

THE STRUGGLE FOR INTERNET FREEDOM IN AZERBAIJAN



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Introduction

Azerbaijan, an oil-rich country located in the South Caucasus, gained its independence from the Soviet Union in 1991, but only abolished the official state censorship of the media in 1998. Though the country's early years of independence saw relatively unrestrained reporting, the general dramatic reduction in political freedoms and the government's concerted efforts to stifle freedom of expression have become a grave source of concern under the presidency of Ilham Aliyev, who succeeded his ailing father, Heydar Aliyev in 2003.¹ Ilham Aliyev further consolidated power in the presidency and steered Azerbaijan towards a full-fledged autocracy. Political space for alternative voices has continued to shrink ever since, with the considerable restriction of freedom of expression, association and public assembly.²

The authorities often employ a wide range of administrative, financial, legal and arbitrary measures against media outlets: threats and violent attacks against independent voices, hefty fines imposed on or closure of media critical of the state; politically-motivated charges against journalists; the ban on transmission of foreign radio stations and the general climate of impunity – including the lack of the political will to thoroughly investigate the murder of prominent journalists such as Elmar Huseynov and Rafiq Tagi – best illustrate the government's intention to suppress the sources of dissent and control society.³ International media freedom organisations have documented a significant number of cases

where journalists have been obstructed from doing their work by police and have been subject to dubious criminal charges such as drug possession and the ubiquitous accusation of “hooliganism”. By clamping down on independent media, the regime has mostly managed to close the usual channels for expressing dissent. The government, keeping firm control on the broadcast media, virtually controls all influential media outlets.⁴

With the country's traditional media stagnating under severe government constraints, a vibrant and rapidly growing online community has taken shape in the past five years. Azerbaijan's internet usage has exploded in recent years, a period that has coincided with the government crackdown on more traditional broadcast and print media outlets.⁵ The internet has become an increasingly viable source of information, even though its penetration is limited outside of the capital, Baku. Despite a scarcity of internet service providers (ISPs) in the region, Azerbaijan features an active network of bloggers, while social networking sites like Facebook, YouTube and Twitter are also routinely used to disseminate information critical of the government. Youth activists, NGOs and opposition parties often use social media as a platform to provide information, organise activities and events, and initiate flash mobs via the internet.

The internet, a surprisingly free tool for information and activism in Azerbaijan, has inevitably also become a target of the government in past years. The conviction of two bloggers in 2009, Emin Milli and Adnan Hajizada, was seen by many as a warning signal to the online media community about the consequences they might face for critical reporting via the internet.⁶ Following their arrests,

1. International Crisis Group, *Azerbaijan: Vulnerable Stability*, Europe Report No. 207, 3 September 2010, www.crisisgroup.org/~media/Files/europe/caucasus/azerbaijan/207%20Azerbaijan%20-%20Vulnerable%20Stability.ashx

2. Human Rights Watch, *Beaten, Blacklisted and Behind Bars: The Vanishing Space for Freedom of Expression in Azerbaijan*, 26 October 2010, www.hrw.org/en/reports/2010/10/26/beaten-blacklisted-and-behind-bars

3. Elmar Huseynov, the founder and editor of the opposition weekly news magazine Monitor, was gunned down in his apartment building in Baku in March 2005. Rafiq Tagi, a journalist for Sanat newspaper, was assassinated in November 2011. The halfhearted investigations into the deaths of these two journalists have produced no results

4. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, “Azerbaijan” in 2010 *Human Rights Reports* (Washington, D.C.: U.S. Department of State, 8 April 2011), www.state.gov/documents/organization/160448.pdf

5. For more on internet use in Azerbaijan, see *Freedom on the Net 2011* (New York: Freedom House, 2011), www.freedomhouse.org/images/File/FotN/Azerbaijan2011.pdf

6. Ellen Barry, “In Azerbaijan, a donkey suit provokes laughs and, possibly, arrests” *The New York Times*, 14 July 2009; Brian Whitmore and Anna Zamejc, “Azeri Bloggers Receive Prison Sentences for ‘Hooliganism’” *Radio Free Europe/Radio Liberty* 11 November 2009, www.rferl.org/content/Azerbaijan_Bloggers_Get_TwoYear_Jail_Sentences/1874853.html

social media networks were placed under strict government scrutiny, and some websites were hacked and blocked from time to time. In 2011, several online activists were punished and given harsh prison sentences.⁷

Azerbaijan's Communications and Information Technology Ministry said 65% of Azerbaijan's population are internet users, with 30% of them using a broadband connection.⁸ According to Communications and Information Technology Minister Ali Abbasov this is 2.5 times higher than the average world rate:

The speedy tempo [of internet usage] makes it difficult even to pinpoint the exact number of internet users in Azerbaijan. ...The World Economic Forum predicts the number of internet users in Azerbaijan will reach around 50% by the end of 2013.⁹

However, some disagree with these statistics.¹⁰ For instance, Azerbaijan Internet Forum President Osman Gunduz thinks the figures Abbasov has cited differ from the data recorded by the country's Statistics Committee:

