charged with terrorism; obvious incitement to terrorism; incitement to active disobedience to lawful demands of the representative of authority, riots and violence against citizens; illegal acquisition, transfer, selling, storage, transportation and carrying of firearms, accessories and ammunition as an organised group; violent seizure or retention of power; formation of armed units or groups not provided for in the legislation; making open appeals against the state; instigation of national, racial, social or religious hatred and hostility as an organised group; forgery, illegal production and selling of official documents, state awards, seals, stamps and forms, or knowing use of fake documents; hooliganism; and, resistance or use of violence against the representative of authority.

Muslim Union Movement chairman Taleh Bagirzade was arrested during an operation conducted in Nardaran on 26 November 2015. Bagirzade is under trial in Baku Grave Crimes Court along with 17 other men.

**On 30 December, Baku Grave Crimes Court** completed the proceedings on the criminal case of former sector chief of Caucasian Muslims Office, theologian Elshan Mustafaoghlu. At the closed hearing presided over by Judge Sabuhi Huseynov, the court announced its judgment on Elshan Mustafaoghlu. The court sentenced the theologian to 10 years in jail. Note that the public prosecutor had requested a 12-year prison sentence for Mustafaoghlu at the previous hearing. Elshan Mustafaoghlu was arrested in 2014. He was charged under Article 274 (treason) of the Criminal Code.

**On 21 December,** Baku Grave Crimes Court chaired by Judge Azad Majidov held a hearing on the criminal case of NIDA Civic Movement member Elgiz Gahraman.

Elgiz Gahraman testified at the hearing. “I am kept in custody despite being innocent. The reason I am deprived of my liberty is unclear to me. I was pushed into a car and practically kidnapped by three men on my way home from work on 12 August. I found out their names at the Main Organised Crime Department (MOCD). They cuffed my hands behind my back and took me to chief of division Karim Alimardanov’s room. There, operative Shahlar Jafarov put drugs into my pocket. They were beating me and demanding that I admit to the drug charges, otherwise threatened to put half a kilogram of heroin in our apartment. Then, they took the key to my office door and brought my computer. They scrutinised my Facebook page. The things on my Facebook page were mainly links to articles about Turkey, as I had studied there. I had shared just one link to an article related to Azerbaijan. The title of the article read “May His Lifetime Resemble His, Not Himself.” In that article, while expressing his opinion on the referendum on constitutional changes, [New Azerbaijan Party executive secretary] Ali Ahmadov had said that Shah Ismail also came to power when he was 14. After my detention, MOCD employees put [Turkish Muslim theologian] Said Nursi’s books in my house. They made an absurd suggestion to me. They demanded me to write that I am a Fetullah Gulen (*Turkish cleric accused of masterminding the 15 July coup attempt*) supporter, sympathised with the coup attempt in Turkey and wanted it to happen in Azerbaijan, too. I refused and they hit me in the head, genitals and legs with a baton 49 times. They made me write a statement and speak to the camera. But, later, they changed their mind for some reason and did not bring that charge against me. At MOCD, I was subjected to a lot of humiliating actions. I just do not want to speak about it. I do not know the true reason behind my arrest, but I have some assumptions. The post that I shared did not contain any insult. My friends jokingly call my Elgiz leader. Perhaps, they thought that I am the leader of a big organisation,” Gahraman said.

Elgiz Gahraman was detained on 12 August. On the same day, he was charged under Article 234.4.3 (illegal drug trafficking, in a large quantity) of the Criminal Code and was placed in pre-trial detention. NIDA Civic Movement has declared that Elgiz Gahraman was arrested for political reasons.

**On 22 December,** Shirvan Appeal Court chaired by Judge Alakbar Novruzov concluded the appeal proceedings on the criminal case of former investigator Rufat Safarov, who resigned from the prosecution authorities by making a loud political statement. The court dismissed the appeal and upheld the original judgment. After the judgment was declared, Rufat Safarov began chanting slogans such as ‘Down with the Dictatorship’, ‘Long Live Democracy’, and ‘Down with the Dictatorial Regime of Ilham Aliyev’.

Rufat Safarov, former investigator of Zardab Regional Prosecutor’s Office, was sentenced to 9 years in prison by Lankaran Grave Crimes Court’s judgment (presiding judge Asim Hajiyev) of 8 September 2016 on charges of bribe taking (Article 311 of the Criminal Code).

