

**AZERBAIJAN:
DO HUMAN RIGHTS MATTER?**

**HEARING
BEFORE THE
TOM LANTOS HUMAN RIGHTS COMMISSION**

**UNITED STATES
HOUSE OF REPRESENTATIVES**

**ONE HUNDRED AND FOURTEENTH CONGRESS
SECOND SESSION**

—
SEPTEMBER 15, 2016
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Official Transcript

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AZERBAIJAN: DO HUMAN RIGHTS MATTER?

THURSDAY, SEPTEMBER 15, 2016

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 11:00 a.m., in Room 210, U.S. Capitol Visitor Center, Hon. James P. McGovern [co-chair of the Commission] presiding.

Mr. MCGOVERN. I think we are going to begin. Congress adjourned earlier than we all expected, but hopefully some of my colleagues will be here.

But I am Congressman Jim McGovern, and I want to welcome all of you to the Tom Lantos Human Rights Commission hearing on the human rights situation in Azerbaijan. I especially want to thank our witnesses for joining us here today and for their commitment to human rights and democracy in Azerbaijan.

One witness, journalist Khadija Ismayilova, will testify via Internet from Azerbaijan, and if all goes well with the technology, it will work out just fine. We would have liked to have more brave people from Azerbaijan join us today, but many potential witnesses are subject to government-imposed travel restrictions. In other cases, it was not possible to expedite the processing of U.S. visas.

I want to state for the record that the Commission did invite representatives of the U.S. State Department to testify this morning, but regretfully, we did not receive a response.

Azerbaijan is not a country that is in the news here in the U.S. on a daily basis. When it does make the news, all too often it is because of human rights problems. Last spring, quite a lot of news was generated by the campaign around the world to gain Khadija's release from prison in which I participated. In the end, Khadija was acquitted of some charges and freed. But convictions on other charges that many observers consider spurious were left in place, and Khadija was faced with a lengthy term of probation, a travel ban, and a ban on exercising her professional activities.

Khadija's case is not unique. In its 2015 Human Rights Report, the State Department identified a number of significant human rights problems that affect fundamental civil and political rights: increased government restrictions on freedoms of expression, assembly, and association reflected in the intimidation, incarceration on questionable charges, and use of force against human rights

defenders, activists, journalists, and their relatives; government use of the judicial system to punish peaceful dissent; government restrictions on the ability of the citizens to change their government in free and fair elections.

Other problems noted in the report include restrictions on religious freedom of both Muslim and Christian groups, detentions without warrants, continued use of torture against detainees, and allegations of systematic corruption at all levels of government.

The Azerbaijani Government did not take steps in 2015 to prosecute or punish most officials who committed human rights abuses, so impunity remains a big problem. I am concerned that this kind of situation we are seeing in too many parts of the world where persistent repression and stalled democratic reform could contribute to increased sectarian conflict and radicalization.

Azerbaijan's President, Ilham Aliyev, has held that office since 2003, 13 years already. The next currently scheduled election is not until 2018. Members of the political opposition have been imprisoned and harassed. Turkel Karimli is testifying today because his father Ali Karimli, leader of the Popular Front Party, is unable to leave Azerbaijan.

Ilgar Mammadov, one of the leaders of the Republican Alternative REAL political movement, has been wrongly imprisoned for the last 3.5 years.

A package of constitutional amendments unveiled in July of this year, about which we will hear more in a few minutes, seems designed to further consolidate the President's power and restrict rights to speech and assembly. Voters will consider the amendments in a rush referendum to be held scarcely 10 days from now on September 26 in conditions that do not inspire confidence.

In recent days, there are reliable reports that opponents of the changes are being detained. Azerbaijan has complex regional relationships with Russia, Iran, and of course Armenia. I think the last thing we want to see is a dynamic in which authoritarian and repressive tendencies in yet another country contribute to radicalization. We don't want to see things get worse in Azerbaijan and cause a crisis.

I want to emphasize that my concerns about the human rights situation in Azerbaijan are not driven by anything having to do with the ongoing conflict in Nagorno-Karabakh or any other issues involving Armenia. Each country is responsible for its own human rights practices, which are deeply intertwined with its prospects for full development.

Experience shows that authoritarian strategies are generally counterproductive for managing dissent and have many long-term negative consequences for peace and prosperity.

This morning, I look forward to learning more about the current situation of human rights in Azerbaijan. I also look forward to hearing recommendations from our witnesses about how the U.S. Government and Congress can best support those standing up and demanding respect for human rights and democratic reform in Azerbaijan. Azerbaijan has been an important partner for the United States, and everyone here today wants to ensure a continuing strong, reliable partnership going forward. That is the spirit of this hearing.

And I would say to all the witnesses that I would like to formally submit all of your testimony into the record. I also ask that the following items be included in the record: a statement highlighting restrictions on election monitoring in Azerbaijan by Anar Mammadli, chair of the Election Monitoring and Democracy Study Center and a member of the board of the European Platform for Democratic Elections and a former political prisoner; a statement highlighting attacks on journalists by Emin Milli, director of the independent digital news platform Meydan TV and a former political prisoner; the U.S. Commission on International Religious Freedom 2016 Report on Azerbaijan; an April 25 piece by the Washington Post Editorial Board highlighting attacks on independent journalists in Azerbaijan; a September 8 article in the Washington Post by Ambassador Richard Kauzlarich and David Kramer calling for U.S. action on the recent crackdown in Azerbaijan; a recent joint letter from the Sports for Rights Coalition and groups like Freedom House and Freedom Now highlighting the intensified crackdown in Azerbaijan and calling for an end to human rights violations; and several items from Human Rights Watch, including one piece highlighting the 3.5 year imprisonment of Ilgar Mammadov as well.

[The prepared statement of Co-Chair McGovern follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE OF CONGRESS FROM THE STATE OF MASSACHUSETTS AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION



Tom Lantos Human Rights Commission Hearing

Azerbaijan: Do Human Rights Matter?

**Thursday, September 15, 2016
11:00 AM – 12:30 PM
HVC-210 U.S. Capitol Visitor Center**

Opening Remarks as prepared for delivery

Good morning, and welcome to the Tom Lantos Human Rights Commission's hearing on the human rights situation in Azerbaijan.

I especially want to thank our witnesses for joining us today, and for their commitment to human rights and democracy in Azerbaijan.

One witness, journalist Khadija Ismayilova, will be testifying via internet from Azerbaijan – if all goes well with the technology. We would have liked to have more brave people from Azerbaijan join us today, but many potential witnesses are subject to government-imposed travel restrictions. In other cases, it was not possible to expedite the processing of U.S. visas.

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Azerbaijan is not a country that is in the news here in the U.S. on a daily basis. When it does make the news, all too often it is because of human rights problems.

Last spring, quite a lot of news was generated by the campaign around the world to gain Khadija's release from prison, in which I participated. In the end, Khadija was acquitted of some charges and freed. But convictions on other charges that many observers consider spurious were left in place, and Khadija was faced with a lengthy term of probation, a travel ban and a ban on exercising her professional activities.

Khadija's case is not unique. In its 2015 Human Rights Report, the State Department identified a number of significant human rights problems that affect fundamental civil and political rights:

- Increased government restrictions on freedoms of expression, assembly, and association, reflected in the intimidation, incarceration on questionable charges, and use of force against human rights defenders, activists, journalists, and their relatives.
- Government use of the judicial system to punish peaceful dissent.
- Government restrictions on the ability of the citizens to change their government in free and fair elections.

Other problems noted in the report include restrictions on religious freedom of both Muslim and Christian groups; detentions without warrants; continued use of torture against detainees; and allegations of systemic corruption at all levels of government. The Azerbaijani government did not take steps in 2015 to prosecute or punish most officials who committed human rights abuses, so impunity remains a problem.

