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Freedom on the Net 2020 - Azerbaijan

NOT FREE

38

/ 100

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LAST YEAR'S SCORE & STATUS

39 / 100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

The poor state of internet freedom in Azerbaijan deteriorated slightly this coverage period. Due to infrastructural challenges, internet connections are of low quality and out of reach for many. The state remains in control of the information and communication technology (ICT) sector. The government manipulates the online information landscape, having blocked most websites that host unfavorable news coverage. In practice, human rights are not respected online, and those who voice dissent online can expect prosecution if they reside in Azerbaijan, or intimidation if they live abroad.

Following snap parliamentary elections on February 9, 2020, the ruling New Azerbaijan party retained its majority despite the political opposition's attempts to change the status quo. The Central Election Commission failed to consider documented evidence of electoral fraud. Thus, power in Azerbaijan's authoritarian government remains heavily concentrated in the hands of Ilham Aliyev, who has served as president since 2003. Corruption is rampant and the formal political opposition groups are weak after years of persecution. The regime has curtailed civil liberties, leaving little room for independent expression or activism.

Key Developments, June 1, 2019 - May 31, 2020

- In snap parliamentary elections held on February 9, 2020 members of the ruling party and loyalists retained the majority of seats. Users took to Facebook and YouTube to document electoral violations, most of which were ignored (see B8).
- In March 2020, the parliament expanded the definition of "prohibited information," the dissemination of which is a prosecutable offense. This move allowed the government to further crack down on its critics (see B3, C2).
- After spending nearly three years in jail, journalist Afgan Mukhtarli was finally released from prison in March 2020. However, reporters and opposition figures continued to be harassed during the COVID-19 pandemic (see C3).
- In early 2020, members of Azerbaijan civil society were targeted in a phishing campaign likely sponsored by the government (see C8).

A Obstacles to Access

Internet access in Azerbaijan is expensive and of poor quality. Localized internet outages and intentional disruptions to connectivity continue to occur.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 4 / 6

Poor ICT infrastructure and state ICT monopolies are key obstacles to improving internet access and service quality across Azerbaijan.¹ According to the Economist Intelligence Unit's 2020 Inclusive Internet Index, about 78 percent of households have access to the internet.² This relatively high penetration rate obscures disparities in access as well as slow connection speeds.

Osman Gunduz, of the nongovernmental organization (NGO) Azerbaijan Internet Forum, has observed that in neighboring Georgia and Russia, users can enjoy 10, even 20 times the connection speeds for the same amount of money that users in Azerbaijan spend on connections of 5 to 6 Mbps.³ This has been the case for several years now, with scant forward progress. The government's Strategic Roadmap for Telecommunication and Information Technology Development sought to increase the average fixed broadband speed to 20 Mbps by 2020,⁴ and according to the company Ookla, this average was 20.82 Mbps in May 2020.⁵ However, 2019–20 research by the company Cable recorded the mean broadband download speed in Azerbaijan at just 4.89 Mbps.⁶

According to the 2020 Inclusive Internet Index, Azerbaijan is home to 18 fixed broadband internet subscriptions per 100 people and 104 mobile phone subscriptions per 100 people.⁷

Both second-generation (2G) and third-generation (3G) mobile networks cover virtually all the population, while fourth-generation (4G) networks cover about half.⁸ In November 2019, leading mobile operator Azercell piloted fifth-generation (5G) services. Vahid Gasimov, a member of the Azerbaijan Internet Forum, said that 5G connections would only be available to the relatively few users who own expensive mobile phones that support the technology. Some users criticized Azercell for failing to offer reliable 2G and 3G connections.⁹

Users mainly access the internet via mobile devices, followed by home, work, and Wi-Fi hotspot connections.¹⁰ In 2017, the Ministry of Transport, Communications, and High Technologies (MTCHT) initiated a plan to establish free Wi-Fi hotspots in public parks and around central locations in Baku, Azerbaijan's capital.¹¹ By the end of the coverage period, these hotspots had been installed in some 20 parks.¹²

Users report regular connectivity problems. Some claim 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.¹³ Others claim that ISPs intentionally throttle connections in compliance with government requests (see A3).¹⁴ Gunduz, of the Azerbaijan Internet Forum, has said the root cause of many connectivity problems is technical, not intentional, noting that bandwidth designated for a single user is often divided and sold to multiple users.¹⁵

Widespread internet blackouts have occurred every few years in Azerbaijan, including during the coverage period. In April 2020, several cities and districts across the country experienced disruptions as a result of damage to fiber-optic cables owned by Delta Telecom—the backbone ISP—from street excavations. Several downstream ISPs were affected for a few days.¹⁶

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments 1 / of the population for geographical, social, or other reasons? 3

