

# AMNESTY INTERNATIONAL MEDIA BRIEFING

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## AZERBAIJAN: HUMAN RIGHTS ABUSES PLACED UNDER THE E-SPOTLIGHT

On 6-9 November Baku, the capital city of Azerbaijan, will host the annual Internet Governance Forum. This multi-stakeholder dialogue (established by the United Nations in 2006) will include discussion of internet related human rights issues, in particular freedom of speech, which makes the choice of venue for the event deeply ironic. In Azerbaijan, people who exercise this fundamental right to criticise President Ilham Aliyev, his family or government, risk being threatened, attacked or imprisoned – whether they do so on- or off-line.

Azerbaijan has already enjoyed a turn on the international stage earlier this year, when it hosted the Eurovision Song Contest in May. On that occasion, local activists took advantage of the attention to highlight human rights concerns in the country to a wider audience. Since then, and following a decrease in media attention post-Eurovision, these activists have started to be targeted, being harassed by police and arrested on bogus charges.

As the e-spotlight of the Internet Governance Forum focuses international attention on the country once again, Amnesty International is renewing calls for the Azerbaijani authorities to end the crackdown on dissent and to ensure that all citizens are able to enjoy their fundamental rights to freedom of expression, assembly and association.

This briefing highlights the experiences of some of those who have paid the price for free speech in Azerbaijan.

*“They don’t jail all the bloggers. They pick up two or three who go – in their view – too far.”*

Emin Mill, Azerbaijani writer and dissident

*“There is a deep irony to holding an international forum on internet governance in Azerbaijan. This is a country where the government intercepts individuals’ correspondence at a whim, imprisons bloggers, and portrays social-networkers as mentally ill.”*

Max Tucker, Amnesty International’s Azerbaijan Campaigner

## CONTENTS

1. Concerns in Azerbaijan	2
a) Internet surveillance and restrictive legislation	2
b) Case stories	5
2. The Internet Governance Forum	12
3. Amnesty spokespeople	13

### 1. Concerns in Azerbaijan

Twenty years of independence, economic prosperity and relative stability in Azerbaijan have failed to significantly improve the country’s human rights record and the fundamental freedoms of its citizens. Amnesty has long been concerned by the determination of the Azerbaijani authorities to stifle dissent, and this crackdown on free speech has intensified in recent years.

- Peaceful anti-government protest has effectively been criminalised by banning demonstrations and imprisoning those who organise and take part in them.
- Police use excessive force to break up peaceful, but officially unsanctioned, demonstrations.
- Threats and intimidation against human rights defenders have been used together with legislative and administrative means to shut down and deny registration to civil society groups working on democracy and human rights issues.
- Self-censorship has increased. Criticism of the President and leading government figures is frequently punished – whether it is voiced through politics, journalism, satire, activism, education or even social networking websites.
- Journalists have been beaten, ill-treated, abducted, and imprisoned while the range of independent media outlets has been curbed through laws banning foreign broadcasters from national airwaves.
- New methods of exercising the right to freedom of expression, such as the internet and social media, are also under siege.

## Internet surveillance and restrictive legislation

Just how ironic it is to hold the Internet Governance Forum in Azerbaijan becomes clear when you take a look at the country's existing and proposed legislation for regulating internet use.

The government is already able to monitor and intercept all internet communication carried through Azerbaijani providers without acquiring a warrant or notifying the individual or provider.

The authorities are now looking at expanding their broadcast licensing powers to require the licensing of audiovisual web content. Given that the authorities only grant licenses to pro-government or non-critical broadcasters, this would have a chilling effect on any online portals deemed 'internet TV or radio'. Such outlets would be at risk of sanctions or shut down for operating without a license, or suspension of their license should they criticise the authorities.

