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Freedom on the Net 2018 - Azerbaijan

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Status: Partly Free

Total Score: 60/100 (0 = Best, 100 = Worst)

Population: 9,862,429

Internet Penetration: 79.0%

Freedom in the World Status: Not Free

Key Developments, June 1, 2017 – May 31, 2018

- In December, the Court of Appeal in Baku upheld the government's decision to block several online media outlets. The country's Supreme Court agreed with the Court of Appeal's ruling in June 2018 (see Blocking and Filtering).
- Independent news websites and opposition activists suffered cyberattacks ahead of April's snap presidential election (see Technical Attacks).
- Legislative amendments to Azerbaijan's Code of Administrative Offenses imposed new fines for distributing illegal content online (see Content Removal).
- Multiple online journalists, bloggers, and social media users were detained for their online activity, with sentences of up to six years in prison (see Prosecutions and Detentions for Online Activities).

Introduction:

Internet freedom declined in Azerbaijan after a court upheld the blocking of independent news websites and technical attacks targeted both news outlets and opposition activists.

On February 5, 2018, President Ilham Aliyev announced that a snap presidential election would occur on April 11, six months ahead of the original date.^[1] The election, which main opposition parties boycotted, resulted in Aliyev securing another seven-year term.^[2] In the lead-up to the vote, several opposition figures' Facebook pages were hacked, while independent websites suffered technical attacks. Those participating in opposition rallies also reported experiencing connectivity issues.

The space for free expression continued to shrink this year, as the government increased censorship through new legislative changes. Amendments approved in December 2017 impose fines on individuals, officials, and legal entities for disseminating banned content online. Meanwhile, the National Parliament approved a set of amendments that prohibit journalists from investigating certain information related to the military.^[3]

Many journalists, bloggers, and social media users faced legal sanctions for their activities online, with a number of convictions resulting in prison terms. Authorities also pressured exiled activists to cease their online activities by detaining and threatening relatives residing in Azerbaijan.

Legislation passed in March 2017 gave authorities wide discretion to block content online, which it swiftly used to block several independent online media outlets. Both the Baku Court of Appeal and the Supreme Court upheld the blocking of these news websites. As a result, social media platforms remain popular tools among opposition activists and the general public. Azerbaijan netizens especially rely on Facebook as an important platform for publishing corruption investigations and discussion on the ongoing government clampdown, as well as daily grievances.

Obstacles to Access:

Internet access remains expensive for much of the population, with Azerbaijan lagging behind its neighbors on indicators such as internet speed and affordability. Temporary internet blackouts occur periodically, often due to problems with DeltaTelecom's infrastructure. Users also experience connectivity issues during politically-sensitive events such as opposition rallies.

Availability and Ease of Access

Poor telecom infrastructure along with low information and communications technology (ICT) literacy, and high tariffs for satellite connections remain key obstacles to ensuring greater internet access across the country. Internet in Azerbaijan remains expensive, though this does not translate into better quality or faster connections.

Osman Gunduz, head of the Azerbaijan Internet Forum, cites Azerbaijan's underdeveloped infrastructure as a key obstacle toward attaining greater access and higher connection speeds.^[4] The government's Strategic Roadmap program seeks to better information and communication technologies by providing internet speeds of 20 Mbit/s by 2020 and 50 Mbit/s by 2025. However, the government is not on track for achieving these goals, as average speed in 2016 was only 3.6 Mbit/s.^[5]

The vast majority of connections in Azerbaijan are based on ADSL, with Wi-Fi, WiMAX, 3G, and 4G becoming widespread. Despite ADSL being used as the most common way to connect to the internet, the technology has not reached its full potential according to Gunduz.^[6] Government efforts to upgrade the infrastructure through its Fiber to Home project were limited during the reporting period. Internet access remains expensive relative to monthly incomes, and Azerbaijan continues to lag behind Russia, Ukraine, Georgia, and other neighboring countries, where connections are available at comparatively low cost.