According to Statistics Committee numbers, only 3-4% of the population had access to broadband internet, while 40% of the population in Azerbaijan had internet access, including mobile-phone users.¹¹

Around 70% of internet users continue to use poor quality dial-up connections,¹² while internet access is still relatively rare in rural areas.¹³ Media expert Alasgar Mammadli pointed out that more than 5,000 villages have no access to the internet and

youngsters travel long distances to get to internet cafés.¹⁴

In general, high costs remain a key obstacle to access, although other factors, such as education, lack of computer literacy, socioeconomic status, and gender also play a role.¹⁵ Accessing the internet via mobile phones is also popular, especially in rural areas, where fixed

infrastructure and dial-up services are poor and people are increasingly subscribing to mobile services, though prices for high-speed mobile internet are still very high.¹⁶

The government, aiming to attract foreign aid to help boost the telecommunications and ICT sectors, has signed grant agreements with the UNDP (National Information Communication Technologies Strategy for 2003-2012), the World Bank (for expanding telecommunications in the rural areas of the Southern Caucasian countries), and other international organisations.

Azerbaijan's media landscape

Azerbaijan's media is highly polarised and, as mentioned, the independent and opposition press are the target of continual pressure. Azerbaijan is near the bottom in international rankings on media freedom, and its position has been steadily worsening.¹⁷ Libel continues to be a criminal offense and traditional media journalists who criticise the authorities are frequently prosecuted and imprisoned.¹⁸ In 2011, 32 lawsuits were filed against journalists, most of them against pro-opposition dailies, mainly the "Yeni Məsavat" and "Azadlıq" newspapers. The US-based international media watchdog Committee to Protect Journalists (CPJ) characterised Azerbaijan as one of the region's [Europe and Central Asia] worst jailers of journalists.

The space for investigative journalism is extremely narrow and risky. Almost every journalist,

7. Human Rights Watch, "Azerbaijan: Concerns Regarding Freedom of Expression and Media" Briefing paper, 12 April 2012, www.hrw.org/news/2012/04/12/azerbaijan-concerns-regarding-freedom-media-and-freedom-expression

8. "17 pct of women use internet" *Azernews*, 18 July 2012, www.azernews.az/azerbaijan/42693.html

9. "Azerbaijani President Praises Country's 'Internet Freedom'", *RFE/RL*, 13 July 2011, www.rferl.org/content/president_praises_azerbaijan_internet_freedom/24264938.html

10. According to one report there were over 36,000 internet users in Azerbaijan, with official figures citing over 13,000 domain names registered with the ".az" suffix. www.freedomhouse.org/sites/default/files/inline_images/Azerbaijan_FOTN2011.pdf; A report by Opennet.net in 2010 said the number of internet users in Azerbaijan has grown over the last several years to 1.5 million users, or 18.2% of the population, as of March 2009 or close to 17% for 2008 according to the estimates of ITU. opennet.net/sites/opennet.net/files/ONL_Azerbaijan_2010.pdf

11. "Azerbaijani President Praises"

12. IREX Media Sustainability Report 2012, Azerbaijan chapter, www.irex.org/resource/azerbaijan-media-sustainability-index-msi

13. International Telecommunication Union, "ICT Statistics 2009—Internet" (Geneva: ITU, 2009), www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx

14. IREX Media Sustainability Report 2012

15. Freedom House, *Freedom on the Net 2011* (New York: Freedom House, 2011), www.freedomhouse.org/images/File/FotN/Azerbaijan2011.pdf; According to a report based on the annual Caucasus Barometer poll conducted by the Caucasus Research Resource Center, 22% of Azerbaijani families own a computer, 40% of them live in the capital Baku, 17% in rural towns, and 6% in villages. www.azernews.az/azerbaijan/42693.html

16. Azerbaijan has three mobile cell provider companies: Azercell, Bakcell, and Azerphone. They provide WAP, GPRS, 3G and 4G services. These mobile providers use Delta Telecom's external channel for Internet. See below paragraphs on more about Delta Telecom

17. Azerbaijan ranked 162 out of 179 in the Reporters Without Borders press freedom index in 2010, is led by a "Predator of press freedom" and remains hidebound by authoritarian and corrupt schemes

18. OSCE and the Council of Europe have long called on the government to accept a law on defamation, or to decriminalize it. Even though local NGOs worked out draft laws together with international experts, the government has not hurried to adopt the law

blogger and human rights activist resorts to self censorship out of fear of possible legal or physical repercussions while talking, or writing articles criticising the numerous corruption cases in the government, amongst powerful individuals and business monopolies, or to do with the business interests of the First Lady and her daughters. Through ingrained self-censorship in the media and systematic attacks on government critics, the widespread climate of impunity has had a negative impact upon the rights of Azerbaijan's citizens to receive information that is in the public interest.¹⁹