### Online or on the phone in Azerbaijan? You're being monitored.

In order for telecommunications operators and service providers to do business in Azerbaijan, they must comply with the country's "Law on requirements for communication networks to enable operational search, intelligence and counter-intelligence activities". Amendments made to this law on 13 February 2006 require "telecommunications operators and service providers to equip their telecommunications systems with special equipment (Communications Control Systems) in order to enable operational search, intelligence and counter-intelligence activities (identification of telecommunication service users, and covert surveillance of users' communication and statistical information of the whole network)".

According to the Free Expression Online initiative, a group of Azerbaijani NGOs monitoring internet restriction in the country, the practical effect of this legislation is that operators and providers must install on their network information extraction programmes provided by the Ministry of Communications and Information Technologies, which are then operated directly by the Ministry of National Security to monitor any or all customers' internet use and intercept their communications.

A warrant is, by law, required to carry out this surveillance, but there is no legal requirement for security personnel to show this warrant to the individual or the service provider/network operator, or to notify them that this surveillance is taking place.

As a result, surveillance and monitoring can be, and is, carried out at the discretion of the Ministry of National Security, which frequently fails to obtain a warrant for the interception or seizure of information, as they are not obliged to notify the user, operator or provider that they

are accessing their information. The network operators and service providers are also obliged to hand over any additional information requested by the two Ministries, again without seeing the court order which the Ministry of National Security by law is required to obtain.

Article 10 of the European Convention on Human Rights, to which Azerbaijan is a party, guarantees individuals the right to hold opinions and receive and impart information and ideas without interference by public authority. This right can only be restricted where prescribed in law and necessary in a democratic society, according to a limited criteria set out in the Convention.

Article 19 of the International Covenant on Civil and Political Rights contains similar protections of the right to freedom of expression. The United Nations Human Rights Committee, which monitors the implementation of this treaty, has clarified that restrictions on freedom of expression must be proportionate to their aim and be the least intrusive instrument amongst those which might achieve their protective function. Blanket restrictions generally are neither.

Furthermore, Article 17 of the International Covenant on Civil and Political Rights, to which Azerbaijan is also a party, stipulates that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”. Restrictions on Article 14 of the International Covenant on Civil and Political Rights also set out a series of due process guarantees, including the right to be presumed innocent until proved guilty, and the right of everyone to receive prompt and full information about criminal charges brought against themselves.

Although the interference in correspondence is prescribed by Azerbaijani law, the blanket nature of the surveillance, and the manner in which it is carried out, cannot be justified as proportionate or necessary.

The failure to ensure that there is a court hearing to ascertain whether the interference is warranted, and the lack of any requirement for the authorities to demonstrate to the network operator/service provider they have obtained a warrant, violates due process principles and potentially the right to privacy.

Azerbaijan’s law is in direct violation of its international obligations under the European Convention and the International Covenant on Civil and Political Rights, and the blanket implementation of the law is further damaging.

### **Restricting internet based TV and radio**

A draft law on internet regulation contains provisions that would require all internet-based TV channels and radio stations to be licensed by the Ministry of Communications and Information Technologies. While news outlet licensing does not in itself curtail human rights, licensing requirements and procedures must be minimally invasive and not function as de facto restrictions on the right to freedom of expression. Azerbaijan’s traditional broadcasters currently suffer under a licensing body, the National Television and Radio Council (NTRC), that is appointed by the government, allowing the authorities to effectively dictate the type of content that can be broadcast.

As a consequence, broadcast media in Azerbaijan is predominantly state-run and content is subject to considerable political influence. This is especially true of television, which is the major source of information in Azerbaijan. Television news coverage is considered by local watchdogs to be heavily biased in favour of the government. Out of 23 television stations in Azerbaijan, reportedly only two, ITV and ANS TV, are not directly linked to or owned by the government. However the latter was reported to have toned down its criticism of the government after being banned from airwaves for three weeks and having its license suspended for five months by the NTRC in November 2006.

Should online portals deemed as internet TV or radio be forced to register with the Ministry of Communications and Information Technologies, the government will be able to limit the number of independent or critical portals by denying or suspending licenses in the same fashion as used to reign in regular television broadcasts.