I am concerned that this is the kind of situation we are seeing in too many parts of the world – where persistent repression and stalled democratic reform could contribute to increased sectarian conflict and radicalization.

Azerbaijan's president, Ilham Aliyev, has held that office since 2003 – 13 years already. The next currently scheduled election is not until 2018.

Members of the political opposition have been imprisoned and harassed. Turkel Karimli is testifying today because his father Ali Karimli, leader of the Popular Front Party, is unable to leave Azerbaijan. Ilgar Mammadov, one of the leaders of the Republican Alternative (REAL) political movement, has been wrongly imprisoned for the last 3.5 years.

A package of constitutional amendments unveiled in July of this year, about which we will hear more in a few minutes, seems designed to further consolidate the president's power and

restrict rights to speech and assembly. Voters will consider the amendments in a rushed referendum to be held scarcely ten days from now, on September 26th, in conditions that do not inspire confidence. In recent days there are reliable reports that opponents of the changes are being detained.

Azerbaijan has complex regional relationships with Russia, Iran, and of course Armenia. I think the last thing we want to see is a dynamic in which authoritarian and repressive tendencies in yet another country contribute to radicalization. We don't want to see things get worse in Azerbaijan and cause a crisis.

I want to emphasize that my concerns about the human rights situation in Azerbaijan are not driven by anything having to do with the ongoing conflict in Nagorno-Karabakh, or any other issues involving Armenia. Each country is responsible for its own human rights practices, which are deeply intertwined with its prospects for full development. Experience shows that authoritarian strategies are generally counter-productive for managing dissent, and have many long-term negative consequences for peace and prosperity.

This morning, I look forward to learning more about the current situation of human rights in Azerbaijan. I also look forward to hearing recommendations from our witnesses about how the U.S. government and Congress can best support those standing up and demanding respect for human rights and democratic reform in Azerbaijan. Azerbaijan has been an important partner for the United States, and everyone here today wants to ensure a continuing strong, reliable partnership going forward. That is the spirit of this hearing.

Mr. MCGOVERN. And with that, I would like to introduce our panel of witnesses. And we will begin.

So, first of all, Khadija Ismayilova, who is an Azerbaijani investigative journalist and radio show host for Radio Free Europe and Radio Liberty. She also works with the Organized Crime and Corruption Reporting Project authoring numerous award-winning investigations that uncovered high-level corruption in Azerbaijan, including lucrative business deals of the Azerbaijani president's family members and a whole bunch of other important anticorruption and human rights reporting as well.

Turkel Karimli, who is the son of opposition leader Ali Karimli, board member of the National Council of Democratic Forces, which is a joint council of several of Azerbaijan's political opposition parties, and chairman of the Popular Front Party of Azerbaijan. Turkel is present for the hearing today because his father is unable to travel abroad, the Azerbaijani Government having refused to reissue his passport.

And then finally, Ambassador Richard Kauzlarich, who is the co-director of the Center for Energy Science and Policy and adjunct professor at the Schar School of Policy and Government at George Mason University. He joined the institute after a 32-year career in the Foreign Service. He served as United States Ambassador to Bosnia and Herzegovina in 1997 through 1999 and to Azerbaijan in 1994 to 1997.

And so we welcome everybody here. And, Khadija, we will begin with you.

STATEMENTS OF KHADIJA ISMAYILOVA, INVESTIGATIVE JOURNALIST AND RADIO SHOW HOST FOR RADIO FREE EUROPE/RADIO LIBERTY, AND FORMER POLITICAL PRISONER; TURKEL KARIMLI, SON OF OPPOSITION LEADER ALI KARIMLI, CHAIRMAN OF THE POPULAR FRONT PARTY OF AZERBAIJAN, BOARD MEMBER OF THE NATIONAL COUNCIL OF DEMOCRATIC FORCES, AND FORMER POLITICAL PRISONER; AND RICHARD D. KAUZLARICH, CO-DIRECTOR OF THE CENTER FOR ENERGY SCIENCE AND POLICY AT THE SCHAR SCHOOL OF POLICY AND GOVERNMENT AT GEORGE MASON UNIVERSITY, AND FORMER U.S. AMBASSADOR TO AZERBAIJAN

STATEMENT OF KHADIJA ISMAYILOVA, INVESTIGATIVE JOURNALIST AND RADIO SHOW HOST FOR RADIO FREE EUROPE/RADIO LIBERTY

Ms. STANTON. Hi. Khadija, can you hear us?

Ms. ISMAYILOVA. Thank you. Thank you. I hope you can hear me.

Mr. MCGOVERN. We can.

Ms. STANTON. We can hear you.

Ms. ISMAYILOVA. Okay. Okay. Great. So you did an introduction, and I just want to add that I am really happy to join you in the meeting after year

and a half of the prison that was in retaliation for investigative corruption among the President's family and his friends.

I want to thank the Members of Congress who raised their voices for my freedom and called for sanctions against Azerbaijan Government officials for carrying out oppressions in Azerbaijan.

These calls, along with the efforts of fellow journalists who continued investigating corruption while I was in prison, and a human rights campaign led by international organizations, helped to achieve my partial freedom in May 2016. However, I am still not free. I cannot travel and I couldn't come to meet you in Washington.

I am not the only one who has been banned from traveling. Like in the old Soviet times, dozens of government critics, journalists, civil society activists, and politicians are banned from traveling abroad. The country has literally become a prison.

The official reason for my travel ban is the conditional conviction that remains against me. I will need special permission to travel for the next five years, and when I have requested permission to travel, I have been denied.

With some others, it is even more complicated as they don't have any convictions, but law enforcement say they might be needed for questioning. And questions are like "Do you work for foreign media?" These kind of questions.

Some of you probably remember the time of the Cold War when Soviet people could be arrested or convicted for cooperating with foreign media. The same thing is happening now in Azerbaijan in an allied country of the United States.

None of us broke any laws, but we have broken the unspoken rule of the regime: we dare to tell the truth. What is the inconvenient truth that the government doesn't like? It is all about money. It is all about corruption.

I was arrested because I reported on high-level corruption in Azerbaijan. When the world has been shaken by the Panama Papers revelations, I was already in jail for my own Panama Papers. The offshore investigations I offered revealed the business interest of President Aliyev's family in mobile communication, gold mining, construction, tourism, banking, and airline transportation.

As a result of large-scale corruption schemes, vast resources bypassed the state budget and ended up in the pockets of the President's and the ministers' family members. Monopolization of the economy and the administrative resources resulted in a failure of basic services, and the level of corruption in health care and education reached a critical point.

Those who report about corruption risk their lives and freedoms and the well-being and freedom of their family members. Meanwhile, those who are responsible for these problems easily enjoy the products of democracy abroad. They invest their money in democracies where property rights are respected, unlike in Azerbaijan. They go to Western countries and receive quality medical care, a quality that is denied to people in Azerbaijan. Their children receive education abroad and enjoy other products of democracy, the same rights they deny ordinary Azerbaijanis.

Those who expose corruption are punished more than the corrupt officials whose crimes are exposed by journalists. None of the corruption investigations my colleagues and I carried out led to investigations by the Government of Azerbaijan. No criminal case was opened on documented corruption reporting.

Instead, journalists were punished, killed like Elmar Huseynov or arrested like me and Seymour Hezi. The kidnapping and beating of journalists became routine in Azerbaijan. The bank accounts of journalists and media organizations are frozen. Journalists are banned from traveling abroad where they could receive better training on investigative journalism, and most of them are named as witnesses or suspects in criminal cases. The only opposition newspaper, Azadliq, works under hard conditions with its financial director Faig Amirli and political news editor Seymour Hezi, currently jailed.

Like during the Cold War, Radio Free Europe/Radio Liberty, a U.S. Congress-funded media outlet, is banned on local frequencies. The official reason is that foreign broadcasters are not allowed to use national frequencies. Well, that has not been applied to Russia's Sputnik radio station. Russian media has its bureaus in Baku while RFE/RL's Baku Bureau is closed and its equipment have been confiscated illegally.