Despite the average cost of mobile internet service decreasing significantly since 2011, users complain of being overcharged while regularly experiencing connectivity issues.^[7] Internet connection costs between AZN 10 and 80 per month for 10 Mbit/s using ADSL connection, though the majority of internet users in Azerbaijan use mobile internet. Approximately 1.9 percent of GDP per capita is spent on mobile communication. Only about 0.3 percent goes toward the internet.^[8]

In February 2018, Baktelecom announced its decision to reduce tariffs for its Gigabit Passive Optical Network (GPON) users, a service provided using fiber optic infrastructure that includes speeds of up to 100 Mbit/s. The service is currently only available to 30,000 households.^[9]

Computer ownership continues to be higher in urban areas than in rural areas. Users connect to the internet predominantly via mobile devices, followed by from home, work, internet cafes, and Wi-Fi hotspots.^[10] In early 2017, the Ministry of Communications and High Technologies followed through with a plan to roll out more free Wi-Fi spots in public areas around central locations in Baku.^[11]

Restrictions on Connectivity

The Ministry of Transport, Communication, and High Technologies (MTCHT) holds significant shares in a handful of leading internet service providers (ISPs), and the government is authorized to instruct companies to cut internet service under very broadly defined circumstances, including war, emergency situations, and national disasters.^[12]

Connectivity issues are common during politically-sensitive events. During opposition rallies held in September and October 2017, opposition activists and journalists reported slow internet connection. The opposition often streams its rallies live on Facebook, however, weak internet signal prevented a live broadcast during an October 7 event.^[13] Participants in rallies ahead of and following April's snap election also reported experiencing similar connectivity issues.^[14]

Temporary internet blackouts have occurred every few years in Azerbaijan. On October 9, 2017, the MTCHT announced slow internet traffic across 23 regions. According to the official statement, AzTelekom's maintenance work to improve connectivity caused the slow speeds.^[15]

In May 2017, Azerbaijani users reported slow internet speeds, with some connectivity issues surrounding the month's Islamic Solidarity Games.^[16] Users also reported issues with making and receiving international voice calls on WhatsApp, Facebook, and Skype. In June 2017, MCHT released a statement that temporary restrictions during the Islamic Games were for security reasons.^[17] It was also suggested that Delta Telecom slowed down traffic due to local service providers not paying their debt.^[18]

Wholesale access to international gateways is maintained by companies with close ties to the government. Only two operators, AzerTelecom and Delta Telecom, are licensed to connect international IP traffic.^[19] Delta Telecom owns the internet backbone and is the main distributor of traffic to other ISPs. It controls Azerbaijan's only Internet Exchange Point (IXP), and charges the same amount for local and international traffic. The company is a transit operator of Azerbaijan's segment of the Europe Persia Express Gateway (EPEC) and has external fiber-optic connections with Russia (via TransTelecom) and Turkey (via RosTelecom). AzerTelecom has a fiber-optic cable network covering all major regions, including the autonomous republic of Nakhchivan.

ICT Market

The ICT market in Azerbaijan is fairly concentrated. The fixed broadband market lacks equality between operators. The absence of regulatory reform also inhibits development of the sector. Over 50 ISPs are present in the market, including three state-owned providers: AzTelekomnet, BakInternet, and Azdatakom. State-owned companies ultimately control over 56 percent of the market.^[20]

The market base is split along geographical lines, with BTCPA (Baku Telephone Communications Production Association) serving the capital. AzTelekomnet, the largest ISP operating outside Baku, has ownership ties to the MTCHT; its shareholders include Azerfon, which has links to the president's daughters.

Azercell is still the leading mobile service provider despite its overall market share falling from about 50 percent to 40 percent. Bakcell and Azerfon follow behind, maintaining a steady market share of approximately 33 and 25 percent respectively. Like Azerfon, Azercell has been found to have connections with President Aliyev's daughters.

Regulatory Bodies

The government of Azerbaijan has a major role in controlling the ICT sector through state-owned companies and government institutions. ISPs are regulated by the newly reformed Ministry of Transport, Communication, and High Technologies (MTCHT), which lacks independence. The former Ministry of Communications and High Technologies was dissolved in February 2017 and merged with the Ministry of Transport, creating the MTCHT.^[21]

Limits on Content:

Several independent online outlets were blocked during this coverage period after recent legislative amendments empowered authorities to block content without first obtaining a court order. Trolls are active online and targeted digital outlets and civil society activists in the lead-up to the snap elections.