Amendments to the media law passed in December 2008 banned foreign radio broadcasters from using national frequencies, preventing an important source of uncensored news content from reaching most Azerbaijanis.

On 1 January 2009, the BBC, Voice of America, and Radio Free Europe/Radio Liberty, which were previously broadcast on national radio frequencies, were forced to cease FM transmissions as a result of the ban. This restriction also prohibited local language broadcasts of various international news media from accessing national television and radio frequencies.

While Azerbaijani-language services of international broadcasters can currently be received via the internet, shortwave or satellite, the ban on FM transmissions means that many people are now excluded from accessing this news.

Should online radio be forced to register, the government will have the means to deny access to foreign sponsored online radio completely. They will also be able to shut down local online radio initiatives.

Although Azerbaijan is entitled to license broadcasters, licensing requirements must be fair and not unnecessarily restrictive. More to the point, they cannot be implemented in an arbitrary manner. Furthermore, laws regulating the dissemination of information must comply with human rights principles regarding restrictions on the right to freedom of expression, as set out above.

By targeting and excluding critical voices, the authorities are interfering with the right to freely impart and receive information in a discriminatory and arbitrary manner, violating several of Azerbaijan's human rights obligations.

## Case stories

The government has consolidated its authoritarian rule and control of public life by adopting a wide range of laws and stepping up measures to harass and intimidate those, still a small minority, who dare to voice critical views.

Against this repressive backdrop, many Azerbaijani activists have turned to the internet, determined to make their voices heard. But even this last refuge for free expression is coming under attack. In an early attempt to discredit these activists, state television broadcast a series of interviews and documentaries portraying Facebook users as "mentally ill". Bloggers and reporters for online news sites have been harassed and imprisoned on trumped-up charges.

But Azerbaijani activists have not been deterred – despite knowing the grave consequences, they choose to run the risks of speaking out, on- and off-line, rather than to continue to live in a society where they cannot exercise their most basic human rights.

The following are just some of the individual stories of Azerbaijani citizens who have paid a high price for free speech.

### **Mehman Huseynov: AFTER THE GLITZ – EUROVISION ACTIVIST ARRESTED**

- Male
- Occupation: Photo-journalist, human rights defender, pro-democracy activist, Media Coordinator for the Sing for Democracy campaign (which used the Eurovision Song Contest in May 2012 to highlight human rights abuses in host country Azerbaijan)

22-year-old Human rights defender Mehman Huseynov is facing up to five years in prison if convicted on 'hooliganism' charges. Amnesty International believes this charge was fabricated to punish Mehman for using the Eurovision Song Contest, held in Azerbaijan in May 2012, to highlight human rights concerns to international media.

Mehman was a member of the group which met with Swedish Eurovision competitor and eventual winner, Loreen, prompting her to speak out about Azerbaijan's human rights problems. The charge against Mehman relates to an incident during a protest he was covering as a journalist on 21 May. Eyewitnesses told Amnesty International that police officers deliberately smashed the cameras of Huseynov and a colleague, after which he swore at the officers. Under Azerbaijani law, hooliganism is a criminal offence only when it involves violence. Five of the officers have testified that Huseynov not only swore, but acted "violently" – though they gave no further details. Two witnesses testify that he did nothing violent, and video footage of the incident appears to support their accounts. Arrested on 12 June, Mehman was released on bail the following evening, but the trial is ongoing.

Mehman Huseynov's photographs of peaceful protests being violently dispersed in Baku have been disseminated widely by international media and on social networks. In March 2011 he was arrested and interrogated about his Facebook activity while working as a cameraman for Amnesty International.