Azerbaijani journalists who work with foreign media, as there are no independent national broadcasters in Azerbaijan, are now working underground and they don't put their names on their stories to avoid prosecution, like in Soviet times. These prosecutions are not legal. No law says that journalism is a crime or that working for foreign media is a crime.

But where critical journalism is concerned, it is really difficult to enforce the rule of law in Azerbaijan. Journalists are prosecuted with charges like hooliganism, like my colleague Seymour Hezi. Those who leave the country to avoid arrest endanger the freedom of their families. There is a special section in the political prisoners list for political hostages, the section that is called political hostages, those who are jailed because of the critical reporting or activity of their relatives.

And still, those who punish journalists for telling the truth and deprive them of basic freedoms are welcome in democracies, can freely travel, invest, have bank accounts, and transfer cash that has been stolen from the state budget. Their hands are shaken by the leaders of the countries whose organizations and partners are targeted and harassed in Azerbaijan.

The siblings of Azerbaijani oligarchs are free to open lobbying organizations and NGO in the United States and Europe while American, British, and European NGOs like the National Democratic Institute, Oxfam, and the Human Rights Foundation were forced to close their offices in Azerbaijan. This was the beginning of a major crackdown against civil society when Azerbaijan copied Russian legislation and basically outlawed foreign funding for independent civil society.

The arrest of NGO leaders followed. Now independent civil society is disabled in Azerbaijan on an institutional level and human rights activists and researchers are working without offices, providing service as individuals, putting

themselves at risk of arrest and other forms of retaliation for exposing problems in Azerbaijan.

As a result, a referendum on September 26 will not be monitored by a local organization because the only independent local election watchdog is disabled from carrying out their election monitoring.

The government has created a huge group of controlled organizations. We call them GONGOs -- government-organized NGOs -- to create the illusion of a vibrant civil society environment. It is difficult to help the country develop when the government is in a state of denial. The government has consistently denied that there are any political prisoners in Azerbaijan, although their existence has been confirmed by decisions of the European Court of Human Rights.

For example, the ECHR confirmed that the arrest of Ilgar Mammadov, chairman of the opposition Republican Alternative movement, was politically motivated and ruled that he should be immediately released. The Azerbaijani Government continues to flout this decision in violation of their obligations as a Council of Europe member.

Ilgar Mammadov is one of 138 political prisoners in Azerbaijan. The repression machine has targeted not only pro-Western politicians and civil society activists, journalists, and bloggers like Abdul Abilov and Ilkin Rustemzade, but also moderate religious activists like Taleh Bagirzade, who have actually spoken out against the radicalization of believers. The U.S. Commission on International Religious Freedom has documented the government's limitation of religious freedom and imprisonment of religious believers.

And now I want to go to recommendations. Calls for targeted sanctions against corrupt officials, prosecutors, and judges could be effective leverage to convince the Azerbaijani Government and others to drop these oppressive policies

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[Audio malfunction in hearing room.]

Ms. ISMAYILOVA. -- and the Global Magnitsky Human Rights Accountability Act are possible ways to hold corrupt officials accountable since justice is not possible in their respective countries. It is in no way an act of revenge. It is an effort to make the world better because corruption and human rights are not internal affairs. Big money crosses borders, is used to bribe foreign politicians through luxury trips, investment projects, and simple cash payments. These scandals have touched the U.S. Congress, the Parliamentary Assembly of the Council of Europe, and the European Parliament. These cross-border corruption machines need to be stopped before they involve more politicians in Europe and the United States.

It is essential to speak out against repression. My case proved that international pressure can be effective. I was released thanks to the strong public statements and because fellow journalists didn't stop their investigations while I was in prison. Unfortunately, governments and international organizations are more hesitant in their reactions to harassment and arrests while they generously welcome any releases. This corrupts the authorities in countries like Azerbaijan and doesn't help to stop the revolving door of politically motivated arrests.

The efforts to keep dialogue and continue partnership cannot be effective if they are only done one way. The principle of reciprocity is not observed. International partners of the Azerbaijani Government should help them to understand that a country without rule of law, a country that doesn't observe its own commitments to international treaties and organizations, cannot be considered a reliable partner, and without an independent judiciary, real progress in democratization and respect for human rights and its own obligation, the country cannot be considered a reliable economic partner.

This is an important issue now when the Azerbaijani Government is going through a tough period. With the crisis in the oil market and the devaluation of the local currency, the government is in big need of foreign financing. These funds should not come without conditions. The international community should demand that the government demonstrates real democratic progress before securing more funds for the long life of this oppressive regime. Cheap bargains in one or two cases of political prisoners should not be accepted as sufficient.

I also want to urge continued efforts for worldwide transparency. Demanding more transparency in business registration procedures throughout the world and achieving greater accountability with regard to politically exposed persons, so-called PEPs, can make the world better. Among other reasons, it would make it easier for journalists to investigate the hidden business interests of politicians and corruption.

This is all for now. Thank you. And I will welcome any questions.

[The prepared statement of Khadija Ismayilova follows:]

PREPARED STATEMENT OF KHADIJA ISMAYILOVA

Azerbaijan: Do Human Rights Matter?

Tom Lantos Human Rights Commission Hearing
September 15, 2016

Testimony of Khadija Ismayilova
Investigative Reporter,
Radio Free Europe/Radio Liberty
and
Organized Crime and Corruption Reporting Project

For those of you who do not know me, I am an Azerbaijani investigative journalist who was wrongly imprisoned for more than a year and half in retaliation for investigating corruption among the Azerbaijani President's friends and family.

I want to thank the Members of Congress who raised their voices for my freedom and called for sanctions against Azerbaijani government officials for carrying out repression in Azerbaijan. These calls, along with the efforts of fellow journalists who continued investigating corruption while I was in prison, and a human rights campaign led by international organizations, helped to achieve my partial freedom in May 2016.

However, I am still not free; I cannot travel, and I couldn't come to meet you in Washington.

I am not the only one who has been banned from traveling. Like in the old Soviet times, dozens of government critics – journalists, civil society activists and politicians – are banned from traveling abroad. The country has literally become a prison. The official reason for my travel ban is the conditional conviction that remains against me. I will need special permission to travel for the next five years, and when I have requested permission to travel I have been denied. With some others it is even more complicated, as they don't have any convictions, but law enforcement says they might be needed for questioning. Questions like: do you work for foreign media? Some of you probably remember the times of the Cold War, when Soviet people could be arrested or convicted for cooperating with foreign media. The same thing is happening now, in Azerbaijan, in an ally country of the United States.

Corruption

None of us broke any laws. But we broke an unspoken rule of the regime – we dared to tell the truth.

What is the inconvenient truth that the government doesn't like?

It is all about corruption. It is all about money.

I was arrested because I reported on high-level corruption in Azerbaijan.

When the world was shaken by the Panama Papers revelations, I was already in jail for my own Panama papers.

The offshore investigations I authored revealed the business interests of President Aliyev's family in mobile communications, gold mining, construction, tourism, banking, and airline transportation.

As a result of large-scale corruption schemes, vast resources bypassed the state budget and ended up in the pockets of the president's and ministers' family members. Monopolisation of the economy and administrative resources resulted in a failure of basic services, and the levels of corruption in healthcare and education reached a critical point. Those who report about corruption risk their lives and freedoms, and the wellbeing and freedom of their family members.

Meanwhile, those who are responsible for these problems easily enjoy the products of democracy abroad. They invest their money in democracies, where property rights are respected, unlike in Azerbaijan. They go to western countries and receive quality medical care – a quality that is denied to people in Azerbaijan. Their children receive education abroad, and enjoy other products of democracy – the same rights they deny ordinary Azerbaijanis.