Blocking and Filtering

In previous years, the government refrained from extensive blocking or filtering of online content, relying on legal, economic, and social pressures to discourage critical media coverage or political activism. Since 2017, however, the government has increasingly restricted webpages, particularly those associated with the opposition or investigating politically-sensitive topics such as corruption.^[22]

In June 2018, following the coverage period, the Supreme Court ruled in favor of the government's decision to block several online media outlets.^[23] In December 2017, the Court of Appeal in Baku upheld a May 2017 court ruling that blocked online outlets including Azadliq (Radio Free Europe/Radio Liberty Azerbaijan), Azadliq Daily, Meydan TV, Turan TV, and Azerbaijani Saadi.^[24] Authorities initially restricted some of the websites in March 2017 for threatening national security and containing content that promotes "violence, hatred, or extremism" and "violated privacy, or constituted slander."^[25] An investigation by VirtualRoad, a secure hosting service, indicated that Deep Packet Inspection (DPI) was used to interfere with access to the sites in March.^[26] Shortly before the outlets were blocked, Azadliq had published reports investigating the financial affairs of those close to President Ilham Aliyev such as his family.^[27] Critical online news outlet Abzas was also blocked in March 2017, though no explanation was offered by authorities.^[28]

The blockings came after the parliament passed legislative amendments to the law on Information, Informatization, and Protection of Information in March 2017. The amendments allow the authorities to block access to a website if it contains prohibited information posing a danger to the state or society, and when the website owner fails to remove content within eight hours of receiving notification (see Content Removal). Court approval is not required before blocking a website, but must be sought after the fact. Observers have noted that the courts are not independent and are unlikely to provide genuine oversight.^[29]

Some of the websites affected by the court order were also subject to throttling between November and December 2016. Azadliq (Radio Free Europe/Radio Liberty Azerbaijan), Voice of America, and Meydan TV all reported loading and speed issues during this period. VirtualRoad's investigation confirmed that these websites had been subject to artificially engineered bandwidth throttling on six separate occasions between November and December 2016. ^[30]

During the reporting period, the government continued targeting outlets that expose corruption within the ruling family. In September 2017, authorities blocked the website of the Organized Crime and Corruption Reporting Project (OCCRP) after the organization published a damning report, "The Azerbaijan Laundromat," which implicated the government in various money laundering and lobbying schemes. ^[31]

Decisions to block websites are arbitrary, clearly targeting independent outlets that are critical of the government. There is no genuine avenue for appeal, and no information on the total number of websites blocked or throttled at any given time.

Content Removal

While authorities previously relied on pressure tactics to ensure the removal of unwanted content, recent legislative amendments have codified the state's power to compel a website owner to take down certain information. Most recently in December 2017, amendments were approved that impose fines for distributing illegal content online. ^[32]

In December 2017, the parliament approved amendments to Azerbaijan's Code of Administrative Offenses that impose large fines against those who disseminate banned content online. Legal entities can be fined between US\$620 and \$930, officials fined between \$930 and \$1,235, and individuals between \$310 and \$620. ^[33]

Amendments to the law on Information, Informatization, and Protection of Information, passed in March 2017, compel website owners to take down "prohibited information" if warned by authorities. If the authorities deem that the content poses a danger to state or society and the website owner fails to comply with the order within eight hours, a government representative can immediately block the website. This process was applied to the five websites ordered to be blocked in May 2017 (see Blocking and Filtering). ^[34]

Authorities continued using threats and pressure to force the removal of content. Close family members of exiled rapper Jamal Ali were arrested in Azerbaijan after Ali posted a song on YouTube in December 2016 fiercely criticizing the authorities that quickly went viral with over 100,000 views. Police coerced Ali to take down the video, warning that members of his extended family would lose their jobs and face arrest. Ali ultimately took down the video, fearing further repercussions for his family. ^[35]

Content revealing personal information without consent may be subject to removal under Articles 5.7 and 7.2 of the Law on Personal Data. A written demand from the individual concerned, a court, or the executive branch is required. Authorities can also remove online content in cases of defamation.

Media, Diversity, and Content Manipulation

The ongoing government crackdown against independent and opposition media outlets – in addition to arrests of online activists – has significantly limited the space for free expression in Azerbaijan. Some online journalists, commentators, and ordinary internet users have resorted to self-censorship, especially if they are employed by state media outlets or progovernment

platforms. Others have left the country out of fear of persecution. In the lead-up to April's snap elections, progovernment commentators were prevalent online.