**ARRESTS AND HARASSMENT OF JOURNALISTS, BLOGGERS, AND HUMAN RIGHTS DEFENDERS**

Just like criticising the authorities and expressing dissenting opinions can get you into trouble in Azerbaijan, organising the defence of individuals arrested or persecuted for political reasons and being a human rights defender, barrister or advocate is not simple, either. One of the government’s methods of discouraging the rights defenders from defending such people is to put pressure on them.

**On 2 November,** lawyer Elchin Sadigov, a lawyer primarily working on cases of political prisoners was threatened by the investigator in the criminal case against his client journalist Fikrat Faramazoglu, who is in the custody of the Main Organised Crime Department (MOCD) of the Ministry of Internal Affairs. The investigator told him that he and Fikrat Faramazoglu’s wife would pay a high price for giving an interview about Fikrat Faramazoglu’s subjection to torture by the Department’s staff. Later, false information was disseminated on reytinq.info that Sadigov and Fikrat Faramazoglu’s wife allegedly had a romantic relationship. After Sadigov stated on Facebook that the above information was false and it constituted blackmail, several fake accounts were created in his name. Commenting on the above-mentioned article, Reytinq newspaper editor-in-chief Afig Mirzabayli said that the provocative article had been posted on the website and shared on Facebook by hackers in the morning hours. The article was later deleted and investigations to find the hackers followed.

Furthermore, illegally obtained personal photos of Elchin Sadigov and his lawyer wife Zibeyda Sadigova were also disseminated on Facebook. On 3 November, the lawyer’s brother was summoned by the police. Sadigov contacted the police office and was told that they were gathering his detailed personal data in connection with an enquiry that had been received.

Elchin Sadigov appealed to the heads of the Prosecutor General’s Office, the Ministry of Internal Affairs and the State Security Service in connection with the threats and blackmail he received by employees of the MOCD of the Ministry of Internal Affairs. In his appeal, Sadigov indicated that he was being harassed due to his lawyer activity.

**On 2 November,** lawyer Fariz Namazli was summoned to the 28th police station of Yasamal District Police Department in connection to the incident at Baku Appeal Court on 20 October 2016 whereby a group of people assaulted the lawyer trying to injure him. The assailants reported him to the 102 service of the Ministry of Internal Affairs as well as to the 28th police station of Yasamal District Police Department claiming that he had allegedly beaten and injured one of his female assailants. The woman underwent a medical examination that revealed that she had sustained a minor injury. Namazli told that he had not injured anyone; on the contrary, he himself was attacked and threatened in the courtroom.

Both Elchin Sadigov and Fariz Namazli are renowned for actively undertaking politically motivated cases and their professional attitude. This fact seems to worry some circles within the government.

**On 8 November,** Baku Court of Appeal chaired by Judge Abid Abdinbayov heard human rights defender Rasul Jafarov’s appeal seeking an early removal of his conviction. The appeal had been filed against Yasamal District Court’s decision of 2 August 2016, which denied Rasul Jafarov’s similar request. The appeal was not granted.

Rasul Jafarov requested that his conviction be lifted early, based on a contention that his conviction interfered with his activities. The human rights defender said although 7 months had passed since his release, his bank accounts were not unfrozen and he was subjected to inspections when leaving the country and coming back. Jafarov considers his remaining conviction as additional pressure against him.