Those who expose corruption are punished more than the corrupt officials whose crimes are exposed by journalists.

Crackdown on Media

None of the corruption investigations my colleagues and I carried out led to investigations by the government of Azerbaijan. Instead, journalists were punished – killed, like Elmar Huseynov, or arrested, like me and Seymur Hezi. The kidnapping and beating of journalists became routine in Azerbaijan. The bank accounts of journalists and media organizations are frozen, journalists are banned from traveling abroad where they could receive better training on investigative journalism, and most of them are named as witnesses or suspects in criminal cases. The only opposition

newspaper, Azadliq, works under hard conditions, with its financial director Faig Amirli, and political news editor Seymour Hezi, currently jailed.

Like during the Cold War, Radio Free Europe/Radio Liberty – a U.S. Congress-funded media outlet – is banned on local frequencies. The official reason is that foreign broadcasters are not allowed to use national frequencies. Well, that has not been applied to Russia's Sputnik radio station. Russian media has its bureaus in Baku, while RFE/RL's Baku bureau is closed and its equipment has been confiscated illegally.

Azerbaijani journalists who work with foreign media – as there are no independent national broadcasters in Azerbaijan – are now working underground, and they don't put their names on their stories to avoid prosecution – like in Soviet times.

These prosecutions are not legal, no laws say that journalism is a crime, or that working for foreign media is a crime. But where critical journalism is concerned, it is really difficult to enforce the rule of law in Azerbaijan.

Journalists are prosecuted with charges like hooliganism, like my colleague Seymour Hezi.

Those who leave the country to avoid arrest endanger the freedom of their families. There is a special section in the political prisoners' list for political hostages – those who are jailed because of the critical reporting of their relatives.

And still, those who punish journalists for telling the truth and deprive them of basic freedoms are welcome in democracies, can freely travel, invest, have bank accounts, and transfer cash that's been stolen from the state budget. Their hands are shaken by the leaders of countries whose organizations and partners are targeted and harassed in Azerbaijan.

Restrictions on Civil Society and NGOs

The siblings of Azerbaijani oligarchs are free to open lobbying organizations and NGOs in the United States and Europe, while American, British and European NGOs, like the National Democratic Institute, Oxfam, and the Human Rights House Foundation, were forced to close their offices in Azerbaijan. This was the beginning of a major crackdown against civil society, when Azerbaijan copied Russian legislation and basically outlawed foreign funding for independent civil society. The arrests of NGO leaders followed. Now, independent civil society is disabled in Azerbaijan on an institutional level, and human rights activists and researchers are working without offices, providing service as individuals, putting them at risk of arrest and other forms of retaliation for exposing problems in Azerbaijan. The government has created a huge group of controlled organizations – we call them GONGOS (Government Organized NGOS) – to create the illusion of a vibrant civil society environment.

Political Prisoners

It is difficult to help the country develop when the government is in a state of denial. The government has consistently denied that there are any political prisoners in Azerbaijan, although their existence has been confirmed by decisions of the European Court of Human Rights. For example, the ECtHR confirmed that the arrest of Ilgar Mammadov, chairman of the opposition Republican Alternative (REAL) movement, was politically motivated, and ruled that he should be immediately released. The Azerbaijani government continues to flout this decision, in violation of their obligations as a Council of Europe member.

Ilgar Mammadov is one of 138 political prisoners in Azerbaijan. The repression machine has targeted not only pro-Western politicians and civil society activists, journalists, and bloggers like

Abdul Abilov and Ilkin Rustamzade, but also moderate religious activists, like Tale Bagirzade, who have actually spoken out against the radicalisation of believers. The U.S. Commission on International Religious Freedom [has documented](#) the government's limitation of religious freedom and imprisonment of religious believers.

Recommendations

Calls for targeted sanctions against corrupt officials, prosecutors and judges could be effective leverage to convince the Azerbaijani government and others to drop these oppressive policies. Legislative initiatives like the *Azerbaijan Democracy Act* and the *Global Magnitsky Human Rights Accountability Act* are possible ways to hold corrupt officials accountable, since justice is not possible in their respective countries.

It is in no way an act of revenge, it is an effort to make the world better, because corruption and human rights are not internal affairs. Big money crosses borders, is used to bribe foreign politicians through luxury trips, investment projects, and simple cash payments. These scandals have touched the U.S. Congress, the Parliamentary Assembly of the Council of Europe, and the European Parliament. These cross-border corruption machines need to be stopped before they involve more politicians in Europe and the United States.

It is essential to speak out against repression. My case proved that international pressure can be effective. I was released thanks to strong public statements and because fellow journalists didn't stop their investigations while I was in prison. Unfortunately, governments and international organizations are more hesitant in their reactions to harassment and arrests, while they generously welcome any releases. This corrupts the authorities in countries like Azerbaijan, and doesn't help stop the revolving door of politically motivated arrests.

The efforts to keep dialogue and continue partnership cannot be effective if they are only done "one-way." The principle of reciprocity is not observed.

International partners of the Azerbaijani government should help them to understand that a country without rule of law, a country that doesn't observe its own commitments to international treaties and organizations, cannot be considered a reliable partner, and without an independent judiciary, real progress in democratization and respect for human rights and its own obligations, the country cannot be considered a reliable economic partner.

This is an important issue now, when the Azerbaijani government is going through a tough period. With a crisis in the oil market and devaluation of the local currency, the government is in big need of foreign financing. These funds should not come without conditions. The international community should demand that the government demonstrate real democratic progress before securing more funds for the long life of this oppressive regime. Cheap bargains in one or two cases of political prisoners should not be accepted as sufficient.

I also want to urge continued efforts for worldwide transparency. Demanding more transparency in business registration procedures throughout the world and achieving greater accountability with regard to Politically Exposed Persons, can make the world better. Among other reasons, it would make it easier for journalists to investigate the hidden business interests of politicians.

Thank you.

Mr. MCGOVERN. Well, thank you very much. We appreciate your testimony.

And at this point I would like to ask Mr. Karimli to give his testimony.

STATEMENT OF TURKEL KARIMLI, SON OF OPPOSITION LEADER ALI KARIMLI, CHAIRMAN OF THE POPULAR FRONT PARTY OF AZERBAIJAN, BOARD MEMBER OF THE NATIONAL COUNCIL OF DEMOCRATIC FORCES, AND FORMER POLITICAL PRISONER

Mr. KARIMLI. Honorable Chairman, thank you for inviting me here today. I ask my full statement to be submitted and I will now read my short statement.

I am here today because my father, Ali Karimli, leader of the Popular Front Party of Azerbaijan, was unable to attend this hearing. The Azeri Government has refused to issue his passport, and he has been living under an effective travel ban for the past decade.

Being here today is an honor and a privilege. I am delighted to have this opportunity to shed light on President Ilham Aliyev's recent efforts to suppress the political opposition and the free media of Azerbaijan.

My country is going through an era of political and economic turmoil following the sharp decline in the price of oil and the subsequent collapse in the value of the manat, the Azeri economy has fallen into recession. A normal and competent government would have moved to introduce economic reforms to revitalize the public finances. But the corrupt and incompetent regime of Ilham Aliyev, facing likely social unrest, has chosen to respond in the only way it knows: more arrests, more oppression, more terror, false imprisonments, and the systematic plan to silence the last remaining free media outlets.

The Aliyev regime is very anxious. Faced with a failing economy and the likelihood of social unrest, Ilham Aliyev is holding a referendum on his proposed amendments to the Constitution. These proposed amendments will tighten his grip on power. Aliyev wants to guarantee himself absolute executive authority and to formalize a monarchy in Azerbaijan.

The Azeri Government is well known for its relentless use of repressive tactics against political opponents. The leading opposition party, the Popular Front Party of Azerbaijan, and its leader Ali Karimli have been consistent targets of government oppression. The party's first headquarters was illegally seized, second was illegally closed, and its third was destroyed by an explosion. Overwhelming evidence points to the government's role in that incident.