Though social media platforms such as Facebook provide a platform for free expression, the ability of online bloggers and activists to produce and disseminate controversial content online is undermined by government pressure. Self-censorship is pervasive among social media users, who are aware that they may face criminal charges for their expression online. Rahim Hajiyeu, former editor-in-chief of the now-defunct opposition newspaper Azadliq, has said that the number people who have faced arrest for their activities online discourages social media users from expressing themselves freely.^[36]

New amendments to the bill on armed forces, which were approved in December 2017, will only further threaten free expression and increase censorship.^[37] The amendments restrict what journalists can report on in relation to the military.^[38]

The vast majority of existing online media outlets publish news in favor of the government due to the owners' strong ties to government officials or direct government ownership. The head of Turan Information Agency, Mehman Aliyev, has said that Azerbaijan's independent media has struggled to stay afloat since the 1990s. According to Aliyev, the majority of media outlets in Azerbaijan are government-controlled and government-funded. Many outlets spread state propaganda, in violation of the Law on Mass Media and the Journalism Code of Ethics.^[39] Yet in January 2016, the Prosecutor's office issued a warning that it was monitoring internet-based outlets, and several had violated the mass media law by sharing incorrect information on nationwide protests following a currency devaluation.^[40] The limits imposed on independent or opposition media outlets make it difficult for them to attract advertising to sustain their work. Companies are reluctant to support them for fear of losing their business license or other reprisals from the government.

Laws regulating foreign funding of NGOs have made it easier for the government to target local organizations and media outlets that receive grants from outside sources. In February 2014, President Aliyev approved amendments to the law on grants, further limiting civil society. In February 2015, Aliyev signed amendments to the mass media law that allow courts to order the closure of any media outlet that receives foreign funding or that is convicted of defamation twice in one year. Requirements for receiving grants are now so complicated that they prevented a number of online media outlets from continuing their work. Mediaforum, Obyektiv TV, Channel 13, and Zerkalo/Ayna all ceased operations because of these restrictions. In 2015 remaining independent media outlets like the Radio Free Europe/Radio Liberty's Azerbaijani service were also closed.

Political trolling continues to distort discussions online. Ahead of the snap elections in April 2018, a number of influential Azerbaijani civil society activists reported being trolled by various Facebook users. Comments often included text taken directly from statements of government officials, including the president.^[41] Recent investigations have suggested that these users include ruling party members, civil servants, or other progovernment supporters.^[42] In February 2018, Ali Ahmadov, Deputy Prime Minister and the New Azerbaijan Party's Deputy Chairman, told members of the ruling party's youth branch to use social media effectively and actively and to make necessary "sacrifices" ahead of the election. Some commentators saw Ahmadov's comments as an order to attack opposition and independent media online.^[43] Separately in July 2017, the government provided 255 apartments to journalists for National Press Day. Some suggested that these apartments could influence journalists to publish progovernment content online.^[44]

In September 2016, a leak revealed messages exchanged between members of the youth group coordinating an ambush ahead of the 2016 constitutional referendum, which was heavily criticized by civil society as a step toward strengthening the power of the president.^[45] Members of the group chat encouraged one another to target the comment sections of independent outlets such as Meydan TV, which was live streaming protests against the referendum, while also urging members not to mention details that would give them away as affiliated with Yeni Azerbaijan, the ruling party.^[46]

The government has indicated that it is interested in regulating social media platforms and bloggers. In February, before the snap election, the Central Election Commission chairman Mazahir Panahov expressed concern over social media platforms. He claimed they have grown uncontrollable and are difficult to regulate during the election process.^[47] At a National Parliament Human Rights Committee meeting in January 2017, Chairman of the Press Council Aflatun Amashov discussed creating legislation to monitor and regulate bloggers and social media platforms.^[48] Other members of parliament supported the potential legislation, saying that there is a "serious need to regulate this field."^[49] No pieces of legislation have been proposed.

Digital Activism

Activists continue to use social media to disseminate information and organize campaigns, though the impact is fairly limited. For example, during the reporting period, Facebook was used to share updates about political rallies organized by the opposition as well as stories of alleged election fraud in April.