Internet access is somewhat expensive relative to monthly incomes, and Azerbaijan continues to lag behind neighboring countries where faster connections are available at comparatively lower costs. Given the extent to which the ICT sector is controlled by the state, the MTCHT, not the market, sets prices.¹⁷ For example, in May 2019, backbone provider Delta Telecom announced a 70 percent discount on its services, but downstream ISPs did not cut their prices accordingly, allegedly on the instructions of the MTCHT.¹⁸

According to the 2020 Inclusive Internet Index, the monthly cost of a fixed internet connection is 2 percent of gross national income (GNI) per capita, while the cost of a mobile data plan offering 1 GB per month is 1 percent of GNI per capita.¹⁹ Price data from the International Telecommunication Union (ITU) put the monthly cost of a fixed internet connection at 1.7 percent of GNI per capita in 2019 and the cost of a mobile data plan offering 1.5 GB per month at 1.4 percent of GNI per capita that year.²⁰ In 2019, Azerbaijan's GNI per capita was the equivalent of \$4,480, per the World Bank.²¹ Official statistics indicate that the average prices of "communications services" and "internet services" increased from 2018 to 2019.²²

In Azerbaijan, there is a digital divide in terms of geography. According to the official figures from 2018, household internet access rates were 17.4 percent lower in rural areas, on average, than in urban areas.²³ Despite government pledges, ICT infrastructure beyond Baku is neglected, and the capital is the overwhelming beneficiary of state investment in ICT.²⁴ During the COVID-19 pandemic, many university students from rural areas who were sent home after schools canceled in-person classes could not take part in distance education because they did not have access to high-speed internet connections.²⁵

In addition, according to official figures from 2018, younger people are much more likely to be internet users than older people.²⁶ and wealthier families are much more likely to own computers than poorer families.²⁷ Moreover, there is a gendered dimension to inequalities in internet access: the gap between internet use among men and women is 15 percent, according to the 2020 Inclusive Internet Index.²⁸ Low ICT literacy also remains a problem.

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for 4 / the purposes of restricting connectivity? 6

The government exercises control over internet infrastructure and intentionally restricted connectivity on at least two occasions during the coverage period.

On April 13, 2020, Ali Karimli, leader of the opposition Popular Front party, began to experience a prolonged fixed and mobile internet outage, which also affected his family.²⁹ The outage appeared to be a targeted, individualized disruption, which lasted for the remainder of the coverage period and beyond.

On October 19, 2019, attendees at an unsanctioned opposition rally in Baku reported that mobile internet was down across parts of the city.³⁰ Journalist Kamran Mahmudov, who covered the rally, told Azadliq Radio (Radio Free Europe/Radio Liberty's Azerbaijan service) that his mobile device lost connection to the internet as soon as he left his home on October 19.³¹ Two mobile operators, Bakcell and Azerfon, responded when asked about the shutdown, only to say that technical service disruptions occur from time to time.³² Notably, three days earlier, leading mobile operator Azercell reported an unexplained glitch which caused its subscribers to temporarily lose internet access;³³ some users speculated that the glitch was, in fact, a test ahead of the October 19 rally.

Opposition activists have previously complained about connectivity issues, reporting that internet service sometimes slows down or stops working completely in the hours before rallies are set to begin. Residents in the vicinity of these rallies often experienced connectivity issues for the duration of these events. Local internet service providers (ISPs) argue that the disruptions are directly connected to the number and density of users gathered in one place. Osman Gunduz says this practice is a violation of existing laws and that, if a rally is authorized, all actors, including ISPs, should ensure uninterrupted internet access.³⁴

However, the political opposition is often denied authorization to hold rallies. As a result, unsanctioned rallies are common. Regardless of a rally's legality, though, the authorities can arbitrarily disrupt connectivity, explains Zohrab Ismayil, director of the Public Association for Assistance to Free Economy, a local NGO. At the government's request, ISPs will cut off connectivity at any location, as an informal condition of doing business in the country.³⁵

While social media platforms remain unblocked, connectivity issues sometimes prevent users from accessing them during unsanctioned rallies.

The MTCHT holds significant shares in a number of leading ISPs, and the government is authorized to instruct companies to cut internet service under broadly defined circumstances, including emergency situations.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 2 / providers? 6

The ICT market in Azerbaijan is fairly concentrated in the hands of the government. The absence of regulatory reform also inhibits the development of the sector, though the government's Strategic Roadmap for Telecommunication and Information Technology Development calls for the removal of the commercial authority currently exercised by the MTCHT.³⁹

The fixed-line broadband market lacks equality between operators. Many ISPs are present in the market, including three state-owned providers: Aztelekom, Baktelecom (BTC), and AzDataCom.⁴⁰ According to the Asian Development Bank, state-owned companies ultimately control about 50 percent of the market.⁴¹ In addition to being state owned, Aztelekom, the largest ISP operating outside Baku, has ownership ties to the family of President Ilham Aliyev.