At present, 11 members of the Popular Front Party of Azerbaijan are in jail. This includes five members from its leadership and two deputies to the chairman. Aliyev's most recent tool is targeting the family of political opponents. My family has been targeted constantly and over many years. My uncle, who has been in prison, has recently received threats against his life. Family members of other party activists were also harassed. As an example, Natiq Aliyev's brother was imprisoned and is still in jail.

The government's latest propaganda efforts to implicate the Popular Front Party of Azerbaijan in a Gulenist attempted coup are laughable. These allegations are totally fabricated and have no factual or evidential basis. Yet in spite of this, three members of the party were arrested and detained on these ridiculous allegations. There are reports that my father, Ali Karimli, may face the same fate.

In addition to the Popular Front Party of Azerbaijan, a member of the Nida movement Elgiz Gahramanov was detained and reportedly tortured. With over 100 political prisoners in Azerbaijan, many other political organizations have also been targeted. Five members of Nida and REAL leader Ilgar Mammadov are in jail. So is the deputy leader of Musavat Party Tofiq Yaqublu. Religious activists have met the same fate. Since the Nardaran trial, 70 religious activists have been in prison on false charges. A leading activist Taleh Bagirzade was not only jailed but also tortured.

The Aliyev regime is afraid not just of political opponents. It is attempting to completely and decisively eradicate the independent media. The only free newspaper Azadliq is being forced into bankruptcy. It cannot obtain its funds from the bank and it cannot recover monies owed to it from the government-controlled newspaper distribution agency. Azadliq has ceased publishing its print edition, and without relief from the government's actions and interferences, it faces a real and pressing danger of being completely shut down.

But the government is not satisfied with simply punishing free media and the political opposition. Aliyev has decided to solidify his grip on power. This is the underlying purpose of the recently proposed constitutional amendments to increase the presidential term limit from five to seven years, to schedule elections at the president's personal wish, and to create a new position of vice president, appointment to which, in the absence of parliamentary oversight, will be of Aliyev's own discretion.

And finally, Aliyev would abolish the minimum age requirement currently at 35 for the office of the president. There isn't any rational explanation for this other than Aliyev wanting to pass on power to his son. He wants a regime of dynasty and monarchy.

I want to emphasize that in the absence of OSCE and other foreign election observers, and given Aliyev's history of committing blatant election fraud, it is beyond reasonable doubt that the upcoming referendum vote will also be completely rigged.

What I have said today points to this conclusion. Azerbaijan is at the crossroads. If the government doesn't abandon the current and unprecedented level of repression, and if it fails to implement crucial and immediate political and economic reforms, Azerbaijan is in real danger of civil conflict and terror.

Now, the Azerbaijani opposition will always continue advocating for peaceful transition to democracy. It will provide leadership and an alternative vision for an accountable and democratic government bound by the rule of law. It has always done so, and it is ever-more ambitious.

In spite of the current repressive climate and in a country with more than 100 political prisoners, the Popular Front Party of Azerbaijan and the National

Council organized a rally against the proposed constitutional amendments on September 11. This rally attracted no less than 15,000 people.

But the West must also be quick and decisive in condemning Ilham Aliyev and his regime. Backdoor diplomacy will not produce any results and will keep on failing if applied to this government. We saw how the threat of the Azerbaijan Democracy and Global Magnitsky Acts compelled the government to ease on the repression in spring.

Such measures should be pushed forward, and specific government officials at the highest level of leadership must be singled out for their corruption and involvement in repressive acts. A clear message must be delivered to the Aliyev regime that the current practices will not be tolerated any more.

Thank you, and I welcome questions.

[The prepared statement of Turkel Karimli follows:]

PREPARED STATEMENT OF TURKEL KARIMLI

Testimony of Turkel Karimli

Tom Lantos Human Rights Commission Hearing

Azerbaijan: Do Human Rights Matter?

September 15, 2016

My name is Turkel Karimli, and I am the son of opposition leader Ali Karimli, who is chairman of the Popular Front Party of Azerbaijan, board member of the National Council of Democratic Forces, and a former political prisoner. I am testifying today on his behalf, because he has been unable to travel for the past decade as a result of the Government's refusal to reissue his passport.

The Government of Azerbaijan has begun to implement a relentless and uncompromising plan to eradicate the fundamental pillars of Azerbaijani democracy: political opposition, political parties, civil society, and a free, transparent media. Its ultimate aim is to silence any alternative voices and to cripple the multi-party system in Azerbaijan. The Government targets opposition parties and their members at all levels and ranks, all remaining independent media outlets, and also political dissidents and their families.

Since the collapse of the national currency, the Manat, and the onset of economic recession, the Azerbaijani Government has increased its use of repressive tactics against the political opposition and the free media.

Instead of tackling the root causes of economic hardship, the Government seeks to prevent any political leader or civic organization from presenting to the increasingly angry citizens of Azerbaijan any alternative vision or solution. As part of its strategy, the regime of President Aliyev has increasingly persecuted the political opposition, embarking on a

ridiculous propaganda campaign. It has accused the main opposition party – the Popular Front Party of Azerbaijan (PFPA) – and its leader – Ali Karimli, my father – of attempting to organize a Gulenist coup in the country. Further, President Ilham Aliyev is proposing a referendum on constitutional amendments that are intended to ensure his absolute and unchecked power, allowing him to tighten his grip on power and to formalize a dynastic regime.

Proposed Constitutional Changes and September 26 Referendum

This will be the third attempt to amend the original meaning of the Constitution adopted in 1995, and to grant Ilham Aliyev even more extensive executive powers. The proposed amendments would limit the rights and liberties enjoyed by Azerbaijani citizens and impose significant constraints on property, citizenship and information rights. The proposals, collectively, would violate Azerbaijan's obligations under the European Convention on Human Rights. Article 155 of the Azerbaijani Constitution prohibits the possibility of constitutional amendment via a referendum if any of the Chapter 3 rights would be constrained or annulled. As such, the proposed constitutional amendments are not lawful. The Aliyev regime wants to completely abolish the essential republican principles of separation of powers, and of checks and balances. These principles are already ignored and exist on paper only, yet Ilham Aliyev is adamant in his intention to formalize absolute power. The proposed changes would enable him to dissolve the parliament whenever he likes, as well as appoint a Vice President (a new proposed institution) free of the need for parliamentary oversight and approval. Aliyev is also proposing to lengthen the presidential terms from 5 to 7 years, and to be able to call presidential elections at his own pleasure. These measures would grant Aliyev the increased flexibility and a tighter grip on power that he finds so necessary given the current socio-economic circumstances. The fact that Aliyev is reducing the power of the Azerbaijani Parliament is clear evidence of his distrust of members of parliament, many of whom have their own loyalties to various oligarchs. Clearly, Aliyev wants to avoid any need to share the executive power with anyone or any other government branch. The proposed abolishment of the presidential age requirement – currently 35, also strongly suggests that he is preparing to hand over his throne to his son, in order to formalize a dynastic regime.

In 2013 the OSCE declared that in 58% of Azerbaijani constituencies elections were not held in accordance to the recognized standards of free and fair elections. Following this damning report of widespread election fraud, the OSCE was forced to leave Azerbaijan, and has currently no presence in the country. No foreign election observer was allowed to monitor the 2015 parliamentary elections. And in the absence of any public campaign or opportunity to publicly debate the proposed constitutional amendments, and in the absence of foreign observers, it is beyond reasonable doubt that the referendum vote will also be rigged.

We believe that the only way to safeguard Azerbaijani democracy is by speaking out against the repressive methods of the Aliyev regime – and that doing so must involve a robust condemnation of Aliyev's tactics by Western governments, and a targeted use of

sanctions against those individuals in Government most implicated in corrupt and oppressive practices.

