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FREEDOM ON THE NET 2023

Azerbaijan

NOT FREE

37
/100

A. <u>Obstacles to Access</u>	11/25
B. <u>Limits on Content</u>	15/35
C. <u>Violations of User Rights</u>	11/40

LAST YEAR'S SCORE & STATUS

38 /100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.



Overview

Internet freedom continues to be restricted in Azerbaijan. During the coverage period, the state temporarily blocked access to TikTok amid renewed tensions with Armenia. The government continued to manipulate the online information landscape, blocking numerous independent and opposition websites and forcing activists to remove content. The government also launched a media registry, required by the new media law adopted in 2022, and rejected the applications of several independent news outlets to join the registry. Prosecution of activists for their online criticism of the government continued during the coverage period. Additionally, activists faced online harassment, doxing, and blackmail.

Power in Azerbaijan's authoritarian regime remains heavily concentrated in the hands of Ilham Aliyev, who has served as president since 2003, and his extended family. Corruption is rampant, and the formal political opposition has been weakened by years of persecution. The authorities have carried out an extensive crackdown on civil liberties in recent years, leaving little room for independent expression or activism. Azerbaijan won control of a third of the territory of Nagorno-Karabakh along with some adjacent land during a weeks-long conflict with Armenia in 2020, at the cost of over 2,900 soldiers.

Editor's Note: Nagorno-Karabakh is not covered in this report. Certain territories that are assessed separately in Freedom House's Freedom in the World report are excluded from the relevant country reports in Freedom on the Net, as conditions in such geographical areas differ significantly from those in the rest of the country.

Key Developments, June 1, 2022 – May 31, 2023

- From September to November 2022, the government blocked access to TikTok during military clashes at the Armenia-Azerbaijan border (see A3 and B1).
- The most recent network measurements show the continued blocking of key opposition and independent news websites, several Russian news

websites, and circumvention tools (see B1).

- The State Media Registry, stipulated under the February 2022 media law, became operational in October 2022, and several independent media outlets had their applications to the registry denied. A group of independent journalists launched a campaign calling on the government to repeal the law (see B3, B6, and B8).
- In May 2023, Zamin Salayev, who has regularly criticized the government on social media, was sentenced to four years in prison on charges of “hooliganism” (see C3).
- Online activists who were arrested for their activities alleged that they were beaten by law enforcement while detained (see C7).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

5/6

The internet is fairly accessible in Azerbaijan, though state information and communication (ICT) monopolies remain a key obstacle to improving internet access and service quality across Azerbaijan. ¹

According to the 2022 data from the International Telecommunication Union (ITU), Azerbaijan is home to 20 fixed-line broadband internet subscriptions per 100 people and 77 mobile broadband subscriptions per 100 people. Per 2021 ITU data, the most recent available, 86 percent of the population use the internet. ² However, the high penetration rate continues to obscure disparities in access.

The speed of fixed-line and mobile broadband connections in Azerbaijan increased during the coverage period. According to internet metrics company Ookla, the median fixed-line broadband download speed rose from 21 megabits per second (Mbps) in May 2022 to 29.76 Mbps in May 2023. During the same period, the median mobile broadband download speed increased from 32.2 Mbps to 40.97 Mbps. ³

Both second-generation (2G) and third-generation (3G) mobile networks covered virtually the entire population, while fourth-generation (4G) networks covered about half the population as of 2020. ⁴

As of March 2023, fifth-generation (5G) technology is in a trial phase in Azerbaijan.

⁵ In December 2022, Azercell announced it was launching 5G technology that would be accessible on Huawei, Xiaomi, OnePlus, and Poco mobile phones in the downtown neighborhood of the capital Baku. In February 2023, Bakcell said it was also piloting 5G connections in three different locations in Baku. ⁶ However, local experts and users say it will take more time for 5G technology to be fully accessible across Azerbaijan. According to economist Natig Jafarli, Azerbaijan must increase its scientific, technical, and production capacities, as well as its purchasing power, to introduce 5G technology. In 2019, Azercell and Sweden-based Ericsson signed a three-year Memorandum of Understanding (MoU) outlining a joint deployment plan for 5G projects, ⁷ trials, and use cases in Azerbaijan.

Users mainly access the internet via mobile devices. In October 2021, Azercell announced plans to further expand its long-term evolution (LTE) network coverage. According to the company, LTE network geographical coverage reached 74.3 percent in the first nine months of 2021, with the highest network speed in Baku. ⁸

In June 2022, Baktelecom reduced the number of public Wi-Fi hotspots that were accessible in downtown Baku from 18 hotspots to 4. The four remaining hotspots are weak, and users reported difficulties connecting to the network. ⁹

Users continued to report regular connectivity problems during the coverage period. Outside of Baku, connectivity remains poor. Information technology (IT) expert Farhad Miraliyev believes this is directly related to the state's monopoly over the ICT industry and the lack of sufficient infrastructure, especially outside major cities and Baku. ¹⁰ According to Rovshan Rustamov, the deputy minister of the Ministry of Digital Development and Transport, the country aims to resolve access issues using “Fiber to the Home” networks and to achieve full coverage, providing broadband internet speeds of at least 25 megabytes per second (MB/s), by 2024. ¹¹

In the past, when connectivity problems occurred, people have claimed that internet service providers (ISPs) cut off connections because they cannot accommodate high demand. Providers say this is not the case, often blaming disruptions on “prophylactic work” carried out on servers. ¹² Some experts claim that ISPs intentionally throttle connections in compliance with government requests (see A3). ¹³ Osman Gunduz of the Azerbaijan Internet Forum noted that the bandwidth designated for a single user is often divided and sold to multiple users. ¹⁴

While widespread internet blackouts previously occurred every few years in Azerbaijan, no blackouts were documented during the reporting period.

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

1/3

Internet access is somewhat expensive relative to monthly incomes. Given the extent to which the ICT sector is controlled by the state, the Ministry of Digital Development and Transport—not the market—sets prices. ¹⁵

Price data from the ITU put the monthly cost of a 5 gigabyte (GB) fixed-line internet connection at 1.75 percent of gross national income (GNI) per capita and a 2 GB mobile internet connection at 1.34 percent of GNI per capita in 2022, ¹⁶ indicating a slight increase in the cost of the fixed-line connections and a decrease in the cost of mobile internet connections from 2021 to 2022.

In August 2022, Aztelekom and Baku Telephone Communications (Baktelecom), owned by the Ministry of Digital Development and Transport, announced changes in mobile broadband plans due to the use and application of Gigabyte Passive Optical Networks (GPON) technology and increased demand for high-speed internet. The two companies discontinued the 4 Mbps and 10 Mbps plans, which were priced at 10 manat (\$5.88) and 12.5 manat (\$7.35) respectively. The new plans are faster but more expensive; users can purchase 15 Mbps plans for 15 manat (\$8.82) and 30 Mbps plans for 18 manat (\$10.52). ¹⁷ The change in broadband plans prompted public criticism and an investigation by the State Antimonopoly and Consumer Market Control Service (see A4). ¹⁸

In Azerbaijan, a geographic digital divide persists. According to the official figures from 2022, household internet access rates stood at 82.7 percent in rural areas and 89.9 percent in urban areas. ¹⁹ Despite government pledges, ICT infrastructure beyond Baku remains neglected, and the capital is the overwhelming beneficiary of state investment in ICT. ²⁰ Independent media reports confirm accessibility challenges, especially in remote villages. ²¹ In December 2022, the European Bank for Reconstruction and Development (EBRD) and the European Union (EU) pledged a loan of up to \$50 million to Aztelekom to help the company bridge the rural-urban divide with broadband access.