- Available for interview
- Photo available on request
- Speaks Russian, Azeri

*Mehman's older brother, Emin Huseynov, is the Director of the Azerbaijani NGO Institute for Reporters' Freedom and Safety (IRFS), and a leading HRD. He is also able to give interviews about Mehman's case and wider context. Emin can speak Azeri, Russian and English, and give interviews by phone, Skype or email.*

**ACTION:** Mehman Huseynov features in AIUK's Write for Rights campaign, launched on 1 November. Visit [www.amnesty.org.uk/mehman](http://www.amnesty.org.uk/mehman) to send him a message of solidarity and to appeal to the authorities for the charges against him to be dropped.

#### **Tural Abbasli: PEACEFUL PROTEST LEADS TO PRISON**

- Male
- Occupation: Postgraduate journalism student and Chairman of Musavat Youth Committee (youth wing of Musavat, one of Azerbaijan's main opposition parties)

Tural Abbasli was released in June 2012 after serving 14 months of a two-and-a-half year prison sentence. He was one of 17 prisoners of conscience detained in connection with anti-government protests which took place in Azerbaijan in March and April 2011, inspired by events in the Middle East and North Africa.

Tural's lawyer told Amnesty International that police beat Tural after his arrest. Tural has been expelled from university, and, in the wake of his arrest, family members were fired from their jobs.

Immediately following the arrest in April 2011, Tural's brother Toghrul was suspended from his job at a private finance company. On 22 April his aunt, who had been a successful state school principal for the last seventeen years, was suddenly fired from her job. Tural's eldest brother Teymur was fired from his job at the Iranian Embassy in May. On 22 June 2012, Tural – along with eight other prisoners of conscience jailed in connection with anti-government protests in spring 2011 – was released by presidential pardon, after serving 14 months in prison.

- Available for interview
- Speaks Azerbaijani
- Photo available on request

#### **Ramin Bayramov: IF THEY CAN'T MAKE THE FIRST CHARGE STICK, THEY'LL BRING ANOTHER**

- Male
- Occupation: Journalist (reporter for the Islamic news website *Islam-Azeri*)

Ramin Bayramov is serving an 18-month prison sentence. He was arrested in August 2011 on suspicion of treason, breach of national security and incitement of mass unrest, but no charges were brought on these allegations. Instead, he was later convicted of drugs and firearms charges – which Amnesty International believe to have been fabricated in order to silence his coverage of religious issues and because his reporting was sympathetic to Iran.

#### **Zaur Gurbanli: DETAINED INCOMMUNICADO AFTER POKING FUN AT THE PRESIDENT'S FAMILY**

- Male
- Occupation: Opposition youth activist, blogger, chair of Nida (a youth organisation campaigning for human rights and democracy), involved in Sing for Democracy campaign (which used the Eurovision Song Contest in May 2012 to highlight human rights abuses in host country Azerbaijan)

Zaur Gurbanli was detained on 29 September 2012 and held incommunicado until 1 October. When his lawyer was then granted access, Zaur Gurbanli had already been sentenced following a closed trial to 15 days in prison for resisting arrest. He was released from jail on 14 October, only to find out the following day that he had been fired from his job as a lawyer at the “Executive Credit Agency”, allegedly for being late to work the day before his arrest, on Friday 28 September. He was officially dismissed on Monday 1 October the first working day following his arrest. At a meeting with his manager he was told that the real reason was due to pressure from ‘above’. During his detention, the Ministry of Interior said that that Zaur Gurbanli was being investigated for possessing ‘illegal materials’. A regular blogger, he recently posted an article criticising government corruption and nepotism, in which he ridiculed the inclusion of a poem by the President’s daughter as mandatory reading in the Azerbaijani school curriculum. Amnesty International believe that Zaur Gurbanli has been targeted because of his peaceful criticism of the Azerbaijani government.