After two young activists were sentenced to ten years in jail in October 2016 for spraying graffiti on a statue of the late President Heydar Aliyev, the activist community launched an online poster campaign calling for their release. Supporters from all around Azerbaijan and the world posted photos of themselves holding posters about the sentencing and calling for the activists' release.^[50]

Violations of User Rights:

Authorities continue to prosecute and arrest online activists and journalists as a means of stifling dissent and activism, and target remaining independent online media outlets with bogus criminal charges. The families of exiled dissidents were targeted in attempts to pressure their relatives to cease their online activity. Meanwhile, independent news outlets and opposition activists were subjected to technical attacks in the lead-up to the 2018 snap election.

Legal Environment

While the right to freedom of expression is guaranteed in the constitution and Azerbaijan is a signatory to binding international agreements, including the International Covenant for Civil and Political Rights and the European Convention on Human Rights, the government frequently fails to protect the right to freedom of expression, both offline and online.

Libel is the most common criminal charge used against journalists, and the Azerbaijani courts have previously confirmed that libel laws apply to social media.^[51] In 2013, general provisions on defamation and insult were expanded to include criminal liability for online content.

In November 2016, penalties were increased for online insult and libel. A new provision to Article 148(1) of the Criminal Code targeted insult or slander disseminated online by fake usernames or accounts. The increased penalties include a fine of AZN 1,000-1,500 (about US\$590-885), community service for 360-480 hours, or corrective labor for up to one year.^[52] Article 147(1) of the Criminal Code targets the "dissemination, in a public statement, publicly exhibited work of art,

through the mass media or a publicly displayed Internet information resource, of knowingly false information discrediting the honor and dignity of a person or damaging his or her reputation."^[53] The new penalties imposed include a fine of AZN 1,000-1,500, community service for 240-480 hours, corrective labor for up to one year, or imprisonment for up to six months. According to Art. 147(2), libel becomes punishable by corrective labor for a term of up to two years, or by imprisonment for a term of up to three years when it accuses someone "of having committed a serious or especially serious crime."^[54]

In May 2017, changes to Article 323(1) of the Criminal Code introduced a maximum sentence of five years in prison for defaming or humiliating the honor and dignity of the president in mass media, which includes social media.^[55] The fine also increased to AZN 1,500-2,500.^[56]

Recent legislative amendments increased the maximum duration of administrative detentions from 15 days to three months. Administrative detentions, which can be issued for charges such as disorderly conduct, have been used to punish activists and journalists.

Prosecutions and Detentions for Online Activities

Online activists and journalists are most often prosecuted based on trumped up charges, including drug possession, hooliganism, and, more recently, treason, tax evasion, abuse of authority, and embezzlement. Multiple convictions during the reporting period resulted in four or more years of imprisonment. Many administrators, editors of online news outlets, and bloggers in Azerbaijan remain jailed for their online reporting.

The following activists and journalists were charged, investigated, arrested, or sentenced during the coverage period for their online activities:

- On May 4, 2018, Alikram Khurshudov, member of the opposition Musavat party, was sentenced to five years in prison after being found guilty of hooliganism under Article 221.2.3 and resisting the authorities or abuse of power under Article 315.2.^[57] Members of the opposition party, however, argue that the charges were the result of Khurshudov's critical Facebook posts detailing that local residents were forced into becoming members of the ruling party in the region of Shirvan. He was originally arrested and detained in November.
- On January 12, 2018, journalist Afgan Mukhtarli, who was living in exile in Georgia before being kidnapped, beaten, and transported back to Azerbaijan, was sentenced to six years in prison for illegally crossing the border, smuggling money, and resisting police (see Intimidation and Violence).^[58] Mukhtarli had previously contributed to Meydan TV and the Institute of War and Peace Reporting. Mukhtarli moved to Georgia in 2015 following a crackdown against independent civil society and journalists. He continued reporting from Georgia on corruption in Azerbaijan.^[59]
- In December 2017, Aziz Orujov, manager of online TV channel Kanal 13, was sentenced to six years for illegal entrepreneurship and abuse of power.^[60] In April 2018, Orujov was released on a suspended three-year sentence by the Supreme Court.^[61] In May 2017, he was also sentenced to 30 days of administrative detention for resisting police under article 535.1 of the Administrative Code.^[62]
- On June 16, 2017, Fuad Akhmadli, a youth activist for the opposition Popular Front Party, was sentenced to four years in prison.^[63] He was found guilty of providing the personal data of subscribers of mobile operator Azerfon to a third party. Akhmadli, who worked for