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 about 49 percent.⁴² Bakcell and Azerfon follow behind, self-reporting 3 million⁴³ and 2.3

million⁴⁴ subscribers, respectively. Both Azercell and Azerfon are connected to the Aliyev family⁴⁵ and in 2018, the government formally assumed ownership of Azercell.⁴⁶ Bakcell is privately held by businessman Nasib Hasanov.

Mobile operators must obtain a technical license from the government in order to do business.⁴⁷ These licenses are issued for a period of 10 years. There is no licensing regime for other ISPs⁴⁸ but they must register with the MTCHT. If they fail to do so, they will face fines. Some providers have raised concerns with the MTCHT over the lack of transparency in the registration process, as well as the sensitivity of the information they must submit as part of it. The MTCHT claims that registration is carried out in accordance with the law and that no personal data is kept anywhere.⁴⁹

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail 0 / to operate in a free, fair, and independent manner? 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 MTCHT, which lacks independence. The former Ministry of Communications and High Technologies was dissolved in 2017 and merged with the Ministry of Transport, creating the MTCHT.⁵⁰

Local civil society groups like the Azerbaijan Internet Forum have been critical of the MTCHT's stewardship of the ICT sector. Osman Gunduz argues that the MTCHT has abused its regulatory and commercial powers to stymie private businesses to the detriment of the ICT sector.⁵¹

B Limits on Content

Dozens of independent news websites are blocked in Azerbaijan. An investigation revealed that authorities use deep packet inspection (DPI) technology to block websites. Despite this (and other repressive measures designed to discourage online dissent), users continued to engage in activism on social media platforms during the coverage period.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet 3 / content? 6

Since 2017, the government has increasingly restricted access to websites, particularly those associated with the opposition or those that host investigations into politically sensitive topics such as official corruption.⁵²

In May 2020, investigative journalist Khadija Ismayilova reported that the MTCHT was seeking court approval to restrict users' ability to access online news websites already blocked in the country (namely, the newspaper Azadliq, Azadliq Radio, Meydan TV, and Turan TV) via Facebook, other social media platforms, and virtual private networks (VPNs).⁵³ These websites were initially blocked back in March 2017 for allegedly threatening national security and hosting content that promoted "violence, hatred, or extremism" and "violated privacy or constituted slander."⁵⁴ A ruling in the MTCHT's favor may legally oblige Facebook and other companies to prevent Azerbaijani users from seeing content from these websites.⁵⁵ The authorities could also instruct ISPs to block these websites' social media profiles, which would practically entail blocking entire social media platforms.

Ahead of the February 2020 snap parliamentary elections, local news website Yuksəliş Naminə was blocked after publishing stories highlighting corruption in the city of Sumgayit.⁵⁶ Reportedly, independent news website Basta was also blocked,⁵⁷ but it was previously restricted in July 2018.

In April 2019, a court in Baku upheld a decision to block Meydan TV, which is based in Berlin, Germany. Meydan TV was first blocked in 2017, on the grounds that its stories were "detrimental to the interests of the state."⁵⁸

Also in April 2019, Arqument.az was rendered inaccessible and eventually blocked without any official notification. The independent news website's editor, Shamshad Aga, said Arqument.az was hit by a distributed denial-of-service (DDoS) attack before it was blocked altogether (see C8). The outlet was previously blocked in August 2018,⁵⁹ but it had won a rare reprieve from a judge.⁶⁰ In December 2019, a court in Baku rejected the website's appeal; Arqument.az remained blocked.⁶¹

In August 2018, a court in Baku ordered the blocking of Arqument.az and three other independent news sites— Az24saat.org, Monitortv.info, and Xural.com—that were accused of publishing allegedly defamatory stories about government officials.⁶² The order came after the outlets' editors refused to take down the stories.⁶³

The government also blocked Gununesi.info, a website operated by former political prisoner Parviz Hashimli, in August 2018.⁶⁴ Hashimli was stopped that month at the Azerbaijan-Georgia border while traveling with his father. He was informed that he was subject to a travel ban, and police

interrogated him over 10 articles published on his website. In August 2019, Hashimli's travel ban was lifted. In December 2019, Sweden-based NGO Qurium reported that the website was blocked by means of deep packet inspection (DPI).[65](#)

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force 2 / publishers, content hosts, or digital platforms to delete content? 4

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

Authorities pressed users to remove online content related to the COVID-19 pandemic that painted the government in an unfavorable light. In March 2020, Amina Mammadova, a reporter for online news website Toplum TV, was questioned by the police for sharing a friend's Facebook post about COVID-19 in the country. She unshared the post.[66](#) Also in March 2020, Facebook user Bakhtiyar Mammadli was forced by the police to remove a post about movement restrictions in Baku that he claims was a joke.[67](#) Opposition figure Rza Safarsoy was instructed to remove a Facebook post highlighting the lack of state support for the unemployed during the pandemic in April 2020.[68](#) That month, police in the city of Shirvan asked Kanal24.az journalist Ibrahim Vazirov to delete several video reports; they detained him when he refused to do so.[69](#) Similarly, a member of the opposition Azerbaijan Democracy and Welfare Movement was jailed for 15 days after refusing to remove Facebook posts criticizing the government's response to the pandemic.[70](#)