- Available for interview
- Speaks English, Azerbaijani, Russian
- Photo available on request

#### **Bakhtiyar Hajiyev: STOPPED BY THE THOUGHT POLICE**

- Male
- Occupation: Opposition activist and former parliamentary candidate

Bakhtiyar Hajiyev was released in June 2012 after spending 15 months in prison. Bakhtiyar was arrested in March 2011 and convicted in May of evading military service. Bakhtiyar was first detained and threatened with conscription in November 2010 – shortly after he had stood as an opposition candidate in parliamentary elections and afterwards exposed numerous electoral violations. On this occasion, Bakhtiyar successfully argued that he was still entitled to immunity from conscription as a parliamentary candidate. In January 2011, after his electoral immunity expired, Bakhtiyar was again detained and charged with evading military service. His new notification of conscription was served after he was detained. Bakhtiyar requested that he be allowed to perform an alternative form of service. Rather than considering this request, the authorities charged Bakhtiyar – he was released, but on condition that he not leave his home town and that he must register daily with police. In March 2011, Bakhtiyar was arrested for a third time, accused of failing to register daily with police – something he denies. This arrest

followed immediately after the publication of a Facebook page, which Bakhtiyar co-founded, calling for virtual protest against government corruption and oppression. Amnesty International considers all three arrests to be baseless, and that Bakhtiyar Hajiyev was detained solely to silence his criticism of the government. There are further concerns that Bakhtiyar was ill-treated in police custody.

- Available for interview
- Photo available on request
- Speaks English, Russian, Azeri

#### **Khadija Ismayilova: ABANDON YOUR WORK OR YOU WILL BE 'SHAMED'**

- Female
- Occupation: Investigative journalist (Radio Free Europe/ Radio Liberty Azerbaijani service)

Khadija Ismayilova, a well-known investigative Azerbaijani journalist, received a threatening letter on 7 March 2012 containing intimate pictures of her, after her apartment was broken into and a hidden camera placed in her room. Radio Free Europe reporter Khadija Ismayilova had been investigating claims of links between President Ilham Aliyev's family and a lucrative construction project in Azerbaijan's capital Baku. The pictures were accompanied by a note warning her that she would be "shamed" if she did not abandon her work. She refused and publicly exposed the blackmail attempt, resulting in the publication of a video showing her having sex. On 14 March the video was posted on a fake mirror website of Azerbaijan's main opposition party. Leaders of the Musavat party have denied any link to the site. A day before the launch of the website an article fiercely attacking her character appeared in Yeni Azerbaijan, a state-owned newspaper. Khadija Ismayilova has fallen foul of the Azerbaijani authorities several times in the past. In January 2009 President Aliyev reportedly described her as "a long-time opposition activist who considers herself an enemy of the government" and asked the American ambassador to Baku to push for her dismissal by US-funded Radio Liberty. The reporter has told Amnesty International she will not give in to threats and that the incident only served to demonstrate to the world the Azerbaijani government's persecution of independent journalists. Amnesty International is concerned that this vicious attack has been intended to do maximum damage to her reputation and puts her at risk of violence in predominantly conservative Azerbaijan. At the same time, the fact that those behind this appalling campaign were able to place a camera inside Khadija Ismayilova's home and then attempted to lay the blame with an opposition party strongly to official involvement and a clear attempt to discredit a journalist in the process of investigating government corruption at the highest level. Amnesty International has called for a thorough and impartial investigation into the blackmail and for the perpetrators to be prosecuted.

- Available for interview
- Speaks English, Russian, Azeri
- Photo available on request

#### **Taleh Khasmammadov : JAILED FOR CRITICISING THE POLICE**

- Male
- Occupation: Human rights defender

On 20 April 2012 human rights defender Taleh Khasmammadov was sentenced by Kurdamir Regional Court to four years in jail on charges of 'hooliganism' and 'resisting police officers'. Khasmammadov had been investigating allegations of illegal activity and abuse committed by law enforcement officials in Ujar region and had published several articles critical of the local authorities. Shortly before his arrest, he published an article in Gundam Khabar and Azadliq newspapers regarding the suicide of the 17 year-old female victim of human trafficking, in which he alleged that a criminal group operating the trafficking ring was aided by local police. He had also previously published several articles in which he alleged that local police officers have been colluding with criminal gangs operating in the area. His lawyer, Asabali Mustafayev,



told Amnesty International that Taleh Khasmammadov has been previously summoned and warned by the Ujar police to stop publishing the articles.