Azerfon at the time of the arrest, was known for his online activism and social media posts critical of the government.^[64]

- On May 22, 2018, Elvin Abdullayev, member of the Musavat party and former political prisoner, was convicted for disobeying police and sentenced to 30 days in prison. Party members and Abdullayev claim that the arrest related to political Facebook posts.^[65]
- On March 6, 2018, Mustafa Hajbeyli, editor-in-chief of the online news bastainfo.com and press secretary of the Musavat Party, was detained. Police questioned him about an opposition rally scheduled to take place later that month, before finally releasing him.^[66] A month prior in February, bastainfo.com reported experiencing DDoS attacks (see Technical Attacks).^[67]
- On February 19, 2018, Yadigar Sadigov, deputy chairman of the Musavat party, was questioned for his Facebook posts criticizing government budget spending and the ban on the "Death of Stalin" film. Sadigov was later released.^[68]
- On April 28, 2017 blogger and political activist Mehman Galandarov was found dead in his prison cell. It was reported that Galandarov died by suicide, but activists view his death as highly suspicious.^[69] Galandarov was arrested in February 2017, and sentenced to three months in detention for alleged drug possession.^[70]

Several bloggers, online journalists, and social media users continued serving lengthy prison sentences from previous years:

- In June 2018, the Supreme Court upheld blogger and journalist Mehman Huseynov's March 2017 two-year sentence for slander against police officers.^[71] In December 2017, the Baku Court of Appeal also upheld the sentence. The charges relate to Huseynov's arrest in January 2017, after which he said he was abducted and tortured by plain-clothed policemen (see Intimidation and Violence). Huseynov had been repeatedly targeted by authorities for his critical reporting and documentation of government corruption and other abuses. Huseynov was also the editor-in-chief of SANCAQ, an online socio-political magazine with around 300,000 followers.
- Fuad Gahramanli, deputy chair of the Azerbaijan Popular Front Party, was sentenced to 10 years in prison in January 2017 for his Facebook posts in which he criticized the government and condemned the November 2015 crackdown in Nardaran.^[72] Gahramanli was charged under Article 281 of the Criminal Code, publicly calling to overthrow the government, and Article 283, inciting national, religious, and racial hatred.^[73] Furthermore, those who "liked" or commented on the posts were called to testify.^[74] On March 15, 2016, Gahramanli was further charged under Article 220.2 with inciting mass disorder.
- Araz Guliyev, former editor-in-chief for the religious website *Xeber44*, is serving an eight year sentence after being arrested in 2012 and convicted of various offences including insulting the national flag and inciting religious and ethnic hatred.^[75] Guliyev's lawyer stated in October 2017 that his client had been tortured in prison (see Intimidation and Violence).
- Ilkin Rustamzade is serving an eight year sentence for hooliganism and inciting a riot after participating in a "Harlem Shake" YouTube video.^[76] Rustamzade was arrested in 2013 and was known for his criticism of the government through the Free Youth Organization.^[77]

- Nijat Aliyev remains in prison after being arrested in 2012, serving a ten year sentence for drug possession and illegal distribution of religious material. Aliyev was the editor-in-chief of news website *Azadxeber* ("free news").^[78]
- Rashad Ramazanov is currently serving a nine year prison sentence after being arrested in May 2013 on drug charges.^[79] Ramazanov had worked as a blogger and activist who frequently criticized the government online.^[80]

In July 2018, following the coverage period, there was an attempted assassination against the city of Ganja's mayor.^[81] A few days later, two police officers were killed. In response to the violence, news outlets *bastainfo.com* and *criminal.az* were accused of "knowingly spreading false information" while news sources *topxeber.az* and *fia.az* were accused of "spreading unfounded, sensational claims in order to confuse the public."^[82] Additionally, 14 people were sentenced to 10 to 30 days of administrative arrest for "supporting terrorism" and disrupting "socio-political stability" due to social media posts about the violence.^[83]

Surveillance, Privacy, and Anonymity

It is unclear to which extent security agencies monitor ICT activity or track user data in Azerbaijan, but an April 2018 report began to elucidate the government's extensive surveillance, as do the frequent arrests of activists and bloggers.