The country's Constitution protects freedom of opinion and speech and freedom of the mass media. Article 50 of the Constitution stipulates that everyone has the right to distribute information, that freedom of the mass media is guaranteed, and that censorship is prohibited.²⁰ Article 47 states that "[e]veryone has the freedom of thought and speech. Nobody may be forced to either promulgate or renounce his/her thoughts and convictions... Propaganda inciting racial, ethnic or religious animosity or hostility is inadmissible". Article 50 provides that "[e]veryone is free to look for, acquire, transfer, prepare, and distribute information", and that "[f]reedom of the mass media is guaranteed. State censorship in the mass media, including press, is prohibited".²¹

Azerbaijan is also bound to respect the right to fundamental freedoms, including freedom of expression, as a member of the UN, the Council of Europe (COE), the OSCE, and through its accession to international and regional human rights treaties such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights. Azerbaijan's international obligation on the right to freedom of expression extends to online expression under article 10 of the ICCPR.²²

19. See more on that at HRW, *Beaten, Blacklisted and Behind Bars*

20. See the Constitution of Azerbaijan www.president.az/azerbaijan/constitution/?locale=en

21. Constitution of the Republic of Azerbaijan, adopted 12 November 1995

22. The UN Human Rights Committee has written: "Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3 [of article 19]. Permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3. It is also inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government." United Nations Human Rights Committee, General Comment No. 34, para. 43; see also: Manfred Nowak, *UN Covenant on Civil and Political Rights, CCRP Commentary* (Kehl, Strasbourg, Arlington: N.P. Engel, 1993), 291-294

The country does not *lack* media outlets, as print, electronic and online media have created multiple sources of information for citizens. However, the government uses its regulatory authority to expand the number of pro-government media outlets, while wiping out the availability of those that engage in critical content. In early 2009, authorities banned the Azerbaijani service of Radio Liberty, Voice of America and the BBC. Dissenting voices and alternative information had only been available in Azerbaijan via those outlets.

Through arbitrary and politically motivated regulations, direct ownership or indirect economic control, the government has strengthened its hold over broadcast media. TV still remains the major source of information for about 90% of the population.

Control over the internet

The government has attempted to exercise greater control over the internet, though it remains much less restricted than print and broadcast media, which are the main sources of news for most citizens. With the Law on Mass Media of 1999, the internet is designated as part of the mass media. Because of this all rules applied to traditional media, which media freedom advocates consider highly problematic, could be used for internet regulation as well.²³ The Ministry of Communications and Information Technologies is the major body regulating the role of the internet, but experts underline the urgent need to share this role with an organisation that is not under state control.²⁴ According to the Baku-based media watchdog, Institute of Reporters Freedom and Safety (IRFS), there is a restriction on the assignment of the ".az" national domain to legal entities and the Ministry of Communication and Information Technologies controls the assignment of the domain.

While online media is largely free from government censorship, the authorities have expressed the strong desire to regulate it.²⁵ The government has a long record of monitoring, interfering with, and sometimes censoring online expression, occasionally blocking pro-opposition and critical websites it has disliked and prosecuting persons for their posts in social media. The government was believed to be behind the sabotaging of the email accounts and Facebook messages of critical journalists, human rights activists and opposition party

23. Law of the Republic of Azerbaijan. About Mass Media, Azerbaijan National Academy of Sciences, ict.az/en/index.php?option=com_content&task=view&id=477&Itemid=95

24. Mina Muradova, "Azerbaijani Government Pondering Ways to Control the Web", *Eurasianet.org*, 13 May 2010, www.eurasianet.org/node/61060

25. *Ibid*

representatives. A number of journalists and activists have been imprisoned for critical articles they posted online.

No specific legislation restricting the internet exists, although statements by top administration officials suggest that some controls may be forthcoming, including the licensing of internet-based television programming.²⁶ Almost all these worrying statements, which are mostly made with regard to online video and audio content, show that the government intends to take control of internet content which offers an extensive platform for news not covered by local television and radio, and alternative views.²⁷

Both the Minister of Communication and Information Technologies and the head of the pro-governmental National TV and Radio Company have underlined the need to license websites and online commercial services for the sake of Azerbaijan's information security (this would go hand-in-hand with the licensing of TV and radio stations, a process which is also not yet formalised). In early 2010, the government expressed its intent to require ISPs to obtain licenses and sign formal agreements with the Ministry of Communications and Information Technology, although those plans seem to have been put on hold.²⁸ In November 2010, it was announced that the government-controlled Press Council will start monitoring online news sources for their compliance with the rules of professional journalism.²⁹ Such statements by the authorities have been denounced by media experts, who believe that the government's aim was to further control alternative media and the free flow of information.