**On 22 November,** Baku Grave Crimes Court chaired by Judge Eldar Mikayilov commenced the hearing on the criminal case of Fikrat Faramazoglu, the Editor-in-Chief of the Journalistic Research Centre (jam.az) news website. At the hearing on the case held on 6 December, defendant Fikrat Faramazoglu’s (Ibishbayli’s) lawyer Elchin Sadigov filed a motion to conduct handwriting analysis to determine whether the signatures on the search record and on the minutes of the taking of the evidence belonged to Fikrat Faramazoglu (Ibishbayli). Journalist’s other lawyer Javad Javadov noted that the journalist had looked at the above-mentioned documents and said the signatures did not belong to him. Therefore, the lawyer asked the court to grant the motion. The court denied the motion. The proceedings continued on 15 and 27 December, with the questioning of the victim. Fikrat Faramazoglu is charged with extorting money from small business owners Mehman Hasanov, Shirin Abdullayev and Bakhshali Gahramanov by threatening to disseminate humiliating information about them. Defendant Fikrat Faramazoglu testified and pleaded not guilty. He said he had seen two of the three persons, who were recognised as a victim, at the Main Organised Crime Department (MOCD) after his detention. The journalist also said the allegation that he was detained when receiving marked banknotes amounting to 3,000 manat was a lie. Faramazoglu was illegally held at the MOCD for 34 days and was subjected to severe torture and psychological pressure. He alleged that he used to be taken out of his cell at MOCD and subjected to beating that included smacks, punches and kicks every day. The journalist noted that the signature on the minutes of the taking of evidence was not his. Faramazoglu asserted that the true reason behind his arrest was his series of articles about the casinos and brothels in Baku. The proceedings are underway.

On 17 November, Members of Extractive Industries Transparency Initiative (EITI) Coalition of Public Unions held a press conference discussing the persistent issues affecting operation of civil society organisation in the EITI processes. The EITI Coalition has actively participated in the implementation of EITI in Azerbaijan and contributed to this process in cooperation with the government and mining companies within the framework of Multi-Stakeholder Group (MSG). However, for over two years, civil society organisations participating in the Coalition have been faced with numerous obstacles to their free and effective involvement in EITI processes. As a result, Azerbaijan lost its full member status in EITI on 15 April 2015. Azerbaijan will only be able to regain its status in the EITI if the government complies with the corrective action set out by the initiative. In the summer of 2016, EITI sent a second assessment mission to Azerbaijan to evaluate the level of implementation of the action plan and application of EITI standards in the country. The final report produced by the assessment mission was discussed at the EITI International Board’s 35th Meeting in Astana on 25-26 October 2016. Gubad Ibadoglu, the coordinator of Azerbaijan’s EITI NGO Coalition, said after long discussions at the international board meeting a decision was adopted on Azerbaijan, and Azerbaijan’s Candidate status was retained. Members of the Coalition said the government, which became more active on the eve of the EITI Board meeting in Astana and began – albeit cosmetically – to deal with civil society’s problems, stopped this imitation immediately after the meeting was over. The issue of state registration of the organisations, which are members of the Coalition, has been left unanswered. Only about 9 of the 36 unregistered NGOs that are Coalition members have been registered. “Instead of the Public Association for Democratic Reforms which I have been chairing for 17 years, the Ministry of Justice has registered in my name the so-called Public Association for Assistance to Development, which does not belong to me and whose name and purpose have been determined by the Ministry itself. While I am working in the field of human rights, this organisation’s purpose it to conduct economic analysis. I have appealed to the Ministry of Justice to either register the Public Association for Democratic Reforms which I have founded and chaired for a long time, or to cancel the registration of the fictitious organisation registered in my name,” Chairman of the Public Association for Democratic Reforms Ogtay Gulaliyev said.

**Another interesting situation encountered in the recent years** is the loss of the documents submitted to the European Court of Human Rights about the violations committed by Azerbaijani courts. The complaints of jailed political prisoners submitted to the European Court go missing along the way and do not reach the Court, lawyers of political prisoners said on 25 November. Javad Javadov, the lawyer for the Muslim Union Movement Chairman, theologian Taleh Bagirzade, said he had personally mailed a one-page addendum to his application via the 7th Baku branch of Azerpost LLC on 12 November. However, the letter (tracking code RR002827845AZ) had still not been added to the tracking system. Similarly, the submission by NIDA member Bayram Mammadov was also delayed, reported the youth activist’s lawyer Elchin Sadigov. According to the lawyer, the letter to the European Court regarding Bayram Mammadov’s arrest also disappeared at the 7th branch of the post office. The complaints posted to the European Court regarding the ruling on the detention of APFP deputy chairman Fuad Gahramanli and the judgment against APFP member Murad Adilov have also both gone missing without explanation.