Amnesty International believes that it is highly likely that the allegations brought against Taleh Khasmammadov were either fabricated or hugely exaggerated and brought in retaliation for his critical reporting and complaints he brought against local police. Amnesty International considers Taleh Khasmammadov to be a prisoner of conscience, imprisoned in relation to his critical investigation and reporting, and calls on the Azerbaijani authorities to drop the charges and release him immediately and unconditionally.

#### **Elnur Majidli: IF THEY CAN'T GET YOU, THEY'LL GET YOUR FAMILY**

- Male
- Occupation: Opposition activist

On 1 April 2011, France-based opposition activist Elnur Majidli, aged 27, was charged in his absence with attempting the “violent overthrow of authority, or the distributing of materials calling for such”. The charge carries a maximum sentence of 12 years in prison. The Azerbaijani authorities reportedly requested an international warrant for his arrest. According to Elnur, Interpol has refused to accept the warrant, stating that no supporting evidence has been provided. Elnur had been co-organizing the protests in Azerbaijan in Spring 2011, via Facebook. Shortly before the opening of the criminal case against him, he received a telephone call from the Azerbaijani General Prosecutor’s Office, warning him to stop or face prosecution. He has also received several anonymous threatening calls from Azerbaijan. Elnur’s Facebook activity shows that the accusation that he has been calling for a violent overthrow of the state is baseless. Amnesty International believes he is being prosecuted simply for exercising his rights to freedom of expression and association. Unable to reach Elnur in France, the authorities have sought to punish his family in Azerbaijan. Family homes have been raided; family members have been placed under observation; his father and brother have been fired from their jobs.

- Available for interview
- Speaks French, Russian, Azeri
- Photo available on request

#### **Emin Milli and Adnan Hajizade: A GOVERNMENT SENSE OF HUMOUR FAILURE**

- Both male
- Occupation: Writer and dissident (Emin); Youth activist (Adnan)

**Emin Milli and Adnan Hajizade spent 16 months in prison on 'hooliganism' charges which Amnesty International believe were fabricated in response to their public criticism of the Azerbaijani government.** They were arrested in July 2009, after reporting to police that they had been assaulted in a restaurant by two unknown men. This incident occurred shortly after Adnan had posted a satirical video critical of the government on YouTube. **Both men had used online networking tools, such as YouTube, Facebook and Twitter, to spread information about the situation in Azerbaijan.**

- Available for interview
- Speak English, Russian, Azeri
- Photo available on request
- Emin Milli will be attending the IGF in Baku

#### **Leyla Mustafayeva: THE PRICE OF A PHOTOGRAPH**

- Female
- Occupation: Journalist

In February 2010, newspaper reporter Leyla Mustafayeva visited Nizami District bazaar to write a feature about the bazaar. When she entered, she witnessed a policeman dragging a



tradeswoman out by her hair. Leyla began to photograph the assault, but was noticed by the officer and several of his colleagues, who gathered around her and demanded to know her identity. Leyla showed her press pass, but the officer crushed her papers and pulled her camera from her pocket. Leyla's right hand was injured as she tried to protect her camera, but police managed to confiscate it and take her to a police station. She was held for an hour and urged to sign a statement confessing to interfering with a police operation. Leyla refused, and was only released after her newspaper complained to the Ministry of Internal Affairs. When her camera was returned, all the images had been deleted. The injury to her hand left Leyla unable to write for a week.