In May 2011, officials made the act of spreading "misinformation" a "cyber-crime" and targeted Skype and Wikipedia as potential threats to national security.³⁰ This act was seen by several Azerbaijani civil rights activists as an initiative to restrict Azerbaijani web users' access to online information. The authorities argued that the proposed changes to Azerbaijan's Criminal Code are meant only to reinforce the country's electronic security.³¹

Internet television outlets, mainly Kanal13, ObyektivTV, ANTV and a few others, enjoy popularity among the young Azeris because of their independent coverage and focus on issues of public interest as well as politically sensitive ones. The emergence of newly-launched pro-governmental Yurd TV was seen as the government's attempt to oppose the popular US-financed Objective TV internet project.³² Several media experts are hesitant about the advantages of internet TV, as "more than 90% of Azerbaijan's internet users still rely on slow dial-up connections".³³

Criticising the government's effort to maintain its monopoly on information, Reporters Without Borders has said:

The authorities keep on making dramatic statements about their desire to protect the country's morals, but in practice what they want is to maintain their monopoly of news and information. ...They already control TV and the most part of print media and now they are staging a shameless offensive against the internet.³⁴

For instance, government officials have attempted to make the act of spreading "misinformation" a "cyber-crime". Some Azerbaijani civil rights activists worry that the initiative is driven by a desire to restrict Azerbaijani web users' access to online information. By criminalising the misinformation, according to media expert Alasgar Mammadli, the new charges of "spreading false information" could potentially be used to intimidate and censor online journalists, bloggers and social network users.³⁵

The government, for its part, denies these claims, with President Ilham Aliyev saying there are no restrictions on access to the internet in Azerbaijan, in line with the government's desire to promote media freedom:

Some countries impose restrictions on the internet. [But] the internet is free in Azerbaijan, which shows that we pay attention to freedom of the press. ...Unrestricted access to the internet and freedom of speech naturally go hand in hand.³⁶

However Mammadli's skeptic assumption became true when the country's Ministry of Justice issued a warning to local media watchdog Institute of

26. "Control Over Online Sources and Facebook-like Sites in Azerbaijan", *Today.az*, 27 November 2010, www.today.az/view.php?id=77287

27. Rashid Hajili, "Freedom of Media in Azerbaijan", fpc.org.uk/fsblob/1462.pdf

28. Freedom House, *Freedom on the Net 2011*

29. "Control Over Online Sources"

30. The Anti-Cybercriminal Organization is the main body working against cyber attacks in Azerbaijan. The country ratified the Council of Europe's Convention on Cybercrime in March 2010, and it took effect in July

31. Shahin Abbasov, "Baku Moving to Restrict Online Free Speech", *Eurasianet.org*, 25 May 2011, www.eurasianet.org/node/63554

32. IREX Media Sustainability Index 2012

33. According to Osman Gunduz, president of Internet Forum

34. Reporters Without Borders, "Disturbing Plan to Introduce Internet TV Licensing in Runup to Legislative Elections", 6 May 2010, en.rsf.org/azerbaijan-disturbing-plantointroduce-06-05-2010,37403.html

35. Abbasov, "Baku Moving to Restrict"

36. "Azerbaijani President Praises"

Reporters Freedom and Safety (IRFS) on 12 February 2012, citing the dissemination of biased information via www.nakhchivan.org.az. A month later the IRFS chairman got an email from director of Network Technologies (a company selling “.az” domains) where she mentioned pressure from the authorities and asked the IRFS to stop using the nakhchivan.az domain.³⁷

The government, which has already tagged Skype and Wikipedia as potential threats to national security, maintains that the proposed changes to Azerbaijan’s Criminal Code are meant only to reinforce the country’s electronic security. Under amendments proposed by the Ministry of National Security, attacks on computer networks and websites, virus attacks, online money-laundering, theft of funds from e-payment systems, online copyright violations, the dissemination of “misinformation”, and false terrorist threats would be considered criminal offenses.

Monopolising the internet: Delta Telecom

Azerbaijan’s biggest ISP is the state-run Delta Telecom, which web users often accuse of holding a monopoly on internet provision and offering low quality services. Critics say the international gateway provider is slow, costly, and has a track record of censorship.³⁸ By the end of 2011, around 12% of ISPs were connected to newly registered Azertelekom, which consists of several small enterprises, including DataCELL, Bakcell, Ultel, Azerfon, Baktelekom, and Azerbaijan Telecommunication ISP.³⁹ But even that did not help to break Delta Telecom’s monopoly, which continues to hold an 88% share of the internet market and thwarts larger capacity and faster speeds while maintaining high subscription rates.⁴⁰ The lack of open competition has an adverse effect on the quality of the internet market in the country and Delta’s monopoly status gives a green light to the government to block websites it does not like.