Between 2021 and 2022, 422,000 households were provided with fiber-optic internet. ²² This follows a pledge by the Ministry of Digital Development and Transport to provide broadband internet access to 150,000 households in January 2022. ²³ The state-owned telecom provider Aztelekom began building GPON technology in several villages in 2021, ²⁴ reaching 370,000 households by the end of that year. ²⁵ In January 2023, Aztelekom announced that the provision of GPON and other broadband technologies continues in at least 60 administrative regions and cities across the country, with the aim of providing full coverage of the entire country with broadband internet speeds of at least 25 MB/s by the end of 2024 (See A1). ²⁶ According to Osman Gunduz, despite all the work and state plans, the remote areas of the country still face acute connectivity and access issues. ²⁷

The introduction of 5G technology could also impose additional costs on users. The average fee for a 5G-supporting mobile device on the market starts at 600 manat (\$353) for Androids and 1,600 manat (\$941) for iOS-operated mobile phones. ²⁸ As of January 2023, the minimum wage in Azerbaijan was 345 manat (\$202) per month, according to official data released in January 2023. ²⁹

There is a gendered dimension to inequalities in internet access: The gap in internet use between men and women is 12 percent, according to the 2021 Inclusive Internet Index. ³⁰

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

3/6

Score Change: The score declined from 4 to 3 because the government blocked TikTok during the coverage period.

The government exercises control over internet infrastructure and blocked access to TikTok during the coverage period. It has previously throttled access to the internet and blocked other social media platforms.

The authorities blocked access to TikTok on September 13, 2022, as the Azerbaijani and Armenian militaries engaged in clashes along the Armenia-Azerbaijan border and the Azerbaijani military reportedly made incursions into Armenian territory. The State Security Service announced the blocking of the application on September 14, two years after the 44-day full-scale war between Azerbaijan and Armenia during which Azerbaijan blocked websites, restricted access to several social media platforms, and throttled access to the internet. The State Security Service said it blocked the platform because of misinformation related to Azerbaijan's military activities. The Ministry of Digital Development and Transport lifted the blocking on November 7, 2022. **31**

The connectivity issues reported by Ali Karimli, the leader of the opposition Azerbaijan Popular Front Party (APFP), during the previous coverage periods continued. Since April 2020, Karimli and his family have experienced a prolonged fixed-line and mobile internet outage, which continued throughout the current coverage period. **32** The outage appeared to be a targeted, individualized disruption. In January 2021, Karimli and his spouse, Samara Seyidova, said that they were taking the case to the European Court of Human Rights (ECHR) after having received no response from domestic courts. The ECHR has not yet announced if the case will be heard. **33**

According to Ali Karimli, internet disruptions were reported in May 2022 during his visit to the home of activist Agil Maharram, a member of the APFP who had recently been released from jail. According to Karimli's personal account, connectivity disruptions prevented him from broadcasting the event live. Online television channels at the scene were reportedly only able to upload their videos after leaving the premises. **34** Opposition activists and nearby residents have also reported experiencing connectivity issues in the hours before formally and informally held opposition rallies.

The Ministry of Digital Development and Transport holds significant shares in several leading ISPs, and the government is authorized to instruct companies to cut internet service under broadly defined circumstances. ³⁵ In September 2020, President Ilham Aliyev declared martial law for the entire territory of Azerbaijan (see C1) in response to the military conflict in Nagorno-Karabakh, with the approval of parliament. The designation enabled the ministry—in coordination with military authorities—to restrict individuals’ and legal entities’ connection to the general telecommunication networks, suspend the provision of internet services, and disconnect telephone lines. Martial law was lifted on December 11, 2020. ³⁶

Wholesale access to international gateways is maintained by companies with close ties to the government. Only two ISPs, AzerTelecom and Delta Telecom, are licensed to connect to international internet traffic. ³⁷ Delta Telecom owns the internet backbone and is the main distributor of traffic to other ISPs. It controls the country’s sole internet exchange point (IXP). ³⁸

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	2 / 6
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The ICT market in Azerbaijan is fairly concentrated in the hands of the government. The absence of regulatory reform also inhibits the sector’s development, although the government’s Strategic Roadmap for Telecommunication and Information Technology Development calls for the removal of the commercial authority currently exercised by the Ministry of Digital Development and Transport. ³⁹ In December 2022, the European Union pledged to provide €1 million to the ministry “to enable the implementation of institutional measures to improve competition and regulation in the telecommunication sectors.” ⁴⁰

In March 2023, the state announced plans to begin registering internet operators and providers within the requirements of the law “On Telecommunications” and the “Regulation of keeping records of operators and providers providing Internet telecommunications services.” Osman Gunduz told journalists that the registration will help to create a competitive environment. According to Galib Gurbanov, the

deputy chairman of the Public Council under the Ministry of Digital Development and Transport, the new regulations will help “examine the quality of the service provided” and hold providers to account. **41**

Many ISPs are present in the market, including three state-owned providers, Aztelekom, Baktelecom, and AzDataCom. **42** As of 2019, state-owned companies ultimately controlled about 50 percent of the market. **43** Additionally, the ownership of Aztelekom, the largest ISP operating outside Baku, is linked to President Ilham Aliyev’s family. In January 2022, Deputy Minister of Digital Development and Transport Rustamov said the ministry had plans to merge Baktelecom and Aztelekom; however, no specific dates were announced. Rustamov claimed the merger may help provide more households with broadband internet access. **44** At the end of the coverage period, the merger had not yet been officially announced.

In December 2022, the State Antimonopoly and Consumer Market Control Service said it was investigating the decision of the two companies to make changes to mobile broadband plans for allegedly manipulating the cost of the plans to gain additional advantages in the market (see A2). **45**

There are three major players in Azerbaijan’s mobile service market: Azercell, Azerfon (operating under the brand “Nar”), and Bakcell. Azercell is the leading mobile service provider, with a market share of 48.2 percent. **46** Bakcell and Azerfon self-report 3 million **47** and 2.3 million **48** subscribers, respectively. Both Azercell and Azerfon are connected to the Aliyev family, **49** and in 2018, the government formally assumed ownership of Azercell. **50** Bakcell is privately held by NEQSOL, a holding company owned by businessman Nasib Hasanov.