In February 2020, graphic designer Rasul Hasanov was detained after sharing a video edited to show Azerbaijani riot police outside the Central Election Commission (CEC) performing a traditional dance. The riot police were called in to cordon off the CEC's headquarters as defeated candidates and their supporters gathered outside demanding annulment of the February 2020 snap parliamentary vote. Police removed the video from his Facebook profile against his will as they questioned him. Afterwards, he was released.[71](#)

In December 2019, rapper Parviz Guluzade (known by his stage name Paster) was sentenced to 30 days in administrative detention shortly after he posted a music video on YouTube for a song mentioning Pasha Bank, which belongs to the president's two daughters. The video was removed, and Paster served 30 days in administrative detention.[72](#) Mehman Huseynov, a popular blogger and former political prisoner, was beaten after staging a protest rally in support of Paster on December 27, 2019.[73](#)

In May 2019, Ali Mammadov, an Azerbaijani dissident living in Germany, was coerced into deleting antigovernment Facebook posts after Azerbaijani police threatened to detain a family member who was still living in the country.[74](#)

The government did not ask Facebook to remove any content in the latter half of 2019, according to the company's most recent transparency report.[75](#) However, content from Azerbaijani users is frequently removed or restricted. Toward the end of 2019, online news websites Arqument.az and Anaxeber.info reported that their websites' URLs had been banned by Facebook without prior notification; thus, links to these websites could not be shared on the platform. Similarly, Meydan TV, was not notified when photos and videos the outlet shared from protests in Baku in October 2019 were removed from Facebook. Arqument.az and Anaxeber.info's URLs were later unbanned (Facebook claimed it had banned them by mistake), while none of Meydan TV's deleted content was restored.[76](#) Similarly, Komanda.az was banned by Facebook without prior notification in May 2020. Following an intervention, the website's URL was permitted again.

During the latter half of 2019, Twitter received no takedown requests from the government,[77](#) while Google received three takedown requests (on defamation, fraud, and "privacy and security" grounds) from the government but did not comply with them.[78](#)

In March 2020, several videos on the YouTube channel of the newspaper Azadliq were blocked in response to falsified takedown requests. Similarly, videos were removed from France-based journalist Natig Adilov's YouTube channel. The international NGO Access Now helped both parties recover their videos. In December 2019 and January 2020, a YouTube channel run by Shakir Zade, an activist living abroad, was disabled three times by government-backed media outlets which misused the platform's copyright infringement reporting mechanism.[79](#) In the previous coverage period, the government targeted the YouTube channels of AzadSoz and HamamTimes in this way.[80](#)

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to 1 / the stated aims, or an independent appeals process? 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. Observers have noted that the courts are not independent and are unlikely to provide genuine oversight.[81](#) There is no meaningful avenue for appeal, and no information on the

total number of websites blocked at any given time. Under Article 13.3.6 of the Law on Information, Informatization, and Information Protection, the MTCHT is required to maintain a list of court-approved blocks on websites,⁸² but the ministry is currently in violation of this provision.⁸³

Recent legislative changes have codified the state's power to compel a website owner to take down certain information.

In March 2020, amid the COVID-19 outbreak, the parliament amended the Law on Information, Informatization, and Information Protection to expand definition of "prohibited information" to encompass false information endangering human life and health, "causing significant property damage, mass violation of public safety, disruption of life support facilities, financial, transport, communications, industrial, energy and social infrastructure facilities, or leading to other socially dangerous consequences."⁸⁴

In December 2017, amendments were approved that empower authorities to "restrict access" to "prohibited information" on the internet or otherwise impose fines for distributing such content.⁸⁵ In March 2017, the Law on Information, Informatization, and Information Protection was amended to define "prohibited information" 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.⁸⁶ This change also empowered the MTCHT 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.⁸⁷ 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.⁸⁸

ISPs are immune from intermediary liability. However, they assume liability if they ignore court orders to block specific web resources.⁸⁹

Finally, the 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

The long-running government crackdown against independent and opposition media, combined with arrests of online political activists, 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. Mehman Aliyev, the director of Azerbaijan's last independent in-country wire service, the Turan Information Agency, says self-censorship is pervasive and comes from fear of retribution.⁹⁰

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, which has sometimes proven effective in changing the course of official decision-making (see B8).⁹¹

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other 1 / powerful actors to advance a particular political interest? 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, in violation of the Law on Mass Media and the Code of Professional Ethics for Journalists.⁹² This tendency was on full display during the COVID-19 pandemic, as progovernment online outlets blanketed the Azerbaijani internet with letters praising the leadership of President Ilham Aliyev, ostensibly written by grateful citizens.⁹³