The expensive internet tariffs have often come under serious criticism by the media and online community, with various IT NGOs proposing concrete proposals on amendments and price cuts. Though the Ministry of Communication decreased the tariffs by 35% in 2011, experts say it was at the

cost of internet quality. Prices are still high outside the capital and the quality of connectivity has gone down considerably.⁴¹

The battle against social media

Azerbaijani authorities have their own way of monitoring internet users: they do not filter or block the internet heavily, choosing to leave it relatively open and allowing the government to better monitor and punish rebellious activities.⁴² The use of social networking as a political tool is on the rise, with youth activists disseminating and discussing politically sensitive issues which would almost never be covered in local media because of the existing political censorship. In this way youth activists use the internet, including social networking sites like Facebook, Twitter, YouTube and blogs, to compensate for a lack of traditional avenues for freedom of expression and assembly. This helps them to reach large numbers of people, both in Azerbaijan and abroad, and exchange information that is hardly ever covered in the mainstream media. According to Freedom House, there were about 27,000 blogs in Azerbaijan in 2011, most of which are young bloggers writing in Azerbaijani.⁴³

Azerbaijan’s political opposition is weak because of the existing authoritarian rule and systematic repression of dissent. Even though the opposition does not pose a serious challenge to the ruling regime, the authorities feel highly threatened by the widespread use of the internet as a platform by critics. Fearing the potential of online activism for political mobilisation, the Azerbaijani government is extending its methods of controlling, shaping and monitoring digital media content. By inhibiting online activism, the government hopes to control alternative forms of political thought. It is widely believed that the internet communications of certain individuals are monitored, especially outspoken human rights advocates, opposition party activists, and business figures.⁴⁴

Through the years of harassment, arrest and intimidation, the Azerbaijani authorities have largely managed to encourage self-censorship, not only in the traditional media, but also in online media.

37. Institute of Reporters Freedom and Safety, *Azerbaijan Critical voices in Danger*, Semi-Annual Azerbaijan Freedom of Expression Report, 1 January-1 July 2012, www.irfs.org

38. Muradova, “Azerbaijani Government Pondering”

39. IREX Media Sustainability Index 2012

40. Delta telecom still maintains a monopoly on internet provision with 30 local providers www.irex.org/sites/default/files/u105/EE_MSI_2012_Azerbaijan.pdf

41. IREX Media Sustainability Index 2012

42. Sarah Kendzior and Katy Pearce, “How Azerbaijan Demonizes the Internet to Keep Citizens Offline”, 11 May 2011, www.slate.com/blogs/future_tense/2012/05/11/azerbaijan_eurovision_song_contest_and_keeping_activists_and_citizens_off_the_internet_.html

43. Freedom House, *Freedom on the Net 2011*

44. “This is What Can Happen To You”: Networked Authoritarianism and the Demonization of Social Media in the Republic of Azerbaijan, caucasusedition.net/analysis/this-is-what-can-happen-to-you-networked-authoritarianism-and-the-demonization-of-social-media-in-the-republic-of-azerbaijan

Self-censorship extended to the blogosphere in 2009, when the authorities launched criminal charges against two young bloggers, Milli and Hajizade. Both of these activists were using YouTube, Facebook and blogs to mobilise Azerbaijani youth in their non-violent struggle against the authoritarian regime in an environment where freedom of expression had increasingly come under threat. As active bloggers, both were believed to reach around 10,000 internet users in Azerbaijan, addressing issues such as education, abuse of power, corruption and mismanagement of oil revenues. Weeks prior to their arrest, the two had posted a video craftily satirising the ruling regime, which had spent a large amount of state money importing two donkeys from Germany. According to government critics, the video, which was posted online, was a great source of anger for officials and was thought to be the major cause of their incarceration. The verdict against those bloggers sent a strong message to those who were critical of the government, and intimidated other bloggers, leading to self-censorship.⁴⁵

A new cycle of intimidation and harassment against social media activists started in early 2011, when the Azerbaijani authorities detained dozens of people for participating in a series of pro-democracy protests inspired by events in the Middle East and North Africa. In addition to arresting activists involved in organising the demonstrations, police questioned a number of bloggers and social media users in connection with their activities and political writings on Facebook.⁴⁶ Some online activists, like Jabbar Savalan, had used Facebook to organise protests against the government.⁴⁷ Savalan and several other online activists were arrested on trumped-up and politically-motivated charges.⁴⁸ These cases

signaled an alarming new strategy on the part of Azerbaijani authorities and frightened the bloggers' peers. As a result, Azerbaijan's frequent internet users became less supportive of activism, and online dissent has quieted.⁴⁹

Below are brief accounts of other cases of harassment of social media activists:

- Bakhtiyar Hajiyev, a Harvard University graduate and a member of the youth movement "Positive Change", was arrested on 4 March 2011 in advance of an 11 March protest that he actively promoted through social media. He was charged with evading mandatory military service and sentenced to two years in prison. Hajiyev alleges police severely beat him while he was in their custody, but the prosecutor's office has failed to investigate his complaint about the abuse. He was freed in early June following a widespread international campaign for his release.⁵⁰
- Elnur Majidli, Strasbourg-based activist and blogger, faced criminal charges for inciting hatred and calling for the violent overthrow of the government, when he called for protests on Facebook. Although the charges were later dropped, Majidli still faces restrictions on his right to participate in public life and cannot return to Azerbaijan.⁵¹
- Charges against two individuals, Vugar Gonagov and Zaur Guliyev, appear to be linked to their alleged posting of a video on YouTube of a speech by a Guba official. Many believe this was the catalyst for large protests in the northern Azerbaijani town on 1 March 2012, when the residents gathered to protest against a local official who publicly insulted the community. Following the protests, some of which led to attacks on properties owned by the governor, there were reports that some internet cafés were being searched in an attempt to identify the person who posted the video.⁵²
- Taleh Khasmammadov, a blogger and human rights defender, remains in detention on charges of hooliganism and physically assaulting a public official following his arrest in November 2011. Rights watchdogs believe that he was targeted for his blogging and human rights activities, as