What has led to this situation?

The Azerbaijani Government is well-known for its consistent use of repressive tactics against the political opposition and the leading political parties, in particular. For many years the Aliyev regime has consistently rigged elections and prevented the establishment of a competitive political environment. Widespread electoral fraud began under the leadership of Heydar Aliyev, and was intensified under the reign of his son, Ilham Aliyev, in the rigged presidential elections of 2003 and all subsequent elections. The parliamentary elections of 2005 saw unprecedented levels of fraud, as a consequence of which the political opposition was removed from Parliament and ceased to have any meaningful presence in the legislature. The irregularities of the 2005 elections were effectively publicized by the international media, and political opposition candidates, alleging electoral fraud, won every single case brought to the European Court of Human rights. Nearly fifty cases confirmed the widespread use of ballot stuffing and other fraudulent activities.

The Aliyev regime employs many further tools of totalitarian control. Many opposition politicians and activists have been jailed on trumped-up charges. The independent media was silenced. Recently these acts of repression have intensified, with the Popular Front Party of Azerbaijan (PFPA) in particular having been consistently targeted. The headquarters of the PFPA were illegally seized in 2006, and a few years later its new premises were sealed on official orders in the absence of any legal justification. Most recently, in 2014 the Party's headquarters was destroyed in an explosion. The circumstances of this explosion were peculiar. The landlord of the rented office space had been explicitly threatened by a member of the Government's security apparatus that if he did not terminate the lease given to the PFPA, the offices would be destroyed. The landlord recorded the phone conversation and published it on YouTube following the explosion.

The most serious attack against the Popular Front Party is the targeting of its members. Due to its consistent and democratic opposition to the Aliyev regime, the party members, at all levels of leadership, have been relentlessly targeted: currently 11 members of PFPA are in jail serving lengthy sentences. These include five high-ranking party officials and two deputies of the Party's chairman, Ali Karimli. In addition to these individuals, many party activists are routinely arrested and detained for periods of up to 20-30 days. In last three years, nearly 50 members have received hefty fines. Karimli's brother-in-law, and my uncle, Elnur Seyidov was jailed for seven and a half years on falsified charges. After four years suffering in jail (having been diagnosed with multiple sclerosis) my uncle recently received a death threat in jail. Other family members have also been targeted. My father's cousins were jailed and many lost their jobs and private enterprises. I myself was detained for 25 days during the presidential elections in 2013.

Targeting family members is a new and disgraceful method utilized by the Aliyev regime. PFPA party official Natiq Adilov's brother Murad Adilov has also been jailed. Similar tactics are used against other political parties and organizations as well as public figures

brave enough to voice criticisms of the Government. The REAL, or Republican Alternative movement, has been similarly targeted. In January of 2013, its leader Ilgar Mammadov was jailed on trumped up charges and is still in prison, in spite of a ruling in the European Court of Human Rights in his favour. The deputy leader of the Musavat Party, Faraj Mammadov, and five popular youth activists of NIDA civic movement are also in jail. So are a number of bloggers and journalists. A large proportion of those imprisoned on political grounds are religious activists.

Of course, the Aliyev regime has also found ways of targeting those far away from Azerbaijan, and the situation is getting worse. Political dissidents in various Western countries have had a particularly bitter taste of the Aliyev regime's repression machine. Many political dissidents currently abroad have had their family members jailed or harassed. The director of 'Azerbaijani Hour' TV channel Qanimat Zahid has had his brother jailed. Emin Milli and Gunel Movlud of Meydan TV suffered similar fates. Emin Milli's brother-in-law was jailed, so were two brothers of a well-known writer, Gunel Movlud. There are acts of harassment against the families of well-known political dissidents. Family members of a dissident and well-known member of the youth wing of the PFFA, Turkel Azerturk, were threatened with imprisonment.

A crucial part of the Aliyev regime's latest reinforced crackdown on the opposition and civil society is the attack on free media. In 2014 Radio Free Liberty was shut down, unlawfully, following a bogus "criminal investigation." Prior to its closure, RFE/RL had already lost access to the crucial FM wavelength, which significantly hindered its effectiveness and reach. Many reporters and journalists of Meydan TV were repeatedly harassed and detained. As mentioned above, senior staff and leadership including Emin Milli were singled out for the most disgraceful forms of harassment. Lately the Aliyev regime has increased the crackdown against the only remaining independent newspaper – Azadliq. Various methods were used in order to force it into bankruptcy. The primary newspaper distribution agency, being in the hands of the Azerbaijani Government, refused to pay its debt to Azadliq. The newspaper's financial director, Faiq Amirli, was arrested and detained for three months pending trial on patently ridiculous charges of pro-Gulen involvement.

Once the newspaper tried to withdraw its funds from the bank, it was met with rejection – the bank would only release the funds to the financial director, who is currently in jail. In the absence of any legal justification, the bank refused withdrawal rights to employees with delegated authority from Faiq Amirli. Unable to recover its debts, and with no access to its funds in the bank, the newspaper is on the brink of a complete closure, having already ceased its print editions. Currently, all of its employees have agreed to work unpaid. Yet clearly such arrangements are not sustainable. If the government does not give up on its repressive tactics, Azadliq – the only remaining free newspaper, and a winner of "The Guardian Journalism Award" – may end up being shut down.

No one is safe from the repressive machinery of President Aliyev. Indeed, the bulk of political prisoners are in fact religious activists. Those imprisoned include public figures and followers, known for their peaceful methods and moderate stances. The Government of Azerbaijan has fabricated allegations of terrorism against them, and just from one

criminal investigation into events in Nardaran last year, nearly seventy religious activists were jailed. One of the leaders of moderate religious groups, Taleh Bagirzade, who has publicly denounced the creation of a Sharia state in Azerbaijan, has been imprisoned now for the third time. Taleh Bagirzade and his followers face lengthy prison sentences, and have been subjected to unspeakable torture.

* * *

The latest blatantly dishonest campaign against the political opposition and against the PFPA and my father in particular began just a month ago. The Azerbaijani Government commenced a criminal investigation, accusing the PFPA, its members, and my father of working for Fetullah Gulen, and of devising a plan to overthrow the Azerbaijani Government by force. Of course, these accusations are false, and no one credible believes them.

First things first: accusing Ali Karimli of working for “foreign powers” is an old government propaganda tool used over many years. Just six months prior to the Gulenist allegations, my father was accused of conspiracy with Shia Muslim sects in Azerbaijan, which are the religious and ideological antithesis of the Gulenist movement. Prior to that, at one point, the PFPA and Ali Karimli were accused of allying with ISIS (with government provocateurs bringing ISIS flags to peaceful opposition rallies) and also of partnering with a surviving clan of Pablo Escobar’s narcotics empire. The recent Gulen allegations are equally laughable and lack even a hint of evidential or factual basis. In fact, at the time of attempted coup in Turkey, Ali Karimli was one of the first foreign politicians who denounced the coup attempt. Whilst Ilham Aliyev waited for almost a day (until after the coup failed) to pick a side, Ali Karimli immediately denounced the coup whilst President Erdogan was still away from Turkey and at the time when the outcome was far from certain. The members of PFPA arrested for their alleged links to Gulen – Faiq Amirli, Fuad Ahmadli and Gadim Bakirov – were detained in the absence of any real investigation – not a single piece of evidence adduced against them. In fact, the religious pro-Gulen texts planted in the trunk of Faiq Amirli’s car (witnessed by a neighbor who saw two unidentified individuals planting the books) were written and published by top-level Government officials and printed by businesses under their control. All of this notwithstanding, the basic fact is that the alleged “incriminating” books are easily available to the general public at the Central Library of Azerbaijan. A member of the NIDA civic movement, Elgiz Gahramanov, was also a victim of these bogus allegations and has reportedly been subjected to torture following his arrest and detention.