Mobile operators must obtain a technical license from the government to do business. **51** These licenses are issued for a period of 10 years. There is no licensing regime for other ISPs, **52** but they must register with the Ministry of Digital Development and Transport. If they fail to do so, they will face fines. Some providers have raised concerns with the Ministry of Digital Development and Transport over the lack of transparency in the registration process, as well as the sensitivity of the information they must submit to register. The ministry’s predecessor, the MTCHT, claimed that registration was carried out in accordance with the law and dismissed concerns about improper data retention. **53**

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

0 / 4

The government has a major role in controlling the ICT sector through state-owned companies and government institutions. Service providers are regulated by the Ministry of Digital Development and Transport, whose leadership is beholden to Aliyev. The ministry has undergone major changes in recent years, including in 2017, when the former Ministry of Communications and High Technologies was dissolved and merged with the Ministry of Transport, creating the MTCHT. In 2021, the MTCHT was renamed the Ministry of Digital Development and Transport. **54** However, these changes have had a limited impact on the overall quality of internet services across the country.

Local civil society groups, like the Azerbaijan Internet Forum, have been critical of the Ministry of Digital Development and Transport's stewardship of the ICT sector.

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

3 / 6

During the coverage period, the government restricted access to TikTok and continued to restrict access to websites, particularly those associated with the opposition or those that investigate politically sensitive topics, such as corruption among government officials. **55**

The state continues to rely on deep packet inspection (DPI) technology to block content online. As the Azerbaijani and Armenian militaries engaged in border clashes in September 2022, the government blocked access to TikTok from early September to early November (see A3). Previously, during the military conflict in Nagorno-Karabakh between the Armenian and Azerbaijani militaries in 2020, the Azerbaijani government—namely, the government-controlled backbone provider,

Delta Telecom—worked with Sandvine, a Canada-based company backed by a US-based private equity firm, to “urgently” install DPI technology to block livestreaming to YouTube, Facebook, and Instagram. ⁵⁶ During the conflict, the MTCHT blocked access to Facebook, WhatsApp, Instagram, YouTube, TikTok, LinkedIn, Twitter, Zoom, and Skype for 46 days. ⁵⁷

In March 2022, access to several Russian government and media websites was throttled, reportedly including through virtual private networks (VPNs). Other websites, such as those of Russian state news agency RIA Novosti and Tass.ru, were periodically accessible. The Ministry of Digital Development and Transportation failed to provide an explanation for the blocking of these websites. ⁵⁸ As of June 2022, the website of the Russian president, Kremlin.ru, and Sputnik.ru were temporary inaccessible. The ministry also issued a statement saying that RIA Novosti was blocked because it had published a story that defamed Azerbaijan. ⁵⁹ According to February 2023 Open Observatory for Network Interference (OONI) tests, access to RIA Novosti’s website, ria.ru, continued to show signs blocking. ⁶⁰

In October 2021, the Azerbaijani government blocked access to six pro-Iran websites—Deyerler (Values), Maide (Blessings), Ahlibeyt (Prophet’s Household), Ehlibet (Prophet’s Household), Shia, and Islaminsesi (Voice of Islam)—that the state claimed were promoting Iranian and religious propaganda, following a rift in diplomatic relations between the two countries. According to Facebook user Elchin Alioglu, access to religious video series on YouTube was also blocked. ⁶¹ As of March 2023, the websites and YouTube content remain blocked.

According to the most recent measurements from the OONI, at least 10 websites present signs of blocking as of February 2023. They include online news sites Azerbaycansaatı.tv, 24saat.org, Abzas.net, Azadliq.info, Azadliq Radio (Radio Free Europe/Radio Liberty’s [RFE/RL’s] Azerbaijani language service), Gununsesi, ⁶² Meydan TV, as well as the websites for the Organized Crime and Corruption Reporting Project (OCCRP) and RFE/RL. ⁶³ In violation of the Law on Information, Informatization, and Protection of Information, the government has not made available a list of websites that have been blocked. ⁶⁴ The February 2023 OONI measurements also indicated signs of blocking of the British news outlet *The Guardian*. The testing only started presenting anomalies in late December 2022

and showed the blocking of the newspaper's website at least on some of the networks in Azerbaijan. **65**

The evidence of targeted blocking was evident during the visit of co-rapporteurs from the Parliamentary Assembly of the Council of Europe (PACE), Jan Liddel-Granger and Liz Kristoffersen, to Azerbaijan in June 2023, after the coverage period. Throughout their visit, access to at least two independent news websites—Azerbaijan Service for Radio Liberty and Meydan TV—was lifted briefly according to reports by local news platforms. **66**

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

2 / 4

During the coverage period, authorities continued using threats and other forms of coercion to force the removal of online content.

In December 2022, Elmar Aziz, a blogger, was forced to remove a video he shared on Facebook in which traffic police were seen accepting a bribe. According to the blogger, the police threatened to arrest him unless he removed the video. **67**

In September 2022, Aziz Orujov was forced to remove a YouTube video that allegedly damaged the reputation of the Azerbaijani army during questioning at the Prosecutor's General Office (see C3). **68**

Seymur Aghayev was forced to remove Facebook posts about police violence in September 2022. Aghayev was extralegally detained for two hours. The Ministry of the Interior said in a statement that there was nothing unlawful about Aghayev's questioning. **69**

In August 2022, political activist, Bakhtiyar Hajiyev was forced to remove Facebook posts criticizing the Ministry of Internal Affairs (see C3 and C7). **70**

In the same month, Ibrahim Khudai, a poet who dedicated a poem to Mehriban Aliyeva, the vice president and first lady of Azerbaijan, was questioned by the police and forced to remove the Facebook post in which he shared the poem. **71**

In July 2022, Elnur Shahverdiyev, a member of the Republican Alternative Party (ReAl), removed Facebook posts critical of the authorities after he was arrested and sentenced to 30 days in administrative detention on charges of disobeying the police (see C3).

X, previously known as Twitter, did not produce a transparency report during the coverage period. ⁷² In the first half of 2022, Google received 14 content takedown requests concerning 50 items from the government, relating to copyright, defamation, government criticism, and national security. Google complied with 12 percent of the removal requests. In the second half of 2022, Google received 11 takedown requests from the government concerning 131 items and complied with 12.2 percent of the requests. ⁷³ Meta, the parent company of Facebook and Instagram, did not take down any items based on government requests in the first half of 2022. ⁷⁴

However, users continued reporting takedowns by Facebook during the coverage period. Giyas Ibrahim, a political activist, said access to his Facebook profile was suspended, likely because of inauthentic accounts mass reporting the profile to the platform and abusing the platform's community standards. Journalist Tural Sadiqli, who manages the online news outlet Azad Soz, said Facebook suspended access to his personal profile over a post about a man who self-immolated outside of a government building, which it claimed violated community standards. ⁷⁵

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

1/4

Decisions to block websites or otherwise censor the internet in Azerbaijan are arbitrary and politicized, clearly targeting independent and opposition-affiliated news websites that are critical of the government. Court approval is not required before officially blocking a website, but it must be sought after the fact. Courts are not independent and are unlikely to provide genuine oversight. ⁷⁶ There are no meaningful avenues for appeal, and no information about the total number of websites blocked at any given time is provided, despite the Ministry of Digital Development and Transport's obligation to maintain a list of court-approved website blocks under Article 13.3.6 of the Law on Information, Informatization, and

Protection of Information. **77** The law, alongside the Law on Media (see B6), regulates what constitutes prohibited information on the internet and determines the liability for violating these requirements. **78**

In December 2021, the parliament passed a new Law on Media, which President Aliyev enacted in February 2022. The restrictive measures of the law, combined with the Azerbaijani Agency for Media Development's (AAMD) broad powers, raised concerns that the work of independent and opposition media platforms will be inhibited. **79** The law consolidates government oversight and control over the media environment and journalistic activity, making it easier to punish media platforms and journalists (see B6). The law also forbids news outlets and individuals from publishing content about a crime committed by a person in the absence of a court decision. As such, journalists may face sanctions for publishing or disseminating information about corruption allegedly committed by government officials, even if these cases are already known to the public.