**On 17 November,** Shirvan Appeal Court held a preliminary hearing on the appeal filed against Lankaran Grave Crimes Court’s judgment of 8 September 2016 sentencing former investigator Rufat Safarov to nine years in prison. Lawyer Bahruz Bayramov filed a motion to replace Rufat Safarov’s pre-trial detention with another restrictive measure, to remove Safarov out of the iron cage in the courtroom and let him sit next to his defence counsel, and to consider the appeal by conducting judicial investigation (examination of witnesses and of additional evidence). The presiding judge denied the motion. Commenting on his lawyer’s motions, Rufat Safarov stressed that his imprisonment was politically-motivated.

**On 10 December,** the Human Rights Day, the Working Group on the Single List of Political Prisoners held a campaign named “Support for Political Prisoners” in the office of REAL Movement. The campaign started at 12pm and ended at 5pm. It raised books, letters, postcards and other small gifts for political prisoners. Social activists, human rights defenders, former political prisoners and politicians gave their support to the campaign.

**On 23 December,** Mehman Huseynov, human rights defender, blogger and editor of popular Facebook page Sancaq who fights official high-handedness, lawlessness and falsifications through social media, was subjected to provocation. He was followed by unknown men after leaving home. Upon leaving the barbershop and heading for the bus stop he noticed 3 or 4 men in civilian clothes behind himself. A man heading towards him hit him in the shoulder with his full force and grabbed his hand. Mehman Huseynov managed to swiftly escape from the man. Huseynov believes that the pressure and attacks against him are related directly to his journalistic and blogging activities. Mehman Huseynov was elected the Chairman of the Institute for Reporters’ Freedom and Safety (IRFS) at the organisation’s general meeting held in Tbilisi in November.

Mehman Huseynov was detained in 2012 on charges of resisting the police, but was released after an interrogation. The Ministry of Internal Affairs issued a statement suggesting that the blogger was detained in connection with the criminal case on the fact of resistance against the representative of authority during the protest rally of the Public Chamber opposition coalition. Mehman Huseynov himself related his arrest to his active coverage of events unwelcome for the government as an IRFS reporter during the Eurovision 2012 song contest held in Baku and his membership of the Sing for Democracy campaign. In connection with the said criminal case, Huseynov has been banned from leaving the country.

In October of 2013, a few days before the presidential election, the blogger was once again detained for creating a satirical video mash-up using the debate of presidential candidates and scenes from the movie 300 Spartans. He was freed after being questioned at the Prosecutor General’s Office for 6 hours.

On 28 October 2014, Mehman Huseynov was interrogated at the Prosecutor General’s Office following the inspections conducted at IRFS, which he currently chairs, by employees of the Prosecutor General’s Office on 8 August 2014. According to Huseynov, he was questioned about the activity of Sancaq Production, his brainchild, and the then chairman of IRFS, his brother Emin Huseynov who currently lives in exile. In November of the same year, the blogger was detained at Baku airport when leaving the country and was questioned at the Serious Crimes Investigation Department for several hours. The authorities still refuse to renew Mehman Huseynov’s identity card and international passport.

**On 27 December,** the Supreme Court held a hearing on the cassation appeal of human rights defenders Leyla and Arif Yunus. The judicial panel partially granted the appeal. Lawyer Afgan Mammadov said he did not know what exactly stood behind the words ‘appeal was partially granted’. “We have not been served with a copy of the decision. We do not know what it says there. What we do know is that the appeal has been partially granted. As the case will be returned to the Appeal Court after this decision of the Supreme Court, Baku Grave Crimes Court’s judgment on the imprisonment of Leyla and Arif Yunus becomes effective. But, I don’t think they will be prosecuted or declared wanted,” Mammadov added. Leyla Yunus, the director of the Institute for Peace and Democracy, and her husband Arif Yunus were arrested in the summer of 2014. On 13 August 2015, Baku Grave Crimes Court sentenced Leyla Yunus to 8.5 years and Arif Yunus to 7 years in jail. In December of 2015, Baku Court of Appeal replaced the prison sentences of the Yunus with suspended sentences. Leyla and Arif Yunus travelled to Netherlands for treatment on 19 April 2016.

**POLITICALLY MOTIVATED CASES**

**The trial of former high-ranking officials of the Ministry of Communications,** which commenced towards the end of 2016, revealed shocking facts of corruption, bribery, embezzlement of public property and state funds in the higher echelons of the government. This trial exposed the corrupt nature of the system.