An April 2018 report by the secure hosting project Virtual Road exposed the government's surveillance apparatus. In 2015, authorities purchased specialized security equipment for US \$3,000,000 from the Israeli security company Allot Communications.^[84] In March 2017, they began using the equipment's deep packet inspection (DPI) capabilities (see Blocking and Filtering).

In addition to these recent revelations, the Law on Operative-Search Activity (Article 10, Section IV) authorizes law enforcement agencies to conduct surveillance without a court order in cases regarded as necessary "to prevent serious crimes against the person or especially dangerous crimes against the state."^[85] The unclear parameters for what constitutes preventive action leaves the law open to abuse. As such, it has long been believed that the National Security Service and Ministry of Internal Affairs monitor the phone and internet communications of certain individuals, especially foreigners, known activists, and business figures.

The Ministry of Communications requires all telecom companies to make available their equipment and special facilities to the National Security Service, formerly Ministry of National Security.^[86] Mobile companies are known to surrender the content of users' phone conversations without a court order. For example, a mobile phone operator provided the Ministry of Investigation with journalist Parviz Hashimli's communications, resulting in a prison sentence.^[87] Hashimli was released in a March 2016 prisoner amnesty.

In February 2014, Citizen Lab reported that Azerbaijan, along with 20 other governments, is suspected of using RCS (Remote Control System) spyware sold by the intelligence technology and surveillance company Hacking Team.^[88] RCS spyware allows anyone with access to activate a computer's webcam and microphone and steal videos, documents, contact lists, emails, or photos. The spyware has been used by governments around the world to spy on dissidents. In July 2015, leaked documents from Hacking Team revealed that the government of Azerbaijan was also a client.

All mobile phones in Azerbaijan must be registered, including the SIM card, phone serial number, and mobile network number. This requirement was introduced by the Cabinet of Ministers in December 2011 – without parliamentary approval.^[89] Mobile service providers are required to limit service to any unregistered devices.

In August 2015, MCHT said it will require some social media and instant messaging services, including Facebook, WhatsApp, Skype, and Viber, to obtain a license in order to operate in Azerbaijan, though it appears that little progress has been made toward enforcing this.^[90]

The personal data law regulates the collection, processing, and protection of personal data (name, surname, patronymic, date of birth, racial or ethnic background, religion, family, health, and criminal record), as well as issues related to the cross-border transfer of personal data.^[91]

Intimidation and Violence

Most harassment against online activists manifests in the form of arrests, detentions, and interrogations, and there have been reports of torture while in detention and in prison. The government of Azerbaijan also uses travel bans against activists and human rights defenders, as in the case of Khadija Ismayil^[92] and Mehman Huseynov.^[93]

The authorities have increasingly targeted activists living in exile by detaining their family members still residing in Azerbaijan. In February 2018, Germany-based activist Tural Sadiqli reported that his father was arrested and questioned by local police officers, detained for the night, and then released the following day. A few days later, Sadiqli reported his uncle too was questioned.^[94]

In February 2018, Holland-based blogger Ordukhon Teymurkhan reported that two of his relatives were arrested and sentenced to 30 days of administrative detention on charges of resisting police.^[95] In April, Teymurkhan's nephew was also detained.^[96] A year earlier in February 2017, police arrested and questioned 12 members of Teymurkhan's family.^[97] Teymurkhan shared a recorded phone conversation in which a Baku police officer blamed him for the detention of his relatives. While ten of the twelve detained were released the following day, a 30-day detention was given to Teymurkhan's older brother and nephew for allegedly disobeying the police.^[98]

Elman Agayev, the brother-in-law of the France-based activist and video blogger Mahammad Mirzali, was sentenced to 30 days of administrative detention in February 2018. He was convicted for allegedly resisting police on the street, although Agayev was taken from work.^[99]

There have also been several reports on the use of physical force, including torture, against activists and journalists in detention and prison. In October 2017, Araz Guliyev's lawyer reported that Guliyev had been tortured in prison. Guliyev was editor-in-chief for the religious website Xeber44 before being sentenced to eight years in prison (see Arrests and Prosecutions for Online Activities).^[100] Another report notes that he was tortured and placed in solitary confinement following 2014 protests in prison after Elshad Babayev, another prisoner, died. Babayev's death was reportedly related to being tortured in prison.^[101]

Independent blogger Mehman Huseynov said he was tortured in January 2017 by unknown assailants who were actually civilian-clothed policemen.^[102] Huseynov claims the men forcibly pushed him into a car, placed a bag over his head, and drove him around for several hours. While in the car, he received electric shocks and passed out after arriving at the police station. Huseynov was later convicted and sentenced (see Arrests and Prosecutions for Online Activities).