In January 2021, President Aliyev signed a decree "on deepening media reforms in the republic of Azerbaijan," which transferred the authority of the now-defunct State Support Fund for Mass Media Development to the newly established AAMD. The decree grants the AAMD authority to "take measures to protect state and commercial secrets" and to alert authorities when it detects a violation of the restrictive Code of Administrative Offenses (see C2).

Additionally, authorities have the power to "restrict access" to "prohibited information" on the internet or otherwise impose fines for distributing such content. **80** "Prohibited information" is defined as content that, among other things, promotes extremism, separatism, or terrorism; calls for public disorder; constitutes a state secret; conveys hate speech; insults or defames; violates copyright; glorifies suicide; or contains information related to illegal drugs, gambling, weaponry, or pornography. **81** The Ministry of Digital Development and Transportation is also empowered to block "prohibited information" when a website owner fails to remove it within eight hours of receiving notification.

Content that reveals personal information without consent may be subject to removal under Articles 5.7 and 7.2 of the Law on Personal Data. **82** 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. **83**

In February 2022, the Ministry of Justice was instructed to draft a new legal document outlining measures for violating the Law on Media. **84** Instead of a new law, in February 2023, a draft bill was proposed in the parliament on adopting amendments to the Code of Administrative Offenses. The draft bill contained penalties for violating the Law on Media, including for failing to remove banned audiovisual content from broadcasting media platforms and their websites; violating the terms and conditions of a license granted to the audiovisual media; and publishing information about court cases in the absence of a final court decision. **85**

ISPs are immune from intermediary liability. However, they assume liability if they ignore court orders to block specific web resources. **86**

Policies that govern whether content about or from Azerbaijan is removed from popular, privately owned social media platforms—especially Facebook and YouTube—are opaque. They sometimes lead to the removal of content protected under international human rights standards (see B2).

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	2 / 4
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The long-running government crackdown against independent and opposition media, combined with the arrests of online political activists and increasingly restrictive laws, has significantly limited the space for free expression. Some bloggers and journalists have resorted to self-censorship, especially if they are employed by state or progovernment media. According to IREX's 2022 Vibrant Information Barometer (VIBE), "in fear of persecution, many media outlets self-censor" in Azerbaijan. **87**

Self-censorship is pervasive even among ordinary social media users, who are aware that they may face criminal charges for their expression online. However, users can and do criticize government policies on social media platforms. **88**

According to the media law (see B3 and B6), it is illegal to publish content concerning a criminal case that has yet to be ruled on in court, which could facilitate self-censorship.

In December 2021, the Prosecutor General's Office issued a public statement urging media entities and users of social networks to refrain from sharing what the office described as inaccurate and distorted information. ⁸⁹

The prosecutor's office takes measures against the dissemination of prohibited information on the internet by issuing warnings and administrative offenses. ⁹⁰

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

1 / 4

The government attempts to tightly control the online information landscape, limiting the public's access to unfavorable news. Many online outlets spread progovernment propaganda. ⁹¹ This tendency was on full display during the COVID-19 pandemic, as progovernment online outlets published letters praising the leadership of President Ilham Aliyev across the web in Azerbaijan. ⁹² Similarly, during the military conflict in Nagorno-Karabakh in 2020 and during its aftermath, footage widely circulated online, by both government sources and government-affiliated media, showing the destruction of Armenia's military equipment, followed by patriotic texts and celebrations by viewers. ⁹³

Progovernment commentators, including automated bots, continue to distort discussions online. The September 2021 trial against the executive director of the former State Media Support Fund, Vugar Safarli, shed further light on the state's use of Facebook trolls to target those who criticize the authorities. The trial revealed that trolls were deployed with the knowledge of the former presidential advisor and the former head of the presidential administration. Safarli confessed that the trolls were employed unofficially. In an interview with Azadliq Radio, an anonymous individual who worked as a troll reported that each troll operated a large number of fake profiles. Prewritten comments were sent to the trolls each day. According to the former troll, they were also given instructions to create content on various topics for publication on progovernment media platforms. ⁹⁴

Meta's first quarter Adversarial Threat Report of 2022 revealed that actors linked to the Ministry of Internal Affairs ran Facebook pages critical of activists and opposition figures and tried to gain access to their accounts (see C8). ⁹⁵

Additionally, a September 2021 investigation conducted by Azerbaijan Internet Watch revealed that 549 fake Facebook accounts had targeted a Facebook post shared by Azadliq Radio, posting comments that claimed the outlet was biased and publishing false information. The post, created by political cartoonist Gunduz Aghayev, addressed the rising cost of fuel in the country. ⁹⁶

In April 2021, *The Guardian* published a report demonstrating how Facebook allowed a troll network linked to the ruling New Azerbaijan Party (YAP) to return to the platform. The network, which was initially removed in October 2020 after former Facebook researcher Sophie Zhang informed company executives about its existence in August 2019, used Facebook to target news outlets Azad Soz, Mikroskop Media, Radio Free Europe, and Abzas.net, as well as political opposition parties, including the APFP. ⁹⁷

In March 2021, another investigation revealed that Berlin-based independent news platform Meydan TV was targeted by hundreds of Facebook accounts that accused the news outlet of distributing pro-Armenian propaganda after it had posted a call for applications for a media literacy project. ⁹⁸ Mikroskop Media, a Latvia-based online platform, was targeted in a similar way when it posted content on Facebook that was critical of the Azerbaijani government. ⁹⁹ In each case, accounts that appeared to be Facebook profiles turned out to be fake pages used to dilute the content shared by these platforms and to attempt to create a perception of trust and support for the government of Azerbaijan.