- Photo available on request

### **Malahat Nasibova, and the Institute for Reporter Freedom and Safety : YOU HAVE BEEN WARNED – DON'T SPREAD INFORMATION ABOUT HUMAN RIGHTS**

- Female
- Occupation; Human rights defender, journalist

On 7 February 2012 Malahat Nasibova, a Human Rights Defender and local correspondent for Radio Free Europe in Nakhchivan, received a phone call from an unknown person who introduced himself as a state official. The alleged official warned her against posting news and information about social and human rights concerns on the Nakhchivan Human Rights and Media Monitoring website, which she runs. On the same day, Malahat Nasibova received a letter from the Foreign Affairs Office in Nakhchivan warning her against spreading inflammatory and 'incorrect' information. A similar warning letter from the Ministry of Justice has also been sent to her partner NGO in Baku, the Institute for Reporters' Freedom and Safety (IRFS) which runs the Nakhchivan Human Rights and Media Monitoring in collaboration with Malahat Nasibova. IRFS, an Azerbaijani NGO working to protect the rights of journalists, was warned not to post 'malicious' and 'untruthful' articles about the autonomous region on the website. In the same letter, IRFS was also accused of failing to inform the Ministry of Justice about the changes made to their registration documents in violation of the new law. The organization has since issued a statement refuting claims that there have been any changes made to their registration document.

Both NGOs fear that the warnings against them are a threat of a possible closure in response of their critical reporting. According to Article 31.4 of the NGO law, if a non-governmental organization is given a written warning or instruction to eliminate violations on more than two occasions within one year, the non-governmental organization may be liquidated by a court decision.

- Photo available on request

### **Jabbar Savalan: A POST TOO FAR**

- Male
- Occupation: History student, youth activist

Jabbar Savalan was arrested on 5 February 2011, the day after using Facebook to call for protests against the Azerbaijani government. He was sentenced to two-and-a-half years in prison on fabricated charges of drugs possession. Following a Presidential pardon, Jabbar was released on 26 December 2011, and continued to criticise the Azerbaijani government in media interviews. He has continued to be targeted for his peaceful activism. In March 2012 he was beaten by police and briefly detained after participating in peaceful protest. In May, he was conscripted into the army, despite being exempt from military service.

- Photo available on request

### **More cases and information**

- *The Spring that Never Blossomed: Freedoms Suppressed in Azerbaijan* AI Report EUR55/011/2011 (November 2011)
- *Azerbaijan: Authorities determined to silence dissent to ensure successful Eurovision* AI media briefing EUR55/008/2012 (May 2012)

## Recommendations

### **Amnesty International calls on the Azerbaijani authorities to fully respect the rights to freedom of expression, association and assembly, by:**

- Ending the harassment, intimidation, arbitrary detention and criminal prosecution of all those who peacefully express dissenting views;
- Immediately and unconditionally releasing all prisoners of conscience (those detained solely for the peaceful exercise of their rights);
- Allowing independent media outlets, journalists, lawyers, human rights defenders and other civil society activists to operate freely, carrying out their legitimate activities without fear of reprisal;
- Ensuring that all provisions regulating access to the internet fully comply with international law and standards;
- Allowing peaceful demonstrations to be organised in appropriate locations;
- Refraining from the criminal prosecution of the organisers and participants of peaceful demonstrations.

### **Amnesty International also calls on international organisations as well as the governments of the USA, EU and other bilateral partners to:**

- Place greater emphasis on the respect for human rights in their relations with the Azerbaijani authorities, including by raising documented cases of human rights violations with the Azerbaijani authorities;
- Call for the immediate and unconditional release of all prisoners of conscience;
- Increase their support for the work of human rights defenders and independent civil society activists in Azerbaijan.

## 2. Internet Governance Forum

Amnesty International believes that technology, internet and digital media businesses should publicly voice their concerns on the risk to human rights that censorship laws and other laws restricting freedom of expression present.

### What is it?

The Internet Governance Forum brings together all stakeholders in the internet governance debate, whether they represent governments, the private sector or civil society, including the technical and academic community, on an equal basis and through an open and inclusive process.

Its purpose is to support the United Nations Secretary-General in carrying out the mandate from the World Summit on the Information Society (WSIS) with regard to convening a new forum for multi-stakeholder policy dialogue.