Of course, faithful to their history of ridiculous allegations, the same government propaganda outlets accusing my father of being a Gulenist are now saying that he is in fact working for Western governments with the ultimate aim of overthrowing President Aliyev via revolts.

Why is this Happening Now?

In light of such a dramatic rise in repression, a pressing question emerges: Why now? What is the underlying cause of the recently intensified crackdown on dissent? The answer has to do with the new socio-economic reality in Azerbaijan, as well as the recent

increase in the political opposition's strength and reach. Having ruled the country with corruption and incompetence at the highest level, the Aliyev regime was caught off-guard by the sharp decline in the price of oil. The dependence on oil, and a drastic devaluation of the national currency, the Manat, has resulted in a financial crisis of previously unseen scale. According to the World Bank's data, the value of Azerbaijani GDP in USD has declined from 75 billion to 53 billion – a decrease of 29% in a space of a year. Real incomes have decreased by more than half, and this is accompanied by a sharp increase in consumer prices and unemployment. All of these factors put new pressures on a regime used to consistent oil revenues.

Meanwhile, the political opposition has been growing in strength. In spite of all the hardships and unprecedented repression, in spite of denial of basic operating facilities, and the clampdown on the remaining free media, the political opposition and PFPA and National Council in particular have been growing in strength. The PFPA, Ali Karimli, Jamil Hasanli and other leading National Council politicians as well as other politicians from REAL and Musavat, can now reach thousands of people in a short period of time, thanks to the increasing usage of social media platforms like YouTube, Facebook and twitter. In fact, and notwithstanding the most recent arrests and government propaganda campaigns – in a country declared as “not free” by Freedom House and one that has more than 100 political prisoners – the National Council and PFPA recently held one of the biggest opposition rallies in Azerbaijan. The rally took place on 11th September 2016, and by many estimates attracted more than 15,000 people, making it the biggest in the last three years. All of this is making Ilham Aliyev and his inner circle increasingly anxious. Instead of engaging in meaningful and essential economic, legal and political reforms, Ilham Aliyev has decided to silence the alternative political voices whilst simultaneously tightening his grip on absolute power.

Conclusion

Azerbaijan is at the crossroads. The Aliyev regime needs to back down from the disgraceful and relentless campaign against the political opposition and to halt the crackdown against civil society and free media. All political prisoners must be released, and the government must undertake a serious commitment to introduce meaningful political and economic reforms. In the absence of these measures, and given the current socio-economic conditions, the country is on a path to chaos and civil conflict. All of the available empirical evidence shows, conclusively, that backdoor diplomacy does not work with Aliyev, and that without the threat of sanctions and the condemnation from Western governments, Ilham Aliyev will not commit to democratic reforms. In fact, most of the results followed the threat of the *Azerbaijan Democracy Act*, and the *Global Magnitsky Human Rights Accountability Act*. We believe that the introduction of targeted sanctions against government officials at the highest level of leadership would be very effective in pushing the Aliyev regime away from dictatorship and towards democratic reform. Such sanctions must be made against specific individuals and not against the state. Individuals including the ruling family, who engage in corruption and repressive acts against the political opposition, civil society and free media, must be targeted for sanctions. The people of Azerbaijan want to live in a free and democratic state. The Azerbaijani opposition, in spite of the accelerating crackdown and repression, will resolutely continue

to advocate peacefully for democracy and for fundamental freedoms: to establish a democratic state, with the rule of law, a separation of powers, and a competitive political forum. Meanwhile, the West must do everything in its considerable power to discourage Aliyev from continuous engagement in political repression, and to deliver a clear message that such conduct will no longer be tolerated.

Thank you.

Mr. MCGOVERN. Thank you very much.
Ambassador Kauzlarich, welcome.

**STATEMENT OF RICHARD D. KAUZLARICH, CO-DIRECTOR OF
THE CENTER FOR ENERGY SCIENCE AND POLICY, SCHAR
SCHOOL OF POLICY AND GOVERNMENT, GEORGE MASON
UNIVERSITY, AND FORMER U.S. AMBASSADOR TO AZERBAIJAN**

Mr. KAUZLARICH. Thank you, Mr. Chairman, and I appreciate -- sorry. Thank you, and I appreciate your including my written statement for the record.

I want to thank the Commission for this opportunity to address Azerbaijan's human rights situation in light of Azerbaijan's proposed constitutional changes and the September 26 referendum on those changes.

As a former U.S. Ambassador to Azerbaijan and now adjunct professor at George Mason University's Schar School of Policy and Government, I follow with concern developments relating to human rights in Azerbaijan.

And I commend the Commission for holding this hearing and inviting such excellent witnesses as Turkel and Khadija to be part of this. With so many distractions, it is easy to forget about the disturbing developments in Azerbaijan.

February of 2015, I testified on Azerbaijan before the Europe, Eurasia, and Emerging Threats Subcommittee on Europe of the House Foreign Affairs Committee, and since then, two of my greatest fears have been realized: First, in April, the so-called four-day war resumed military conflict between Armenia and Azerbaijan; and second, a worsening human rights situation in Azerbaijan.

The invitation to President Aliyev to attend a nuclear security summit in Washington earlier this year and the release of some 14 political prisoners before the April 1 summit, signaled the possible improvement in relations. Yet this visit was followed by arrests of opposition political figures and religious believers, threats against family members of those arrested, travel bans on journalists and authors, and an intensified crackdown against opposition media, including Azadliq newspaper.

On July 18, President Aliyev announced the proposed constitutional amendments designed to strengthen the current regime's hold on power, and almost immediately, officials began preparations for a constitutional referendum on September 26.

Since mid-July, under the guise of rooting out supposed Gulenist supporters, the regime has intensified its crackdown on political opposition and independent media, including ANS radio and TV. And this crackdown included a preposterous lie tying the political opposition and the United States Government to a purported Gulenist effort to undermine the referendum and even plotting a coup.

So why this rush to hold a big referendum on constitutional changes? I think there are three reasons. First, the regime wishes to take advantage of the U.S. and other Western countries being distracted with other global events. Second, the regime quite frankly believes that the U.S. needs Azerbaijan more than Azerbaijan needs the U.S. And third, opposition to the regime now risks

being labeled as traitorous undermining of the national leadership at a time it is confronting Armenia.

Once these changes are adopted on September 26 -- and there is no doubt the referendum will guarantee adoption -- I believe the regime will move to hold early elections. This would be a logical next step for two reasons: First, Azerbaijan's economic crisis will only worsen; and second, the risk of spontaneous renewed military conflict with Armenia remains high.

Recently, Thomas Carothers of the Carnegie Foundation asked if the United States had given up supporting democracy abroad. Well, David Kramer and I have been asking the same about supporting democracy and human rights in Azerbaijan. I understand that the U.S. and Azerbaijan face common challenges -- the global war against ISIS-connected terror -- and we share interests, including the production and transportation of Azerbaijani energy to global markets. But a strategic relationship requires shared values, a commitment to democracy, human rights, including freedom of religion, freedom of expression, and market-based economic development.

The proposed constitutional changes and the flawed referendum, however, take Azerbaijan further away rather than closer to the values-based foundation necessary for a meaningful strategic relationship with the United States.

Quiet diplomacy has not worked. Quiet diplomacy has turned political prisoners into objects to be traded. The next step must be much more public diplomacy, meeting regularly and visibly with those being oppressed, and speaking out for a fair and open discussion of the proposed constitutional amendments before the September 26 referendum.

I believe, however, that the regime will prevent both the open discussion of the proposed amendments and that the referendum results will be rigged. So therefore, the United States must move to active diplomacy. That could involve temporarily recalling our Ambassador for consultations on the deteriorating human rights situation in Azerbaijan; imposing an asset freeze and/or visa ban on those officials who are responsible for banning the travel and responsible for the illegal detention, arrest, and conviction of Azerbaijani NGO activists, political opposition figures, religious believers, and journalists, and most important, for the intimidation of their families.