45. Vugar Gojayev, "Azerbaijan: Donkey Bloggers Punished", Index on Censorship, 25 November 2009, www.indexoncensorship.org/2009/11/azerbaijan-donkey-bloggers-punished

46. Institute of Reporters Freedom and Safety, *Azerbaijan Critical voices in Danger*

47. Amnesty International, "Jailed for Organizing a Protest on Facebook", www.amnestyusa.org/our-work/cases/azerbaijan-jabbar-savalan

48. Jabbar Savalan, served 11 months in prison on trumped-up charges of drugs possession before his early release by presidential pardon in December 2011. The day before his arrest, he had posted on Facebook. He was arrested the next evening without explanation or being informed of his rights in the city of Sumgayit as he was returning home from an opposition party's meeting. He was handcuffed and manhandled in and out of the vehicle before being searched at a police station where the police claim to have found 0.74g of marijuana in his outer jacket pocket. Despite the blood test taken following his arrest, which showed no traces of drug use, Jabbar Savalan was convicted and sent to prison. There has been no investigation into the allegations that police planted evidence on him. Amnesty International considered him to be a prisoner of conscience, detained solely for the peaceful exercise of the right to freedom of expression and assembly. www.amnestyusa.org/our-work/cases/azerbaijan-jabbar-savalan

49. "This is What Can Happen to You"

50. Institute of Reporters Freedom and Safety, *Azerbaijan Critical voices in Danger*

51. *Ibid*

52. Shahin Abbasov, "Azerbaijan: Is Guba Protest Response a Harbinger of a Political Shift in Baku?", 6 March 2012, www.eurasianet.org/node/65092

he had reported on mafia activity and human trafficking in the Ujar region of Azerbaijan.⁵³

Besides harassment of bloggers, several websites continue to be subject to blocking and cyber attacks initiated from within the country. As the government does not officially admit to blocking public access to websites, there is no established process through which affected entities can appeal to take legal action. Pro-opposition newspapers, *Azadliq* and *Bizim Yol*, the Turan News Agency and Radio Free Europe/Radio Liberty's Azerbaijani stations have occasionally been denied access. In early 2007, when energy prices were sharply raised, a site (www.susmayaq.biz) allowing web users to send a protest letter to the president was closed.⁵⁴ Web users in Azerbaijan can still not use the popular site www.tinsohbeti.com, which contains satirical articles, photographs, videos and more. The author of the website www.pur.gen.az, infamous for its biting humorous content, was arrested in 2007 when he posted a caricature of the president of Azerbaijan.⁵⁵

During the 2008 presidential elections, access to another political site was blocked, and web users were barred from reading about the candidacy of an invented "man of the people" candidate called Shiraslan on www.shiraslan.info.⁵⁶

The government versus Facebook

To reinforce the government's surveillance of the internet and to demonise social media in an effort to avoid its use as a political tool, authorities often stress the issue of morality online, arguing that Facebook and certain websites violate the country's moral values and standards of conduct.

Among the social media tools, Facebook is highly popular and widely used throughout the country. According to Facebookers, a Facebook analytic tool,

in January 2010 there were 105,000 Azerbaijanis on the site, and in December there were 279,000. At the end of July 2011 there were 431,600. Two-thirds of the July 2011 users are under 24 years of age.⁵⁷

In 2011, when the pro-opposition youth groups effectively used Facebook as a political tool to arrange anti-government protest actions in the capital, the government-controlled television stations launched campaigns against social network sites, broadcasting interviews with psychologists and internet experts arguing that online activities could have a detrimental effect on Azerbaijan's image and pose a threat to the country's security.⁵⁸

Because of the above, social media has become synonymous with deviance, criminality, and treason. Tightly-controlled television programmes show "family tragedies" and "criminal incidents" after young people join Facebook and Twitter. In March 2011, the country's chief psychiatrist proclaimed that social media users suffer mental disorders and cannot maintain relationships. In April 2012, the Interior Ministry linked Facebook use with the trafficking of women and sexual abuse of children. Since May 2011, the Azerbaijani parliament has been debating laws to curtail social media, citing their deleterious effect on society.