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	0/3
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The limits imposed on independent or opposition media make it difficult for them to attract advertising to sustain their work. The 2022 IREX VIBE found that “for at least 20 years, businesses have been instructed to not advertise with media that criticize the government.” ¹⁰⁰ Companies are reluctant to support these outlets due to the risk of losing their business licenses or facing other reprisals from the government. Election monitors from the Organization for Security and Co-operation in Europe (OSCE) reported that they were informed “about harassment of advertisers who sponsor private media.” ¹⁰¹ In May 2023, Red Line Channel, a

prominent online news outlet based on YouTube, was informed that a government agency demanded they leave their office, which the editor-in-chief claimed was in retaliation for changing its format to cover a wider range of news and for accepting private donations. **102**

The media law enacted in February 2022 places additional requirements on outlets or individuals who wish to establish an online media outlet (see B3 and B8). Article 14 of the media law lists 14 requirements that both online and offline media must meet when they publish any content. For instance, Article 14.1.6 authorizes the state to consider any impugned statement or general criticism as “immoral lexical [swearing] words or expressions” without clarifying what these words are. The law also stipulates that published content must meet the requirements of the Law on Protection of Children and Harmful Information and the Law on Information, Informatization, and Protection of Information.

Article 62.4 of the media law requires online media focused on religious content to receive approval from the State Committee for Work with Religious Organizations prior to launching. While the law does not require individuals or outlets to obtain permission to establish an online media platform, it does require that permission be obtained seven days prior to the publication or dissemination of any relevant media content. Furthermore, the law calls for a unified media registry system for all online media outlets, journalists working for online platforms, and freelance journalists (see C4). The registry is managed by the Media Development Agency. All online media outlets must apply to the registry within six months of it becoming operational. To qualify as an online media platform, an outlet must publish a minimum of 20 articles per day. The owner of the platform must be a citizen of Azerbaijan permanently residing in the country. If the founder is an entity, then 75 percent of the capital must belong to a citizen of Azerbaijan permanently residing in the country. **103**

Further restrictions in the media law include requiring individuals intending to launch an online media platform to possess a clean criminal record and no political or religious affiliations. Individual journalists who want to register must have a college degree, while staff journalists must have an employment contract and freelance journalists are required to have at least one civil contract with a registered media outlet. Media platforms are issued certificates and journalists are issued press cards. Online media platforms that fail to register with the state will

be denied recognition as mass media and will be unable to hire journalists. Journalists employed by unregistered online media platforms will be denied official registration and will therefore be unable to receive official press cards.

In October 2022, the media registry stipulated under the new law became operational. The government reported that 200 media outlets, both online and offline, and 180 journalists applied, and in January 2023 it approved 160 of the 200 applications from media outlets, rejecting several applications from online publications. The creation of the registry sparked protests throughout the coverage period (see B8). ¹⁰⁴ The government initially planned to take outlets that are not approved by the registry to court, which would decide if the outlets could continue to operate, but the authorities later backtracked on that plan and said that registration was “voluntary.”

In February 2023, lawmakers introduced a draft law that would amend the criminal code to stipulate penalties for noncompliance with the media law (see B3). ¹⁰⁵

Laws regulating foreign funding for nongovernmental organizations (NGOs) have made it easier for the government to target local civic groups and media outlets that receive grants from outside sources. In 2015, President Aliyev signed amendments to the Law on Mass Media that allow courts to order the closure of any media outlet that receives foreign funding or is convicted of defamation twice in one year. ¹⁰⁶ Amendments passed in 2014 to the Law on Grants complicated the process of receiving grants, preventing several online outlets from operating. ¹⁰⁷

B7 0-4 pts

Does the online information landscape lack diversity and reliability?	2 / 4
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The online information landscape in Azerbaijan lacks diversity, in large part due to both the government’s practice of blocking independent news websites (see B1) and the close ties between certain outlets and government leadership (see B5). According to the 2022 IREX VIBE, “The government attempts to control independent media, if not by buying them out or shutting them down, then through legislating restrictive measures.” ¹⁰⁸

Though social media platforms like Facebook do provide a platform for free expression—including for some marginalized or suppressed populations, such as LGBT+ people—the ability of internet users to produce and disseminate uncensored content online is undermined by persistent government pressure. Azerbaijani internet users can and do access blocked websites through VPNs.

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

4/6

Activists have continued to use social media to disseminate information and organize advocacy campaigns and rallies. Consequently, the government has indicated that it is interested in regulating social media platforms, with one lawmaker describing social media as an instrument for “moral terrorism.” ¹⁰⁹

In February 2023, a group of activists staged a protest outside the court room where a judge ruled to extend imprisoned political activist Bakhtiyar Hajiyev’s pretrial detention (see B2 and C3). At least five activists who attended the rally were arrested as a result. Two were sentenced to pretrial detention for 30 days.

¹¹⁰ Another protest calling for Hajiyev’s release was organized in December 2022. A veteran opposition activist, Tofiq Yagublu, was arrested during the protest. ¹¹¹ In all cases, Facebook was used as the main platform where activists shared the calls for protest and invited other users to join them.

Also in February 2023, a group of independent journalists and news platforms launched a campaign, “We do not want licensed media,” to protest the new media registry that went into effect in October 2022 and is part of the 2022 media law (see B3 and B6). In January, the director of the Media Development Agency said that the agency would take those who do not join the registry to court but later walked the statement back. Nonetheless, his words prompted a campaign that continued through the end of the coverage period. ¹¹²

In November and October 2022, the Popular Front of Azerbaijan (PFA), an opposition party, organized two political rallies in Baku. In total, over 300 people were arrested during both rallies. ¹¹³

Also in October, a group of animal rights activists staged a protest against the illegal killing of street dogs by the municipal authorities. At least five were arrested as a result. ¹¹⁴

In June, relatives of Azerbaijani immigrants who were repatriated from Germany to Azerbaijan staged a protest demanding the release of their family members, who were arrested upon their return to Azerbaijan. ¹¹⁵

To organize these protests, activists rely on Facebook as their main platform for calling for support.

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

1/6

The right to freedom of expression is guaranteed in the constitution, ¹¹⁶ and Azerbaijan is a signatory to international agreements, including the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), that protect users' rights. However, the government frequently fails to uphold freedom of expression guarantees online.

Amendments to the Law on the Status of the Armed Forces that were approved in 2017 provided additional legal grounds for censorship, ¹¹⁷ restricting journalists' ability to report on matters related to the military. ¹¹⁸ At the outbreak of the conflict in Nagorno-Karabakh in September 2020, President Aliyev declared martial law, giving the government's greater authority to restrict internet access and suspend mass media, including online media, until the designation was lifted in December 2020 (see A3 and B3).

In practice, the rights of journalists and other users to express themselves freely online are diminishing. Recent years have seen a slew of detentions, prosecutions, and harsh prison sentences imposed on people for criticizing the security forces, the president, and other leaders and for exposing poor governance and

corruption. The lack of an independent judiciary leaves users vulnerable to facing prosecution for online speech with few realistic avenues for recourse.

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

2 / 4

A host of problematic laws allow users to be punished for speech and other online activities that are protected under international human rights standards.