Baku Grave Crimes Court, under the chairmanship of Judge Afgan Hajiyev, conducts the trial. Defendants include former officials of the Ministry of Communications and High Technologies Vidadi Zeynalov, Beytulla Huseynov, Anar Mustafayev, Emin Mammadov, Mammad Mammadov, Oktay Rustamov, Namazali Mammadov, Sahrab Humbatov and Gambar Baybalayev who are charged under Articles 179.3.1 (misappropriation or squandering, committed as an organised group), 179.3.2 (misappropriation or squandering, in a large amount), 308.2 (abuse of official powers) and 313 (service forgery) of the Criminal Code, Jalil Jafarov who is charged under Articles 179.3.1 and 179.3.2, and Bayram Valiyev who is charged under Articles 179.3.1, 179.3.2, 308.2, 313 and 213.2.2 (tax evasion, in a large amount).

According to the indictment, with the intention of making extra money by embezzling the state property during the period from April 2005 to October 2015, Beytulla Huseynov arranged, through service forgery, for the announcement of the LLCs registered in the names of his subordinate employees as the winners of the tenders conducted by the Telephone Exchanges subordinate to him, the signing of contracts with them and the transfer of the specified amount of funds to their bank accounts, and made monthly payments of 2,500 to 7,000 AZN to the above mentioned persons on the condition that they should pay him – depending on the scope of work – 15, 20, 25, 30, 35 and in the last 8 months 45 percent of the funds received via the tenders for installation of new communication lines, construction or repair of buildings and equipment, etc.

The indictment bill further reads that while working as the Chief of Staff of Ministry of Communications and High Technologies since 2004, Vidadi Zeynalov criminally conspired with senior officers of various agencies operating under the Ministry. These officers included Baku Telephone Communications Production Association (BTCPA) director Beytulla Huseynov, BTCPA chief accountant Anar Mustafayev, and others. Zeynalov’s intention was the misappropriation of property entrusted to him via abuse of his official powers in order to gain illegal privileges for himself and for others. At the expense of the funds transferred and later withdrawn from the following entities’ bank accounts as costs for allegedly performed work, [Vidadi Zeynalov] collected a total of:

• 25,800,000 AZN (200,000 AZN per month from 2009 to 2011, and 400,000 AZN per month from 2012 to October 2015) from Baku Telephone Communications Production Association;

• 20,250,000 AZN (230,000 to 250,000 USD per month from 2009 to October 2015) from International Relations and Accounting Centre (now AzInTelekom LLC),

• 810,000 AZN (8,000 to 10,000 AZN per month during those periods) from Data Processing Centre,   
• 2,430,000 AZN (20,000 to 30,000 AZN per month during the above-mentioned period) from State Radio Frequencies Department,

• 1,620,000 AZN (10,000 to 20,000 AZN per month during the specified period) from Teleradio Production Association,

• 4,050,000 AZN (50,000 AZN per month during that period) from Azerpost LLC, and 16,200,000 AZN (200,000 AZN per month since 2010 and 2011) from Aztelekom LLC.

Thus Zeynalov acquired a total of 73,590,000 AZN from senior officials of these institutions in his office room in the administrative building of the Ministry of Communications and High Technologies located on 77 Zarifa Aliyeva Street, Baku. Using those funds Vidadi Zeynalov illegally ensured allocation and distribution of a monthly payment of 50,000 AZN for himself, and large payments to senior officials of the Ministry and its sub-units. He misappropriated property entrusted to him on a major scale, i.e. a total of 3,190,000 AZN. He caused serious damage entailing grave consequences to the state interests as protected by law.

According to the conclusion of the investigative agency, payment of damages in the amount of 153,346,000 AZN is requested.

This trial, which stands out for its intensiveness, is ongoing.

**STATE CONTROL OF THE MEDIA**

**On 23 November,** Turkish authorities reportedly shut down the online newspaper kurultay.com.tr, and revoked the press accreditation of its Editor-in-Chief Aydin Tash. Tash is also the Ankara correspondent for the Azerbaijani opposition newspaper Azadliq. Aydin Tash, Editor-in-Chief of Kurultay newspaper, confirmed the shutdown of kurultay.com.tr. “Ali Hasanov visited Turkey because of me. Kurultay newspaper is one of the websites that the Aliyev regime does not like. We have written about how FETO supporters have not been touched in Azerbaijan, how the Aliyev regime has lied to the Turkish public, and how the real FETO supporters [in Azerbaijan] have falsely accused opposition members of being FETO supporters and got them arrested. This has seriously worried the Azerbaijani authorities. We raised our objections to site shutdown, and will take this case to court,” Aydin Tash said.