The internet in election season

Elections in Azerbaijan have always resulted in the suppression of opposition candidates, independent political forces, critical media and non-partisan civil society groups. These in turn have had a detrimental effect on the plurality of opinions and on freedom of expression. Almost all the elections in Azerbaijan have failed to meet international standards and media freedom has routinely been a special concern.⁵⁹ The OSCE/ODIHR Election Mission Observation Final Report on 2010 legislative polls stated:

The fundamental freedoms of peaceful assembly and expression were limited and a vibrant political discourse facilitated by free and independent media was almost impossible.⁶⁰

53. www.irfs.az/content/view/8224/28/lang,eng/ and www.irfs.az/content/view/7711/28/lang,eng

54. Another case followed the rapid increase of the price of petrol, gas, and electricity in the country in January 2007. The author of www.susmayaq.biz published a protest letter to the president online. As a result, the author was arrested, and the website was temporarily inaccessible on ten Azerbaijani ISPs from January to March 2007. After a protest by youth organizations, the author was released without charges. "In Azerbaijan – the Author of a Website Protesting Price Increases is Arrested", *Day.az*, 15 January 2007, www.day.az/news/politics/68040.html

55. In 2007, the Ministry of National Security searched one of the Internet cafes in Baku and discovered this caricature on the cache page. The author and the webmaster of the site, as well as several cafe guests, were arrested and indicted for organized criminal activities. The individuals were released several days later, but the website was shut down by its owners in order to avoid further prosecution. "Azerbaijan Country Report", *Opennet.org*, 2010, opennet.net/sites/opennet.net/files/ONI_Azerbaijan_2010.pdf

56. Maharram Zeynalov, *Azerbaijan's Web Users Claim Censorship and Poor Quality of Service*, Institute of War and Peace Reporting (IWPR), 19 June 2009, iwpr.net/report-news/azeri-internet-blues

57. "This is What Can Happen To You"

58. IRFS

59. Polls are routinely marred by a deficient candidate registration process, a restrictive political environment, unbalanced and biased media coverage, disparity in access to resources to mount an effective campaign, misuse of administrative resources as well as interference by local authorities in favor of candidates from the ruling party, creating an uneven playing field for candidates. See: OSCE/ODIHR, *Republic of Azerbaijan Parliamentary Election*, 7 November 2010; OSCE/ODIHR, *Election Observation Mission Final Report*, January 2011, www.osce.org/odihr/elections/azerbaijan/75073

60. OSCE/ODIHR *Election Observation Mission Report*, 2010

With the traditional media languishing under such tight government control, the parliamentary elections of 2010 saw the internet play a key role as a powerful campaigning tool – and a tool for agitation – for the first time in Azerbaijani elections. Through their Facebook group lists, large numbers of independent groups, opposition politicians and alliances used the internet as the only available instrument to air their campaign messages, policies and strategies, to update the voters on the election process, and to respond to any questions and concerns. Social networking sites like YouTube and numerous blogs made it possible for marginalised sections of Azerbaijani society to reflect alternative perspectives on how society and politics are taking shape in Azerbaijan.⁶¹

A gender perspective: the case of Khadija Ismayilova

The Azerbaijani internet population is young, mostly male, and largely concentrated in urban areas. The country's capital, Baku, as a rapidly growing cosmopolitan urban centre, has large numbers of women using internet. However, framing social media as a dangerous place has made men in highly conservative families hesitant to allow their wives and daughters to access the internet, especially social media.⁶² It is not by coincidence that women, mainly those living in rural areas, are hardly seen engaging in discussion forums. More than 70% of internet users, as well as Facebook users, are men, while only 14% of Azerbaijani women have ever used the internet.⁶³ According to Osman Gunduz, head of the Azerbaijan Internet Forum, there has been major progress in the country with regard to the number of internet users when it comes to men and women, with a rise in the number of women using the internet, mainly after the recent drop in internet fees.⁶⁴

In 2011 Azerbaijan's leading investigative female journalist and active social media user Khadija Ismayilova faced an outrageous blackmail attempt when unknown sources secretly filmed her in an intimate manner in her home.⁶⁵ She received a

collection of intimate photographs of her through the post, with a note warning her to “behave” or she would be “defamed”. After failing to blackmail her into silence, these images appeared on the internet a week later on a series of fake news sites and she was subject to personal attack in the pro-government *Yeni Azerbaijan* and *Iki Sahil* papers.

As an active social media networker, Ismayilova's fame on the internet undeniably contributed to the attempt to silence her. Ismayilova has never drawn back from the taboo subject of the business interests of the president and his family and has published several investigative articles unearthing corruption at the heart of the president's family. She often posts and discusses politically sensitive issues on Facebook, which has made it possible for her work to reach a wider audience.

Ismayilova is not the only journalist whose private life has been filmed using secret cameras and publicised. The pro-government *Lider TV*, which broadcasts throughout the country, has disgracefully aired secretly filmed videos of a private nature of Azer Ahmadov, editor of opposition *Azadliq* newspaper, as well as Tural Jafarov and Natiq Aliyev, journalists at that paper, in an attempt to silence them.⁶⁶ As a tool in government propaganda to harass its critics, the notorious *Lider TV* has also smeared journalist Agil Khalil, who was accused of having had a homosexual partner.⁶⁷

Conclusion

The internet has already started to surface as an important medium and space for political communication, and there are some indications that restrictions on content may emerge in the future. Further, the harassment of online activists has created a climate of intimidation and self-censorship that makes this all the more frightening.