Libel charges are commonly used against government critics, and the courts have confirmed that libel laws apply to social media posts. ¹¹⁹ In 2013, general provisions on defamation and insult were expanded to include criminal liability for online content. ¹²⁰ Articles 147.1 and 148 of the criminal code criminalize the deliberate dissemination of false online content that harms someone's honor or reputation ¹²¹ and "obscene" ¹²² expressions that are humiliating to one's dignity, respectively. Respective fines for such transgressions range from 1,000 to 1,500 manat (\$590 to \$880) and 300 to 1,000 manat (\$180 to \$590), while potential punishments under both articles include 240 to 480 hours of community service, up to one year of corrective labor, or up to six months in jail. ¹²³ A 2016 amendment to Article 148 criminalized insults disseminated online using fake "usernames, profiles, or accounts" with punishments of between 1,000 and 1,500 manat (\$590 and \$880) in fines, 360 to 480 hours of community service, up to two years of corrective labor, or imprisonment for up to one year. ¹²⁴

In 2016, changes to Article 323 of the criminal code introduced a maximum prison sentence of two years for defaming the president in mass media, which include social media. Defaming the president through fake "usernames, profiles, or accounts" may result in a three-year prison sentence. ¹²⁵ Falsely accusing the president of "having committed a serious or especially serious crime" online may result in a five-year prison sentence. ¹²⁶ In 2017, the fines associated with these offenses were increased. ¹²⁷

The Law on Information, Informatization, and Protection of Information was adopted in 1998, amended in 2017, and again in 2020. It grants broad powers to the state authorities for deciding what constitutes prohibited material. There is no

unified list of what the state defines as prohibited information, though the definition was amended to include “false information” in 2020. The law forbids users from sharing such “prohibited information” on information telecommunication networks. ¹²⁸

Under the code of administrative offenses, individuals, officials, and legal entities can be fined for publishing “prohibited information.” ¹²⁹ In March 2020, the code of administrative offenses was amended such that individuals and officials can face up to one month of administrative detention for publishing “prohibited information.” ¹³⁰ Article 388.1 includes steep fines and up to one month of administrative detention for users and owners of websites “or information resources” who post “prohibited” information on telecommunication networks. ¹³¹

Since 2013, the code of administrative offenses has allowed courts to hold individuals in administrative detention for up to 90 days. ¹³² Administrative detention, which can be imposed for offenses such as disorderly conduct, has been used to punish activists and journalists.

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	1/6
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Users, especially activists, bloggers, journalists, and members of the political opposition, are often prosecuted on trumped-up charges for their online activities. During the coverage period, the government detained and sentenced journalists and bloggers for criticizing officials. In some cases, those who criticized officials were falsely accused of using drugs or of “hooliganism” as a pretext for their arrests.

In May 2023, a court sentenced Zamin Salayev to four years in prison on hooliganism charges, though his lawyer has stated that the charges are related to Salayev’s criticism of the government on social media. Salayev was held in pretrial detention after he was arrested in February 2023. In July 2023, a court of appeal upheld his four-year sentence. ¹³³

In May 2023, political activist Nusrat Hasratli was briefly detained, allegedly due to his Facebook posts criticizing former president Heydar Aliyev and the unjust policies of the current regime. He was released after questioning. ¹³⁴

In February 2023, Zaur Usubov, an activist and a member of the Azerbaijan Popular Front Party (APFP), was sentenced to 25 days in administrative detention over his social media posts critical of the state. He was charged with “resisting police,” a common criminal charge used against activists. ¹³⁵

In January 2023, a member of the Muslim Union Movement, Mahir Azimov, was arrested and charged with drug possession. The religious activist refuted the charges, claiming his arrest was prompted by his social media posts that often criticized the state. ¹³⁶ He was still held in pretrial detention at the end of the coverage period.

In December 2022, activist Bakhtiyar Hajiyeu was arrested on bogus charges, including hooliganism and contempt of court, and sentenced to 50 days in pretrial detention. His detention was extended until April 2023 and later extended through the end of the coverage period. In May and August 2023, a court refused to release Hajiyeu into house arrest. ¹³⁷ Hajiyeu was previously detained in August 2022 after he criticized the Ministry of Internal Affairs on Facebook. He was forced to remove the post (see B2 and C7) and threatened with harsher measures if he refused to refrain from criticizing the ministry online. ¹³⁸

In November 2022, Orkhan Zeynalli, a political activist and member of the political movement D18, was sentenced to 30 days in administrative detention over social media comments critical of the local police. ¹³⁹ In the same month, Afiyaddin Mammadov, another member of the D18 movement, was arrested on November 11 and sentenced to 30 days in administrative detention over bogus claims that the activist allegedly broke a windshield and resisted arrest, after he spoke to online news outlet Topium about the detention of Zeynalli. Mammadov also claimed he was tortured (see C7). ¹⁴⁰

In October, Emin Akhundov, a member of the APFP, was detained over a post in which he criticized the disproportionate police violence against political activists. Akhundov was not handed a sentence but was kept at the station for a day. ¹⁴¹

In the same month, a court in Baku sentenced Colonel Elnur Mammadov to six months in jail on charges of slander. Mammadov criticized the Ministry of Defense in his social media posts, accusing the ministry of cronyism and nepotism. **142**

In September 2022, political activist Ahmed Mammadli was questioned by the authorities over his pro-peace commentary on social media and his criticism of the state in renewed clashes between the Armenian and Azerbaijani militaries that month. Mammadli was sentenced to 30 days in administrative detention. Following his release, Mammadli said that the authorities promised not to compel him to partake in mandatory military service if he stopped his activism. **143**

Also in September, Avaz Zeynalli, the editor of Khural, an online newspaper, was arrested on bogus extortion charges. He was charged with “large-scale bribe-taking” and sentenced to four months in pretrial detention. In December 2022, a local court ruled in favor of extending Zeynalli’s detention for three months. He remained in detention as of the end of the coverage period. **144**

The same month, the director and founder of Kanal 13, Aziz Orujov, was questioned by the Prosecutor’s General Office over content published on the news platform’s YouTube channel. The prosecutor’s office alleged that the content damaged the reputation of the Azerbaijani army and was casting a shadow on the state’s defense capabilities. The director was asked to remove the video, which he did. **145**

Between August and July, at least five social media users—Rustam Ismayilbeyli, Farid Huseynov, Elmar Mammadov, Gulay Eyvazova, and Tofiq Shahmuradov—were questioned by the prosecutor’s office over their social media posts about military operations. All except Shahmuradov, who regularly blogs about military issues, were released. Shahmuradov was sentenced to one month in pretrial detention for sharing information prohibited by law on Facebook in July. **146**

In July, Elnur Shahverdiyev, a member of the ReAl party, was arrested and sentenced to 30 days in administrative detention on charges of disobeying the police; however, his brother claims he was arrested because of his Facebook posts criticizing the government. Shahverdiyev deleted many of the posts following the arrest. After completing his sentence, he was charged with drug possession and sentenced to another 30 days in detention in August 2022. **147**

Ruslan Izzatli, a political activist, was called in for questioning over Facebook posts in which he shared his grievances about war veterans and the lack of state support provided to them in July 2022. After giving Izzatli a verbal warning, law enforcement officers released him. **148**