Government officials and institutions, notably the MTCHT, pressure independent and opposition online outlets, editors, and journalists to remove specific content (see B2). Often this content pertains to social grievances or government officials' involvement in illegal activities. During the COVID-19 pandemic, watchdog NGO Reporters Without Borders observed that journalists were "under pressure just to use the official information provided by the special Covid-19 unit that the government created." The NGO also noted that ordinary social media users were warned not to share "fake news."⁹⁴

Progovernment commentators (including automated bots) continue to distort discussions online, even though presidential adviser Ali Hasanov, known as the "King of Trolls" for pioneering the government's content manipulation efforts, was dismissed in November 2019.⁹⁵ During snap

parliamentary elections held in February 2020, monitors observed that “pro-government bots and trolls were active in comment sections.”⁹⁶ Prominent activists are often harassed by trolls, as are independent and opposition journalists (see C7).⁹⁷ A July 2019 report from the Index on Censorship observes, “The comments sections of YouTube videos posted to OsmanqiziTV, MeydanTV, and other critical channels are full of comments from people with fake names and accounts. These comments often contain threats, insults, inane arguments or praise for the ruling regime.”⁹⁸

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to 0 / publish content online? 3

The limits imposed on independent or opposition media make it difficult for them to attract advertising to sustain their work. The 2019 IREX Media Sustainability Index found that most independent or opposition media “do not consider advertising due to existing political pressures.”⁹⁹ Companies are reluctant to support these outlets due to the risk that they will lose their business licenses or face other reprisals from the government. Election monitors from the Organization for Security and Cooperation in Europe (OSCE) reported that they were informed “about harassment of advertisers who sponsor private media.”¹⁰⁰

Laws regulating foreign funding of 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 that is convicted of defamation twice in one year.¹⁰¹ In 2014, he approved amendments to the Law on Grants which further limited civil society.¹⁰² Requirements for receiving grants are now so complicated that they have prevented a number of online outlets from continuing to operate.

B7 0-4 pts

Does the online information landscape lack diversity? 2 / 4

The online information landscape in Azerbaijan lacks diversity, in large part due to the government’s practice of blocking independent news websites. Many outlets that have not been blocked are owned by state entities or by private figures with close ties to government leadership, and they generally produce progovernment content. The existence of these outlets is contingent upon remaining in the leadership’s good graces. For example, after presidential adviser Ali Hasanov fell into disfavor, several progovernment publications linked to him were closed down or transferred to other parties.¹⁰³ The head of the Turan Information Agency, Mehman Aliyev, has observed that Azerbaijan’s independent media have struggled to stay afloat since the 1990s. According to IREX’s 2018 Media Stability Index, “There are 10 or so online outlets providing alternatives to monolithic state media, but access to them is restricted. The authorities block about half of them, but they use social media to partially bypass censorship.”¹⁰⁴

Though social media platforms such as Facebook do provide a platform for free expression, especially for marginalized and otherwise suppressed groups like 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, 4 / particularly on political and social issues? 6

Activists have continued to use social media to disseminate information and organize campaigns and rallies, including in October 2019¹⁰⁵ and February 2020.¹⁰⁶ Consequently, the government has indicated that it is interested in regulating platforms, with one lawmaker describing social media as an instrument for “moral terrorism.”¹⁰⁷ In March 2020, one member of parliament proposed the creation of a dedicated body to monitor social media platforms and hold users who spread rumors accountable.¹⁰⁸

Following the outbreak of COVID-19 in Azerbaijan, ordinary users on Facebook and WhatsApp began to demand that the Ministry of Education respond to the growing crisis. Some started an online petition asking the ministry to close schools. Under pressure, the ministry did close schools from March 3 to 10 (and later extended the closures).¹⁰⁹

Facebook and YouTube were widely used during the February 2020 snap parliamentary elections to document electoral violations. As a result, CEC head Mazahir Panahov announced that the institution would take into account all of the evidence shared on social media platforms when evaluating the results of the voting. Thanks, in part, to this evidence, results at some 100 precincts were cancelled. However, the CEC still failed to ensure that the overall balloting was fair and transparently conducted.¹¹⁰

While social networks remained unblocked, connectivity issues (see A3) prevent members of the political opposition and journalists from accessing them during rallies.

C Violations of User Rights

Authorities regularly arrest and prosecute bloggers and journalists for their internet-based work. The government began a crackdown on the political opposition, using quarantine measures put in place in response to COVID-19 as a pretext. Opposition figures and human rights defenders were beset by cyberattacks throughout the coverage period.

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? 2 / 6

The right to freedom of expression is guaranteed in the constitution,¹¹¹ 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 and other fundamental rights, both offline and online.

Amendments to the Law on the Status of the Armed Forces that were approved in 2017 provided additional legal grounds for censorship,¹¹² restricting journalists' ability to report on matters related to the military.¹¹³

Azerbaijan's judiciary is not independent, and the courts do not serve as a check on executive authorities.