The Seventh Annual IGF Meeting will be held in Baku, Azerbaijan from 6-9 November 2012.

The proposed main theme for the meeting is: 'Internet Governance for Sustainable Human, Economic and Social Development'.

## Global concerns on the internet

### Freedom of expression

International human rights law protects the right to freedom of expression and allows only for very limited restrictions on that right.

To be allowed under international law, any restriction must be:

- Be for specific purposes such as the protection of public health and order;
- Be directly related to the objective it seeks to fulfil;
- and must constitute the least restrictive measure possible.

International human rights law also requires the state to restrict freedom of expression to stop incitement to violence or discrimination, though here too the restrictions put in place must be the least restrictive possible.

### **Internet surveillance**

International human rights law protects the right to a fair trial. This includes the right:

- To know what charges are being brought against you;
- To be represented by legal counsel;
- To be presumed innocent until proven guilty;
- To have a criminal conviction reviewed by a higher instance.

All of these rights are threatened and potentially directly infringed by surveillance programmes linked to censorship laws, especially if the laws facilitate unprompted and arbitrary review of any or all data stored about anyone.

Many of the individuals engaged in frontline enforcement of censorship provisions will be employees of private phone companies or internet service providers. This means that all too often delicate decisions about law enforcement and due process rest in the hands of individuals without the proper legal training and authority.

### **Complicit companies**

When governments require companies to participate in the implementation of censorship through monitoring or storing data, this compels businesses to act in a manner that may run counter to their responsibility to respect international human rights.

Companies should challenge censorship laws they are asked to implement, when these laws do not respect the rights to privacy, freedom of expression, due process, and other human rights. Businesses should not voluntarily and uncritically disclose private information or participate in surveillance. They must “do no harm”, and this often requires implementing proactive measures.

The UN Guiding Principles on Business and Human Rights clarify that businesses must, at a minimum, comply with their responsibility to respect international human rights standards throughout their operations. This responsibility exists independently of the state duty to protect.

Amnesty International firmly believes that companies must ensure that they do not contribute or support any technology that is being used as tools for abusing human rights, increasing fear or repression.

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**Meetings to note**

The following IGF pre-events may be of interest. All pre-events take place on 5 November 2012 at the Baku Expo Exhibition and Convention Centre, Baku, Azerbaijan:

- **Human Rights and Internet Governance Must Go Hand in Hand**  
Time: 10.00 - 12.30  
Organised by: the Expression Online Initiative, a consortium of freedom of expression organisations  
Description: Human Rights and Internet Governance are at the intersection like never before and a growing group of Internet freedom and openness advocates are getting more involved. Now is the time to discuss the important human rights implications of new technologies and aspects of Internet governance.  
The event will be kicked off with discussion of the United Nations Human Rights Council's Resolution on the "promotion, protection, and enjoyment of human rights on the Internet."  
The event will produce a multi-stakeholder debate around Internet freedom.  
**This event will include the launch of the Expression Online report, *Searching for Freedom: Online Expression in Azerbaijan***  
More details at: [http://www.intgovforum.org/cms/invitation/1218-pre-events#expression online](http://www.intgovforum.org/cms/invitation/1218-pre-events#expression%20online)
- **The Privatisation of Censorship: the online responsibility to protect free expression**  
Time: 14.30 - 16.00  
Organised by: Index on Censorship

Description: Much is known about state censorship, but increasingly private corporations are implementing censorship either at the behest of governments, or as part of a 'walled garden' approach. This censorship takes many guises: whether the proactive take-down of entirely legal material, the blocking of websites by overly zealous ISPs, mobile filters that cut access to websites such as Index on Censorship and the use of surveillance technology on behalf of autocratic states. The combination of state-led censorship with the privatisation of censorship requires a debate on the responsibilities of corporations and the framework needed to protect free expression online.

More details at: <http://www.intgovforum.org/cms/invitation/1218-pre-events#index> on censorship