Also in July, a YouTube channel host, Abid Gafarov, was sentenced to one year in prison on charges of insult and slander. Gafarov was arrested over complaints leveled against him by a group of war veterans who felt insulted by his comments about veterans not standing up for their rights. Although the veterans later withdrew their complaint, Gafarov was nevertheless sentenced. Prior to his arrest, Gafarov was known for his coverage of the TerTer case, in which dozens of military officers were tortured over alleged accusations that they spied for Armenia. **149**

The same month, the prosecutor general issued warnings to several social media users and journalists over their Facebook posts and commentary. Journalists Firket Ibishbeyli (Faramazoglu) and Agil Alishov were warned to avoid damaging the reputation of Azerbaijan's army. **150** In January 2022, Faramazoglu was accused of disseminating prohibited information on the internet. He was fined a total of 500 manat (\$294) for "disseminating forbidden information on the internet" after a judge alleged that an article Faramazoglu published on Jamaz.info caused "confusion" and "fear." **151**

In June, political activist Elchin Ibrahimli was sentenced to 30 days in administrative detention on alleged charges of resisting police. Ibrahimli, who is a member of the political party Classical Popular Front, was critical of the authorities on social networks prior to his arrest. Fellow party members said this criticism prompted the arrest. **152**

The same month, another political activist and lawyer, Ilham Aslanoglu, was arrested and sentenced to six months in prison on insult charges. Aslanoglu was known for his public investigations of the TerTer case. **153**

In May 2022, Razi Humbatov, a member of the religious movement "Muslim Unity," was sentenced to six years in prison. **154** In July 2021, police kidnapped Humbatov and later charged him with drug possession. A Facebook post shared by "Muslim Unity" said that Humbatov was arrested because of his social media posts, in which he often criticized the authorities. Shortly before his arrest, Humbatov

wrote, “Ilham Aliyev these people don’t love you.” Humbatov claimed that he was tortured during his detention (see C7). ¹⁵⁵

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3/4

The SIM cards, serial numbers, and phone numbers of all mobile phones in Azerbaijan must be registered. This requirement was introduced by the Cabinet of Ministers in 2011 without parliamentary approval. ¹⁵⁶ Mobile operators are required to limit service to any unregistered devices. Mobile operators have also started linking SIM cards to Asan Imza, a government-launched mobile ID service, though it is not required. ¹⁵⁷

The use of encryption services is not prohibited, and many civil society activists rely on secure messaging applications to carry out their work. This, however, does not necessarily protect them from state-sponsored hacking (see C8). While no law specifically requires users to turn over decryption keys when they are arrested or detained, in practice, authorities gain access to encrypted accounts and devices through intimidation or torture.

For several years, members of parliament have proposed introducing the compulsory use of national IDs when registering with social media platforms and posting comments, but this measure has yet to be approved.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy?

1/6

State surveillance is pervasive, though the exact extent to which security agencies monitor ICT activity or track users remains unclear. The government is believed to make use of Russia’s System for Operative Investigative Measures (SORM), in part because at least one Russian company involved in the manufacture of SORM-compliant interception hardware has done business with Azerbaijani authorities.

158

In July 2021, a sprawling investigative initiative led by Forbidden Stories, a nonprofit that aims to publish the work of journalists facing threats, concluded that Pegasus, a spyware tool produced by NSO Group, an Israeli cybersurveillance company, had been used against journalists and activists in countries around the world, including Azerbaijan. ¹⁵⁹ Reporters with the OCCRP, which was among the groups working on the project, found some 250 potential targets in Azerbaijan, the majority of whom were “dissidents, activists, journalists, and opposition politicians.” The OCCRP added that “journalists came under particular pressure, with dozens of prominent names, including the OCCRP’s Khadija Ismayilova, appearing on the list.” ¹⁶⁰ In May 2023, a joint report by Amnesty International’s Security Lab, Access Now, Citizen Lab, CyberHUB-AM, and independent mobile security researcher Ruben Muradyan revealed that there were two suspected Pegasus operators based in Azerbaijan: YANAR, which focuses on domestic targets, and BOZBOSH, which focuses on targets abroad. The report identified Armenians who had been targeted by Pegasus, noting that “the targets would have been of intense interest to Azerbaijan”; however, it failed to conclusively determine who perpetrated these attacks. ¹⁶¹

In October 2018, Israeli newspaper *Haaretz* reported that Israel’s Verint Systems had sold surveillance equipment and software to the Azerbaijani government, and local police later used it to identify the sexual orientation of Facebook users. ¹⁶² The timing of the transaction overlapped with an unprecedented crackdown on LGBT+ people in Azerbaijan in September 2017 and a number of seemingly random detentions and arrests. ¹⁶³

An April 2018 report by Qurium revealed that the Azerbaijani government had purchased specialized security equipment from the Israeli company Allot Communications in 2015 for around \$3 million. ¹⁶⁴ The government has begun using the equipment’s DPI capabilities to facilitate website blocking (see B1).

The Law on Operative-Search Activity (Article 10, Section IV) authorizes law enforcement agencies to conduct surveillance without a court order in cases where it is regarded as necessary to prevent serious crimes against individuals or especially dangerous crimes against the state. ¹⁶⁵ The vaguely written provision leaves the law open to abuse. It has long been believed that the State Security Service and the Ministry of Internal Affairs monitor the communications of certain individuals, especially foreigners, prominent political activists, and business figures.

During the military conflict between Armenia and Azerbaijan in Nagorno-Karabakh in 2020, the State Security Service closely monitored online discussions and called in for questioning those who were critical of the war. At least five activists were questioned over antiwar statements they posted online (see C3). **166**

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?

1/6

The Ministry of Communications requires all telecommunications companies to make their equipment and facilities available to the State Security Service. **167** Mobile service providers are known to surrender the content of users' conversations without a court order.

In April 2020, Ali Karimli, leader of the APFP, began to experience a prolonged fixed-line and mobile internet outage, which also affected his family (see A3). **168** The outage appeared to be a targeted, individualized disruption. Amid the outage, Karimli, his supporters, and journalists had difficulty getting in contact with his ISP and his mobile operator, Azercell. Karimli later sued these companies, along with several government institutions, but a court dismissed the suit. He also sent his router to be inspected by a repair service, only to never hear from the company. Meanwhile, Zahid Oruc, a member of parliament, suggested in an interview that Karimli simply get a new SIM card. **169**

During this time, Karimli's WhatsApp and Telegram accounts were also reportedly hijacked; APFP member Fuad Gahramanli accused Azercell of diverting Karimli's two-factor authentication codes to progovernment hackers. **170** Azercell denied the charge. **171**

In January 2019, the government shut down mobile internet and phone service during a political rally; later, scores of attendees were questioned by the police based on location data taken from their mobile devices. Many took to social media platforms to accuse mobile service providers of disclosing the names, phone numbers, and location data of subscribers who attended the rally. When Azadliq Radio inquired about these accusations, mobile companies cited the need to comply with certain legislation. Under Article 39 of the Law on Communication,

the service providers are obliged to provide government institutions with any requested subscriber data. ¹⁷²

The 2010 personal data law regulates the collection, processing, and protection of personal data—that is, an individual’s name, date of birth, racial or ethnic background, religion, family, health status, and criminal record—as well as issues related to the cross-border transfer of personal data. ¹⁷³ Legal analysis demonstrates that the government does not effectively protect individuals’ data privacy. Additionally, the government has repeatedly failed to inform citizens when their personal data has been compromised in cyberattacks (see C8). ¹⁷⁴ Moreover, subscribers with agreements signed with operators and providers are not given the information on third parties to which both operators and providers may sell data. ¹⁷⁵

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?	2/5
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Campaigns of extralegal intimidation by authorities against perceived political opponents are common, and there are credible reports of such figures having been tortured while in state custody.