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 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. These laws are often used.

Libel charges are commonly used against government critics, and the courts have confirmed that libel laws apply to social media posts.¹¹⁴ In 2013, general provisions on defamation and insult were expanded to include criminal liability for online content.¹¹⁵ Article 147.1 of the criminal code criminalizes the "dissemination, in... a publicly displayed internet information resource, of knowingly false information discrediting the honor and dignity of a person or damaging his or her reputation."¹¹⁶ Punishments can include 1,000 to 1,500 manat (\$590 to \$880) in fines, 240 to 480 hours of community service, up to one year of corrective labor, or up to six months in jail. According to Article 147.2, falsely "accusing [someone] of having committed a serious or especially serious crime" may result in corrective labor for up to two years or imprisonment for up to three years.¹¹⁷

Article 148 of the criminal code similarly criminalizes "deliberate humiliation of the honor and dignity of a person, expressed in an obscene manner... through a publicly displayed internet information resource."¹¹⁸ Punishments can include fines of 300 to 1,000 manat (\$180 to \$590), 240 to 480 hours of community service, up to one year of corrective labor, or imprisonment for up to six months. A 2016 amendment to Article 148 criminalized insults disseminated online using fake "usernames, profiles, or accounts" with 1,000 to 1,500 manat (\$590 to \$880) in fines, 360 to 480 hours of community service, up to two years of corrective labor, or imprisonment for up to one year.¹¹⁹

Also 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.¹²⁰ Falsely accusing the president of "having committed a serious or especially serious crime" online may result in a five-year prison sentence.¹²¹ In 2017, the fines associated with these offenses were increased.¹²²

Under the code of administrative offenses, individuals, officials, and legal entities can be fined for publishing "prohibited information."¹²³ In March 2020, the code of administrative offenses was amended such that individuals and officials now face up to one month of administrative detention for publishing "prohibited information."¹²⁴

Since 2013, the code of administrative offenses has allowed courts to hold individuals in administrative detention for up to 90 days.¹²⁵ 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? 1 / 6

Users, especially activists, bloggers, journalists, and members of the political opposition, are often prosecuted on trumped-up charges for their online activities.

Although imprisoned journalist Afgan Mukhtarli was released¹²⁶ in March 2020, a number of reporters remained imprisoned, bound by suspended sentences, or subject to other legal restrictions. These include the following individuals:

- In June 2019, Polad Aslanov, editor of the online news websites Press-az and Xeberman, was arrested on treason charges (which he denied, insisting that he was being persecuted for his online criticism of the government.) Aslanov has been held in pretrial detention ever since.¹²⁷ In December 2019, authorities filed new charges against him, accusing him of threatening to kill one of his employees.¹²⁸
- In June 2019, Ikram Rahimov, editor of the online news website Realik, was sentenced to five-and-a-half years in jail after a court found him guilty of extorting individuals by threatening to publish libelous articles about them on his website.¹²⁹ According to the Committee to Protect Journalists, an NGO, the politically motivated sentence was meant to punish Rahimov for an editorial criticizing Azerbaijan's media regulator.¹³⁰
- In January 2020, Anar Mammadov, editor of the online news website criminal.az, was charged with defamation. The charges come from a Baku-based businesswoman. Mammadov is already serving a five-and-a-half-year sentence on probation for his reporting on the assassination of the mayor of the city of Ganja in 2018.¹³¹
- Investigative journalist Khadija Ismayilova remained subject to a travel ban despite two 2020 European Court of Human Rights (ECtHR) rulings made in her favor. The first found that a 7.5-year prison sentence she received in 2015 (which was later reduced) was meant to "punish her for her work as a journalist"; the second ordered the government to compensate her for its long-running smear campaign against her.¹³²

The government stepped up its harassment of journalists amid the COVID-19 pandemic. Numerous reporters were detained in the course of, or in response to their work.¹³³ By May 2020, at least three journalists—Natig Isbatov, Mirsahib Rahiloglu, and Ibrahim Vazirov (all of whom work online)—had each served between 25 and 30 days in jail.¹³⁴

The government also seized on the COVID-19 pandemic as a pretext for repressing Azerbaijan's political opposition. In a March 2020 speech, President Aliyev vowed to prevent "anti-Azerbaijani forces, the fifth column and national traitors to take advantage of this situation to commit various provocations."¹³⁵ Subsequently, the pace of arrests and prosecutions of individuals affiliated with the political opposition increased.