**Recently,** severing the ties of kinship has emerged as an interesting way of relieving oneself of the harassment by the Azerbaijani authorities, and has become widespread among the families and relatives of those targeted by the authorities who want to escape the pressures.

**On 8 November,** Rufat Zahidov and Rovshan Zahidov, the jailed nephew and cousin of Azadliq newspaper’s France-based chief editor Ganimat Zahid, appealed to the Ministry of Internal Affairs and to the mass media declaring that they had disowned their relative Ganimat Zahid. Rovshan Zahidov asked that the note about his close kinship to Ganimat Zahid be deleted from his personal data in his case file, where Ganimat Zahid was indicated as his cousin. Ganimat Zahid’s jailed nephew Rufat Zahidov also made it public that he had disowned his uncle Ganimat Zahid. “Not only me, but my family members also are supporting and will support the policy and activities of Mr. President Ilham Aliyev and the development in our republic. I have always raised my voice of truth against the people like Ganimat Zahid who are discrediting our republic, and have always championed our state policy, and will continue to do so together with my family members. My father Zahidov Farasat Salim oglu also agrees with this opinion,” Rufat Zahidov said.

**On 17 November,** President of Azerbaijan Republic Ilham Aliyev hosted a group of participants of the Fifth News Agencies World Congress. John Daniszewski, Vice President of Associated Press Agency, took the floor at the meeting. “Mr. President, as far as we know, several journalists remain behind bars in your country. Presidential Aide for Public Affairs Ali Hasanov told us that their incarceration is not related to their journalistic activities. They have been arrested for hooliganism, tax offences and other similar issues. For all we know, following Khadija Ismayil’s arrest the bureau of the Radio Liberty was not allowed to resume operations. There are some journalists outside the country who claim that they are persecuted. During your speech yesterday you clearly mentioned that you want Azerbaijan to be better known in the world. What can you say about some possible steps that could be taken to restore world’s confidence in Azerbaijan and press freedom in the country,” Daniszewski asked. “Press freedom is fully provided in Azerbaijan. How can one say that press freedom is restricted when there is free Internet in our country, there is no censorship, and 75 percent of the population is internet users?! How can press freedom be restricted when we have 2 million people on social networks, Facebook and Twitter?! We do not pursue such a political goal. Our goal is to maintain a modern, developing and democratic society where all freedoms are ensured. The same goes for all other freedoms as well, for example, freedom of assembly. Sometimes, they criticise Azerbaijan for the lack of freedom of assembly. This is not right. It is enough to look at the rallies held by the opposition this summer. They could not gather many people there, but still they assembled freely, and there was no restriction. I repeat it once again that the press freedom is fully ensured in Azerbaijan. Some cases related to journalists should not be taken out of the context. There are many countries where journalists commit crimes and are prosecuted. We should be objective and take an objective approach to issues,” the President said in response.

Ilham Aliyev’s words do not reflect the reality. At the moment, there are 6 journalists, 5 bloggers and 2 poets behind bars in the country on various trumped-up charges (drug abuse /trafficking, hooliganism) merely for expressing critical opinions. In the recent month, MPs and other officials have brought up the issue of internet regulation.

President’s argument concerning freedom of assembly being ensured in the country does not hold. For instance, during the opposition rally against the referendum held on 17 September 2016 the police used violence against the rally participants and a number of activists, including journalists, were arrested. Some of the arrested youths were sentenced to administrative imprisonment, while others were fined. Furthermore, internet access was cut off during the rally, and people who wanted to join the rally were denied access to the venue.

**The government of Azerbaijan** uses various means to restrict the freedom of expression, to strengthen its control over the media, and to regulate the social media. From time to time, suggestions are put forward to put them into law in order to make tougher penalties possible. One of such proposals is about the criminalisation of the attempts to smear or humiliate the honour and dignity of the President in Azerbaijan’s internet information space.