In early 2017, Afgan Mukhtarli, an exiled Azerbaijani journalist who had previously worked for online outlet Meydan TV, was abducted from Georgia by unknown kidnappers, forcibly brought across the border into Azerbaijan, and severely beaten.^[103]

Emin Milli, the founder of Meydan TV, received death threats from Azerbaijan's Minister of Youth and Sport in relation to his website's critical coverage of the European Games.^[104] Freelance journalists reporting for Meydan TV from within Azerbaijan have also faced harassment by authorities. In September 2015, Meydan TV reporters Izolda Aghayeva, Natiq Javadli, and Javid Abdullayev were questioned by the Serious Crimes Investigation Department of the General Prosecutor's Office regarding their coverage of protests in Mingachevir the previous month. However, the majority of the questioning concerned the activities of Meydan TV.^[105] Furthermore, a number of Meydan TV staff are on the government's travel ban list.

Independent journalists and activists are often the targets of intimidation campaigns involving the use of illicitly obtained intimate footage and images, as was famously the case with investigative journalist, Khadija Ismayilova.^[106] In June 2016, Arastun Orujlu, an employee of the Ministry of National Security claimed that the former Minister of National Security was in possession of over 2,500 sex videos depicting Azerbaijani men and women.^[107]

Technical Attacks

Opposition news websites and activists continued to be subjected to cyberattacks, especially in the lead-up to the snap election in April 2018. Individual activists have been targeted in spearphishing attacks, the purpose of which was to gain access to their personal information.

On January 29, Meydan TV reported being targeted by DDoS attacks which rendered the website unavailable for several hours. On the same day, the outlet's Facebook pages were targeted, losing thousands of followers and posts in Azeri, Russian, and English.^[108] According to the outlet, similar attacks took place earlier in the month, targeting their YouTube account. Meydan TV is among a number of websites which were blocked in Azerbaijan in May 2017.^[109]

Kanal 13, another independent website, reported experiencing similar attacks as Meydan TV, losing online content and followers.^[110] The following month, opposition news website bastainfo.com was subjected to DDoS attacks.^[111] The webpage's social media accounts were also hacked, with over 200 items of content lost from Facebook.

In January 2018, former presidential candidate Camil Hasanli had his Facebook hacked. He lost about 75,000 subscribers and content such as posts, photos, videos, and articles dating back to 2013.^[112] Opposition activists Ali Karimli, Tofiq Yagublu, and Gultekin Hajiyeve were targeted,^[113] as was human rights lawyer Namizad Safarov.

A March 2017 Amnesty International report revealed that many activists and human rights defenders were the targets of spearphishing attacks, with strong indications that these attacks came from the government. Rasul Jafarov, lawyer and human rights defender, reported that his colleagues received emails from an address that strongly resembled his own around October 2016. The emails contained an attachment that appeared consistent with Jafarov's work, titled "The Political Prisoner List," though, once opened, the attachment would infect the recipient's computer with crude malware intended to gather as much information as possible from the recipient's device. In a similar tactic, fake Facebook accounts purporting to belong to well-known Azerbaijani dissidents targeted the Facebook pages of critical outlets. In one such case, the administrator online outlet Kanal 13's Facebook page opened an attachment sent via Facebook messenger purporting to be a draft article written by writer Saday Shekerli. Once the attachment

was downloaded, the attacker was able to gain access to the Facebook administrator's private communications for approximately a week. Additionally, several activists received a fake email purportedly from the US embassy, which contained similar malware. Other activists, including human rights defender Elshan Hasanov, have reported that their social media accounts were hacked, taken over, and used to spread messages to contacts.^[114]

Several independent online outlets, including Abzas and Azadliq, were targeted with denial-of-service attacks in January 2017. Abzas was forced offline for five days until the website was migrated to VirtualRoad's secure hosting infrastructure. Forensic investigations conducted by VirtualRoad indicate that the attack originated from the Ministry of Transport, Communications, and High Technologies.^[115]

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