Dozens of members of the opposition Popular Front party were arrested and detained for their online activities, with some receiving short stints in administrative detention for allegedly violating quarantine measures or disobeying the police.¹³⁶ For example, in April 2020, a court placed Aqil Humbatov in a psychiatric clinic against his will after he criticized the government's response to the pandemic on Facebook.¹³⁷ Later in the month, Arif Babayev was sentenced to 30 days of administrative detention for posting "prohibited information" online (see C2).¹³⁸

In April 2020, Shakir Mammadov, a member of the opposition Azerbaijan Democracy and Welfare Movement, was questioned over a series of Facebook posts in which he asked the government to provide more assistance to the unemployed during the pandemic (see B2). After Mammadov refused to remove the posts, he was sentenced to 15 days of administrative detention on "hooliganism" charges.¹³⁹

In April 2020, a political activist in the city of Lankaran, Nariman Abdullah, was given 10 days of administrative detention for violating quarantine measures after posting "We should go into the streets..." on Facebook.¹⁴⁰ In May 2020, Lankaran-based political activist Elvin Irshadov, who writes under the pseudonym Umar Ali, was arrested on charges of disobeying the police. The next day, he was given 16 days of administrative detention. Irshadov is well known in Lankaran for criticizing the government on social media platforms.¹⁴¹

In May 2020, high school teacher Jalil Zabidov was arrested and sentenced to five months in prison on charges of hooliganism. According to his family and D18, an opposition movement he belongs to, Zabidov was punished for his online activism, which included sharing stories of corruption in his village and administering a Facebook page called "Say NO to Corruption."¹⁴²

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.¹⁴³ Mobile operators are required to limit service to any unregistered devices.

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, authorities gain access to encrypted accounts and devices in practice through intimidation or torture.

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.¹⁴⁴

In April 2020, the government introduced a system for enforcing quarantine measures that required residents to receive permission from the police via short-message service (SMS) in order to leave their homes. Failing to produce permission when asked by a police officer would result in a fine of 100 to 200 manat (\$58 to \$117) and up to one month of administrative detention. In May 2020, this system was wound down, but it was later reintroduced when the country's COVID-19 caseload began to increase.¹⁴⁵

In June 2020, after the coverage period, the government rolled out a mandatory health care app called e-TEBIB. Test results for COVID-19 were made available exclusively through e-TEBIB. The app's user agreement stated that personal data would be kept for a month and then destroyed, but it failed to specify all the government institutions that can access this data and how long these institutions would store it.¹⁴⁶

In December 2019, a report by the NGO Qurium indicated that the government may be using Find Face facial recognition technology. In its analysis, Qurium identified an AzerTelecom server running the software.¹⁴⁷

In October 2018, Israeli newspaper *Haaretz* reported that Israel's Verint Systems had sold surveillance equipment and software to the Azerbaijani government, and that local police later used it to identify the sexual orientation of users on Facebook.¹⁴⁸ 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.¹⁴⁹

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 some \$3 million.¹⁵⁰ The government has begun using the equipment's DPI capabilities (see B1).

In 2015, leaked documents from the Italian surveillance company Hacking Team showed that the Azerbaijani government was a client.¹⁵¹ Citizen Lab had reported in 2014 that the government was using RCS (Remote Control System) spyware sold by Hacking Team.¹⁵² RCS allows anyone with access to activate a targeted device's camera and microphone and to steal videos, photos, documents, contact lists, or emails. It has been used by governments around the world to spy on dissidents.

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.¹⁵³ 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.

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.¹⁵⁴ It is not clear whether the law is enforced or respected in practice.

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users? 1 / 6

Score Change: The score declined from 2 to 1, as recent incidents have showcased the extent to which telecommunications companies work hand in glove with the government.

The Ministry of Communications requires all telecommunications companies to make their equipment and facilities available to the State Security Service.¹⁵⁵ Mobile service providers are known to surrender the content of users' conversations without a court order.

In April 2020, Ali Karimli, leader of the opposition Popular Front party, began to experience a prolonged fixed and mobile internet outage, which also affected his family (see A3).¹⁵⁶ 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, Azericell. Karimli later sued these companies along with several government institutions, but after the coverage period, 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, in an interview, member of parliament Zahid Oruc suggested that Karimli simply get a new SIM card.¹⁵⁷ This incident showcases the extent to which ISPs and mobile operators do the government's bidding.

During this time, Karimli's WhatsApp and Telegram accounts were also reportedly hijacked; Popular Front member Fuad Gahramanli accused Azercell of diverting Karimli's two-factor authentication codes to progovernment hackers.¹⁵⁸ Azercell denied the charge.¹⁵⁹

In January 2019, the government shut down mobile internet and phone service during a political rally; later, scores of attendees were questioned by 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. Media law expert Alasgar Mammadli noted that according to Article 39 of the Law on Communication, the service providers are obliged to provide government institutions with any requested subscriber data.¹⁶⁰

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state 2 / authorities or any other actor in retribution for their online activities? 5

Critical users are frequently harassed by the government, often through legal means such as arrests, detentions, and interrogations. However, there have also been credible reports of torture in custody, and the authorities wage campaigns of extralegal intimidation against perceived political opponents who are not in custody.