**On 10 November,** imposition of military censorship in Azerbaijan whenever required was proposed in Milli Majlis (Parliament) and the definition of what constitutes military censorship was given. The change was included in Article 1.0.3 of the re-designed Law on Martial Law. According to this Article, *military censorship shall be applied whenever martial law is declared in the country. Military censorship includes prior coordination of the information and materials of the mass media with military authorities, state agencies and their officials, and surveillance of correspondences, television and radio broadcasting, telephone and radio communications to prevent the illegal distribution of the information constituting a state secret*. The draft law was recommended to the plenary session of Milli Majlis in the first reading.

Calls for the regulation of the Internet increasingly become more serious. National TV channels have already begun to air propagandistic programs in this regard.

**On 11 November,** discussions were held on the topic of “Media and Speaking Culture” related to the freedom of speech on the internet media and social networks during the “Media and Time” programme on Ichtimai (Public) Television. The guests of the programme included MPs Hadi Rajabli and Malahat Ibrahimgizi, head of APA Holding Vusala Mahirgizi, and head of Azerbaijan Internet Forum Osman Gunduz.

The key topic of discussion was the regulation of the internet.

Speaking on the TV programme, MP Hadi Rajabli said all opportunities and conditions are provided for free speech in Azerbaijan, but this freedom should be in conformity with the law, and some provisions of the laws should be strengthened in this regard. Malahat Ibrahimgizi, MP from the ruling New Azerbaijan Party, opined that the internet needs to be regulated, because ‘some people use the freedom of speech on the internet in their own or others’ interests, offensive and immoral opinions are voiced, and people are insulted’.

Osman Gunduz, head of Azerbaijan Internet Forum, said strict work should be carried out to enable people insulted on the internet to seek remedy in court in accordance with defamation articles and judicial practice should be formed in this connection.

The need to regulate the internet had previously been voiced by some other MPs as well. The government seems trying to take the internet under its control and MPs have already begun working towards this goal, because ruling party MP Malahat Ibrahimgizi has already brought up the issue of internet regulation in Milli Majlis (Parliament).

Actually, the internet is almost under the government control. Technical regulation is directly in their hands. As for content regulation, this process is governed by the legislation. Social network activists are discouraged from the process though not directly yet by indirect means.

**On 15 November,** Prosecutor General of Azerbaijan Zakir Garalov submitted a proposal to Milli Majlis (Parliament) on amending  Article 323.1 (smearing or humiliating the honour and dignity of the head of the Azerbaijani state – the President of the Azerbaijan Republic – in public statement, publicly shown product or mass media) of the Criminal Code. Under the bill, the words “or mass media” in this Article are replaced with “mass media or the internet information resource if demonstrated publicly.” The current penalties for breaching this provision are a fine of 500 to 1000 AZN, corrective labour or imprisonment for up to two years.

It was also proposed to add Article 323.1-1 to the law. The text of the proposed article reads as follows: “The actions specified in Article 323.1, if committed publicly on the internet information recourse by using fake user names, profiles or accounts, shall be punishable by a fine of 1000 to 1500 AZN or imprisonment for up to three years.”

**On 15 November,** Prosecutor General of Azerbaijan Zakir Garalov submitted a draft proposal to Milli Majlis on adding Article 148-1 (posting slander or insult on the internet information resource by using fake user names, profiles or accounts) to the Criminal Code.

Under the new Article, slanderous or offensive public content posted online by using fake user names, profiles or accounts shall be punishable by a fine of 1000 to 1500 AZN, community service for 360 to 480 hours, corrective labour for up to two years, or imprisonment for up to one year. According to the explanatory note to the new Article, “fake user names, profiles or accounts” referred to in this Article mean usernames, profiles or accounts which do not allow for the identification of the user online including on social networks. More precisely the article encompasses usernames, profiles or accounts displaying false information on name, surname or patronymic or hiding such information, as well as usernames, profiles or accounts created by using information about another person without their consent.

The current Articles 147 (insult) and 148 (slander) of the Criminal Code are also applicable to the internet.

**FREEDOM OF EXPRESSION ONLINE**

The free online space, which the government wants to keep under control under the guise of regulation, is increasingly shrinking. Boundaries of media freedom are delimited. In this context, even the distinction between the government and the opposition recedes into the background.