61. International Partnership Group for Azerbaijan, “Running scared: Azerbaijan's Silenced Voices”, 2012, azerbaijanfreexpression.org/wordpress/wp-content/uploads/2012/05/12-03-22-REPORT-azerbaijan-web.pdf

62. Kendzior and Pearce, “How Azerbaijan Demonizes the Internet”

63. Ibid

64. “17 pct of women use internet”

65. “Salacious Video Defames Journalist Critical of Azerbaijani Government”, *CNN*, 20 March 2012, edition.cnn.com/2012/03/19/world/asia/azerbaijan-video-defamation/index.html; also see: International Partnership Group for Azerbaijan, “In Solidarity with Khadija Ismayilova”, *article19.org*, 15 March 2012, www.article19.org/resources.php/resource/2994/en/azerbaijan:-in-solidarity-with-khadija-ismayilova

66. “Azerbaijani State TV Aired Sex Video of Opposition Editor”, *RFL/RL*, 26 October 2010, www.rferl.org/content/Azerbaijani_State_TV_Aired_Sex_Video_Of_Opposition_Editor/2202050.html

67. Homophobia is rife in Azerbaijan, where gays and lesbians have to keep a low profile and fear violent attacks. The country decriminalised homosexuality in 2001, but discrimination and harassment are widespread for many members of the country's gay community. Government has used smear campaigns focused on allegations of “being gay” against political opponents in order to disgrace them in the public eye. Regime-critical journalists have been secretly filmed while masturbating and then “exposed” as gay in reports on the pro-government television station *Lider*. The leader of the opposition Popular Front Party, Ali Karimli, has also been accused of being homosexual, which the government says makes him unfit to be a politician. See: Annette Langer, “Gays Face Rampant Homophobia in Azerbaijan”, *Spiegel Online*, 25 May 2012, www.spiegel.de/international/world/homophobia-rampant-in-eurovision-host-country-azerbaijan-a-835265.html

The government's plan to license internet TV is clearly intended to restrict opportunities for free debate and to control public discourse. Freedom House has given the country the status of "partially free" when it comes to the internet, which implies that obstacles exist and the rights of internet users are routinely violated. As the internet market is yet to be liberalised, commercial ISPs operate under economically inconvenient conditions set mainly by the state monopolist Delta Telecom, which stifles smaller competitors and offers substandard service quality. It plays into the hand of the government and makes informal requests to other ISPs to filter, control and shut down critical websites.

The government's campaign against social media has so far been unsuccessful and it is likely that social media will continue to grow as a platform for mass communication between people on various issues, including political, social and economic issues. Social-networking sites are routinely used to disseminate content that is critical of the government by the average citizen.⁶⁸ Even though the government does not engage in widespread censorship on the use of the internet, the positive impact of the internet on forming alternative public opinion could worry the authoritarian powers of Azerbaijan. The government is increasingly aware of how powerful online tools can be, particularly as seen in the wake of the Arab spring, and there are signs that tighter restrictions on internet use and content are on the horizon.

The detention of photographer and social media activist Mehman Huseynov,⁶⁹ who was active in the "Sing for Democracy" campaign⁷⁰ and who has posted about human rights abuses on Facebook, comes amid a host of troubling signs in Azerbaijan after the end of the Eurovision Song Contest.⁷¹ Ongoing retaliation and a number of politically motivated arrests following Eurovision suggest the Azerbaijani government has no intention of ceasing its repressive policies. On the eve of the seventh Internet Governance Forum, Azerbaijan's international partners should take these trends as a signal of a potentially broader crackdown against critical voices. ■

68. Citizen journalism in internet played an important role on reporting on property demolitions taking place as part of the process of "beautifying" Baku ahead of the Eurovision Song Contest

69. Human Rights Watch, "Retribution against photographer", 14 June 2012, www.hrw.org/news/2012/06/14/azerbaijan-retribution-against-photographer

70. "Sing for Democracy" coalition included a group of local and international NGOs to raise human rights concerns before and during the Eurovision Song Contest, which was held in May 2012 in Baku

71. Azerbaijan hosted the 2012 Eurovision Song Contest despite protests over the country's abysmal rights record. Local and international human rights groups criticised Azerbaijan's hosting the event, accusing the government of serious abuses, including restrictions of free speech, the arrest of the government critics and blatant violation of property rights. Opposition activists and human rights groups viewed it as a golden opportunity to focus international attention on the country's sullied human rights record. With the Eurovision now over and the world's attention turned elsewhere, the government has started to look for revenge against activists and government critics. See: Shahla Sultanova, "After the Curtain Call, the Crackdown Starts", *Interpress Service News Agency*, 19 June 2012, www.ipsnews.net/2012/06/after-the-curtain-call-a-crackdown-begins