In June 2020, after the coverage period, Amina Rustamzade, the wife of former political prisoner Ilkin Rustamzade, attempted suicide after being harassed in April 2020 by pseudoanonymous social media users who shared revealing photos of her on Facebook and Instagram without her consent. Before she attempted suicide, Rustamzade received a message from a Facebook user who threatened that "what happened earlier will happen again."¹⁶¹

In March 2020, an Azadliq Radio journalist who was live streaming a protest in Baku on his mobile phone was attacked by police.¹⁶²

Also in March 2020, a group of 150 Azerbaijani students studying in Turkey was evacuated and placed in a sanatorium for a compulsory two-week quarantine. After a video of the students protesting the reportedly degrading conditions in the facility began to circulate online, at least two students were reportedly beaten by police.¹⁶³

In February 2020, a queer couple was at the center of countless online threats after a video of the two sent to a private group of friends on Facebook was leaked.¹⁶⁴ Hate speech against LGBT+ people is widespread.

The government uses travel bans to stymie prominent critics, as in the case of investigative journalist Khadija Ismayilova (see C3). Authorities also pressure lawyers who represent defendants in freedom of expression cases.¹⁶⁵

In order to suppress dissidents in exile, the government regularly intimidates dissidents' relatives who remain in Azerbaijan.

Government proxies are also engaged in intimidation. In April 2019, progovernment television channel REAL TV attempted to silence US-based independent journalist Sevinc Osmanqizi, who runs the popular news program OsmanqiziTV on YouTube, by leaking a Facebook audio conversation between her and a fellow journalist based in Germany.¹⁶⁶ Osmanqizi said she suspected that the conversation was recorded by Azerbaijani intelligence services. Weeks after the conversation was released, a REAL TV anchor threatened to air intimate video images of Osmanqizi as well.

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users 0 / subject to widespread hacking and other forms of cyberattack? 3

Opposition news websites and activists continued to be targeted by cyberattacks, ranging from DDoS attacks to spear-phishing attempts that are believed to be state-sponsored.

In May 2020, four videos from a private Zoom call among members of the opposition National Council were leaked online.¹⁶⁷ In each of the videos, various members of the National Council criticized certain opposition groups and insulted one US-based Azerbaijani journalist for his sexual orientation.¹⁶⁸ The call's participants described the leaks as a cybercrime, alluding to the use of Pegasus, a spyware software sold by the NSO Group, and demanding a full investigation. These accusations were dismissed by Azerbaijani officials.¹⁶⁹ While it was not possible to confirm the use of Pegasus, the government does possess sophisticated spyware.

In April 2020, independent news website Abzas.net reported a digital attack. According to editor Ulvi Hasanli, a month's worth of articles was deleted from the website, while the headlines of other stories were changed.¹⁷⁰

In January 2020, human rights defender and former political prisoner Intigam Aliyev received a phishing email purportedly from fellow activist Rasul Jafarov containing a WeTransfer link to a file. The file contained malware that, if run, would deactivate antivirus software, record keystrokes, and send them to an anonymized email address. Qurium traced the malware to the same entity behind a DDoS attack on the online news website criminal.az.¹⁷¹ At least two online news websites were targeted in a similar way (with a WeTransfer link): Azadliq Radio and HamamTimes.¹⁷² On January 11, 2020, a larger group of civil society figures received WeTransfer links purportedly from Roberto Fasino, a Council of Europe official, containing malware. The actor behind these phishing attempts also appeared to be using Facebook as a vector for infecting targets.

On December 1, 2019, Ali Karimli lost access to his personal Instagram account. Before this happened, a fake account impersonating his account was set up. The fake account requested that Karimli's account be taken down.¹⁷³ Karimli was further targeted in the following months: his WhatsApp and Telegram accounts were hacked into (see C6) and in April 2020, he lost access to the internet completely (see A3).

In November 2019, political activist Gultekin Hajibeyli reported that her Facebook page had been hacked.¹⁷⁴ In October 2019, her personal phone conversation with a US diplomat and a voice recording of her meeting with an EU official were leaked by REAL TV.¹⁷⁵ In January 2020, Hajibeyli was impersonated on several platforms. An Instagram profile claimed Hajibeyli was an escort, while a page on Facebook insinuated Hajibeyli was the mistress of several male politicians. Hajibeyli's personal phone number was placed on the Instagram page which led to her receiving countless calls from unknown men soliciting her.¹⁷⁶ In May 2020, Hajibeyli was once again targeted when her Instagram account was hacked and deleted.

In October 2019, D18 reported that its Facebook page had been hacked. The same day, one of the founders of the opposition movement, Ruslan Izzetli, reported that his personal Facebook page had also been hacked. Izzetli and other members of D18 believe the attacks were reprisals for a recent Facebook post the movement shared calling for Minister of Internal Affairs Vilayət Eyvazov's resignation.¹⁷⁷

Footnotes

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