**On 2 November,** Sumgait Court of Appeal chaired by Judge Huseyn Nabiyev held a hearing on the appeal filed by singer Matanat Asadova against New Azerbaijan Party member and former political prisoner Elsevar Mursalli. The singer asked the Court of Appeal to convict Mursalli under Article 148 (insult) of the Criminal Code for insulting her on an internet forum.

After a scandalous argument accompanied by expletives between writer Aziz Musaoglu and singer Matanat Asadova on Space TV on 30 June 2015, Elsevar Mursalli made unpleasant remarks about Matanat Asadova on a social networking website. His comments were covered by several websites. In July 2015, Matanat Asadova brought a private criminal prosecution against Elsevar Mursalli.

In 2016, Khachmaz Regional Court gave Mursalli a six-month suspended sentence. Matanat Asadova appealed the decision. The appeal court reversed the regional court’s decision and sentenced Elsevar Mursalli to 3 months in jail. Mursalli was arrested in the courtroom.

Elsevar Mursalli, then a member of NIDA civic movement, was sentenced to two years in prison on drug possession charges in early 2013. He was released in 2014 after writing an application for pardon to the president expressing his remorse. After his release, Mursalli joined the ruling New Azerbaijan Party.

**On 2 November,** Ismayilli Regional Court chaired by Judge Azad Aliyev imposed a 3,000-AZN fine for defamation on Azerbaijan Popular Front Party (APFP) member, Azadliq newspaper correspondent and kend.info news website editor Elchin Ismayilli for an article critical of Hasan Hasanov, director of Agriculture Department of Ismayilli region. Hasan Hasanov had brought a 10,000-AZN claim against Elchin Ismayilli in protection of his business reputation and as redress for alleged material and moral damage suffered.

Refusal to accept a state official’s complaint against a journalist or dismissal of the complaint is a rare event in Azerbaijan’s judiciary. Usually, if the plaintiff is an employee of a state agency, there is a little hope for the issuance of a fair decision by the court. However, such an experience was encountered in Masalli region.

**On 7 November,** Masalli Regional Court chaired by Judge Anar Almammadov held a preliminary hearing of the private prosecution brought by Rafil Huseynov, the governor of Masalli region, against journalist Miralam Hashimov. The court considered the lawsuit unfounded and refused to accept it for proceedings.

Rafil Huseynov, the head of Masalli Regional Executive Power, demanded that cenubnews.com website founder and chief editor Miralam Hashimov be brought to criminal responsibility. He wanted Hashimov to be punished under Article 147.2 (libel that involves accusing someone of a serious crime) of the Criminal Code. The governor referred to an article and videos titled “Pensioners Protest in Masalli: Road Blocked” posted on cenubnews.com on 24 September 2016 as the reason for filing his complaint.

**On 14 December,** Baku Grave Crimes Court chaired by Judge Azad Majidov launched the trial on the criminal case of NIDA Civic Movement member Elgiz Gahraman. Speaking about the reason his client was arrested, lawyer Fariz Namazli said his client was framed and arrested following his Facebook post on the Constitutional amendments. “YAP executive secretary Ali Ahmadov had stated that Shah Ismail had also become a sovereign at the age of 14. In this connection, Elgiz wrote ‘I wish him as long a life as Shah Ismail had’. After this post, drugs were ‘found’ in his pocket,” the lawyer said.

At the hearing held on the case on 26 December, witnesses gave testimony in the case.

NIDA Civic Movement member Elgiz Gahramanov was detained on 12 August and was charged under Article 234.4.3 (drug trafficking, in a large quantity) of the Criminal Code. The trial is underway.

Drug charges can be regarded as a commonly used punitive measure in 2016.

**CONCLUSION**

The current situation is extremely difficult for anyone critical of the government, even other government officials. Corruption at all levels of government makes it difficult for change makers to affect change and reinforces the type of structure that those in power desire. The system of corruption and manipulation is also active in the state run media, which continually misinforms their audience and is preferential to the ruling party. Due to the misinformation and the state of independent voices in Azerbaijan there is an urgent need for the international community to support those who speak out and produce honest journalism in any way they can.