In November 2022, Afiyaddin Mammadov, an activist and member of the opposition D18 movement, was tortured by the police during his detention. Mammadov told the media that the reason for torture was his refusal to give the police access to his mobile device. Mammadov was arrested in November and detained for 30 days (see C3). ¹⁷⁶

In March 2022, political activist Bakhtiyar Hajiyeu was physically attacked by the police, who broke his car windows and beat him while he was detained (see C2). In September 2021, Hajiyeu said he was threatened by Baku Police Chief Alekper Ismayilov over a Facebook post in which Hajiyeu criticized several government institutions and officials, including Interior Minister Vilayat Eyvazov, for failing to respond to his submitted complaints. ¹⁷⁷ Hajiyeu was then kidnapped in April 2022. At the time, the activist said the perpetrators forced him to remove several Facebook posts that were critical of the interior minister. In December 2022,

Hajiyev was arrested on bogus charges and sentenced to 50 days in pretrial detention (see C3).

Online harassment also continued in Azerbaijan. In December 2022, feminist activist Narmin Shahmarzade, who was previously targeted with online harassment and had her social media accounts hacked, reported multiple accounts on Instagram for impersonating her. The accounts shared photos of her with inappropriate captions. ¹⁷⁸ She was also doxed. ¹⁷⁹ Imprisoned political activist Bakhtiyar Hajiyev (see C3) was targeted via Telegram channels, with at least six different groups on the platform sharing Hajiyev's private correspondence with various women he has communicated with over the years. Some of the messages and videos distributed within the groups were explicit and also contained private information about the women. ¹⁸⁰

In the past, several women activists and journalists experienced harassment or had personal photos of them leaked on the internet, including a spate of attacks around International Women's Day. ¹⁸¹

The government also uses travel bans to stymie prominent critics, and authorities pressure lawyers who represent defendants in freedom-of-expression cases. ¹⁸²

In February 2023, independent online news platform Mikroskop Media reported that it was subject to mass trolling and harassment online after sharing a story about two state television channels' decision to stop broadcasting Armenian prime minister Nikol Pashinyan's speech during the Munich Security Conference. The platform also faced a troll attack in March 2023 after it reported a story about what the Azerbaijani government claimed was a shipment of arms to Armenia, a claim that Armenia denied. Mikroskop Media shared Armenia's statement on the matter, which led to insults and pressure on the news platform. The platform experienced additional harassment after sharing an infographic based on Freedom House's Freedom in the World report in March 2023. The news outlet was trolled and harassed on Facebook, X (previously known as Twitter), and Instagram. ¹⁸³

To suppress dissidents in exile, the government regularly intimidates dissidents' relatives who remain in Azerbaijan, and dissidents themselves occasionally face intimidation abroad. In May 2022, Tural Sadigli, an exiled blogger and the founder of online news channel Azad Soz, accused the Azerbaijani government of sending

four men to kill him at his home in Germany for his work exposing corruption in President Aliyev's administration. Previously, Sadigli had also reported that Azad Soz's YouTube, Facebook, and TikTok accounts were subjected to targeted content removal requests. ¹⁸⁴ In June 2022, exiled blogger Mahammad Mirzali, who lives in France, said French police arrested two armed men with Mirzali's home address in their possession. The same month the blogger reported that an unknown perpetrator smashed the windows of his car. In April, a French court arrested and charged four men who were behind the stabbing of Mirzali. The blogger has received multiple death threats in recent years. ¹⁸⁵

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

0/3

Opposition news websites and activists continue to be targeted by cyberattacks, ranging from distributed denial-of-service (DDoS) attacks to spear-phishing attempts that are believed to be state-sponsored.

In March 2023, Red Line Channel, an online outlet that was also evicted from its office during the coverage period (see B6), was hacked and had its Facebook posts deleted. ¹⁸⁶

In September 2022, Toplum TV reported that its Facebook page was compromised. The platform's followers, as well as two months' worth of content, were removed. The online news platform's Facebook page was previously hacked in September and November 2021. At that time, the hacker obtained access to the page by SMS interception. ¹⁸⁷

In June 2022, Ali Karimli, the leader of the APFP (see A3 and C6), said that the online YouTube channel where he was invited to speak was subject to cyberattacks. As a result, the channel, Toplum TV, had to stop the live broadcast with Karimli halfway through. ¹⁸⁸

In May 2022, Azad Soz, an opposition YouTube channel, said its TikTok account was targeted. As a result, the account was shut down by the platform according to

the channel's founder, Tural Sadiqli. ¹⁸⁹ In April 2023, Azad Soz reported that its Instagram content was flagged unlawfully.

In April 2022, Meta reported that a network linked to the Ministry of Internal Affairs had employed compromised websites and malware to obtain personal information about a range of targets, including activists, opposition figures, and journalists. The campaign operated across several platforms, including Facebook, Twitter, LinkedIn, and YouTube (see B5). ¹⁹⁰

State institutions have also suffered cyberattacks during the coverage period. In August 2022, a large-scale cyberattack targeted state institutions and banks; however, the State Service for Special Communication and Information Security failed to inform the public about the extent of the damage. In April 2022, the website of the Compulsory Insurance Bureau of Azerbaijan was compromised. The hackers claimed they were able to extract more than 40 million pieces of information. The state failed to inform the public just how much of their personal data was stolen or leaked. ¹⁹¹

These hacks are exacerbated by the country's outdated national legislation and insufficient commitment on the part of the authorities to cybersecurity matters. The "National Strategy of the Republic of Azerbaijan on Information Security and Cybersecurity for 2020-2025" has been in the works since March 2020, but it has yet to materialize. In September 2022, the State Service for Special Communication and Information Security in Azerbaijan said the Cabinet of Ministers was expected to approve a cyber strategy. Neither has been announced during the coverage period. ¹⁹²

Footnotes

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More footnotes



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Country Facts

Global Freedom Score

9/100 Not Free

Internet Freedom Score

37/100 Not Free

Freedom in the World Status

Not Free

Networks Restricted

No

Social Media Blocked

Yes

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes

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GENERAL INQUIRIES

info@freedomhouse.org

PRESS & MEDIA

press@freedomhouse.org

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