The Global Magnitsky Act and the Azerbaijan Democracy Act represent a helpful framework for undertaking such action.

The U.S. should also consider blocking IFI financing and OPIC and EXIM activities until Azerbaijan releases all of its political prisoners and resumes its path toward democracy in observance of its human rights application. And finally, maintain Azerbaijan's demoted status in the Extractive Industries Transparency Initiative until Azerbaijan truly meets the criteria for civil society participation.

Mr. Chairman, active diplomacy is tough-love diplomacy. A good relationship requires common values, and it cannot take place in a social, economic, and political setting defined by corruption, limits on personal freedom and initiative, and perpetuation of a Soviet-style command economy.

Thank you, Mr. Chairman.

[The prepared statement of Richard D. Kauzlarich follows:]

PREPARED STATEMENT OF RICHARD D. KAUZLARICH

Testimony on Azerbaijan

Tom Lantos Human Rights Commission

September 15, 2016

Ambassador (ret) Richard D. Kauzlarich

Co-Director Center on Energy Science and Policy

And Adjunct Professor

Schar School of Policy and Government

George Mason University

Introduction

Mr. Chairman, I thank the Commission for the opportunity to comment on Azerbaijan's human rights situation in light of proposed constitutional changes and the September 26 referendum on those proposed changes. I have had over two decades of experience with the South Caucasus -- as a senior Foreign Service Officer and Ambassador, a think tank and intelligence analyst, and an academic teaching at the graduate level on the geopolitics of energy security. I was U.S. Ambassador in Azerbaijan for three years and have been back several times to observe elections and to train local non-government organization (NGO) representatives in conflict resolution skills.

I commend the Commission for holding this hearing. With so many distractions -- our own elections and dramatic developments elsewhere in the world -- it is easy to forget about these significant developments in Azerbaijan which could imperil Azerbaijan's future as a partner with the US in addressing shared challenges, in particular the terrorist threat ISIL poses throughout this region.

Background

As many of you know, Azerbaijan's current President, Ilham Aliyev, took over from his father in 2003. The Aliyev government has long been plagued by allegations of corruption, and since the fall of 2013 has been conducting a crackdown on dissent, rounding up and jailing journalists, political opposition, civil society, and religious activists. Unlike in the past, suppression of the opposition has been accompanied by travel bans, intimidation of family members, and trumped up charges of coup plotting. Thus, it is not a "more of the same" crackdown," but rather a sharp departure from the past. It has given Azerbaijan the dubious distinction of holding more political prisoners than Russia and Belarus, often called the last dictatorship in Europe, combined.

[On February 12, 2015, I testified](#) on Azerbaijan before the Europe, Eurasia and Emerging Threats Subcommittee on Europe of the House Foreign Affairs Committee. In the 20 months since, my two greatest fears have been realized: first, in April the so called "four-day war" resumed a military conflict between Armenia and Azerbaijan that resulted in scores of dead -- civilians and military alike. Second, a worsening of the human rights situation regarding the political opposition, certain religious groups and independent media.

With the invitation to President Aliyev to attend the [Nuclear Security Summit](#) in Washington earlier this year, and the release of some 14 political prisoners before the April 1 Summit,

meetings between President Aliyev and Vice President Biden and Secretary of State Kerry at the Summit seemed to preview an improvement in relations. Even the anti-American rhetoric formalized by Presidential Chief of Staff Ramiz Mehdiyev in his [December 3, 2014 polemic](#) accusing the US Government of supporting foreign and domestic NGOs' efforts to undertake a colored revolution in Azerbaijan, seemed to soften. Then, the four-day war with Armenia broke out in April, anti-Armenian and pro-nationalist sentiments hardened. Arrests of opposition political figures, threats against family members of those arrested followed the Russian-imposed halt in hostilities. In addition, travel bans on journalists and authors, and the crackdown against opposition media continued. All this taking place against a worsening economic and banking crisis.

On July 18, the President announced [proposed constitutional amendments](#) designed with the clear intent to strengthen the hold on power of the current regime. Almost immediately officials began preparations for a [constitutional referendum](#) to be held on September 26, 2016. These preparations included [denying Musavat](#) opposition party the right to participate in the pre-referendum information campaign. Beginning in mid-July, under the guise of rooting out supposed Gulenist supporters, the regime intensified its crackdown on political opposition and independent [media](#). This included a preposterous lie tying the political opposition and [the United States Government](#) to Gulenist efforts to undermine the referendum and even plotting a coup.

Rush to Referendum on Constitutional Reform

Why this rush to hold a rigged referendum on constitutional changes? There are three reasons. First, the regime wishes to take advantage of US and West distraction due to the growing Syrian crisis and our own heated domestic political situation. Second, consolidation of power takes place in a high reward, low risk environment based on the assumption that the US needs Azerbaijan more than Azerbaijan needs the US. Past US behavior of expressions of concern leading to the release of a few political prisoners followed by visits of senior USG defense or energy officials only confirmed in Baku's eyes that expanded domestic repression and concentration of autocratic power carried no serious consequences. Third, one of the consequences of the four-day war was a high degree of nationalistic support for the regime for the military action against Armenian forces. Opposition to the regime now risked being labeled as traitorous undermining of the national leadership bravely confronting the Armenian occupier.

Other witnesses will discuss the nature of these constitution amendments and their potential impact. Simply put, the amendments will lead to more executive power, weakening of separation of powers and judicial and parliamentary independence, and fewer freedoms for Azerbaijan's citizens.

Once these changes are adopted on September 26— and there is no doubt the referendum will guarantee adoption —, I believe that the regime will move to hold early elections. The scheduled elections for President are not until 2018. This would be the logical next step for two reasons. First, the economic crisis that Azerbaijan is undergoing will only worsen. Rather than risk greater popular unrest spoiling elections in 2018, early elections would consolidate the Aliyev family's control of political and economic power. Second, the risk of spontaneous, renewed military conflict with Armenia remains high. Early elections could strengthen the government in advance of the next fighting season in the spring of 2017. If fighting resumed before elections, and Azerbaijan was seen as less successful than in the 2016 Four Day War, there would be the risk of voter backlash at the ballot box.

Why Should the US Care?

Recently Thomas Carothers of Carnegie Foundation [asked](#) if the United States had given up supporting democracy abroad. David Kramer and I have been [asking](#) the same about supporting democracy and human rights in Azerbaijan.

As a former senior US diplomat and Ambassador to Azerbaijan, I understand that the US and Azerbaijan share common challenges – the global war on ISIS-connected terror – and shared interests including the production and transportation of Azerbaijani oil and gas to global markets. Azerbaijan also seeks a strategic relationship with the United States as a way to force Armenia to give up occupied territory of Azerbaijan and return the disputed region of Nagorno-Karabakh to Azerbaijani sovereignty. Beyond common challenges and shared interests, a strategic relationship requires shared values: a commitment to democracy, human rights (including freedom of religion), freedom of expression, and market based economic development. The proposed constitutional changes and the flawed referendum, however, take Azerbaijan further away from, rather than closer to, the values-based foundation necessary for a meaningful strategic relationship with the United States.

What is to be Done?

I believe that quiet diplomacy has not succeeded. Being “concerned” or “[troubled](#)” even where this has led to the release of a handful of detainees has turned these poor people and their families into commodities. The pattern of quiet diplomacy has become business as usual that has only led to more arrests and further oppression. Rather than more quiet diplomacy we need public diplomacy and active diplomacy. Let me explain.

Since quiet diplomacy has only turned the political prisoners into objects to be traded, the next step must be more public diplomacy. This involves US Embassy, and other US Government, officials meeting regularly and visibly with opposition, human rights, independent media, and NGO representatives. As the Department of State did [recently](#), the US Government must speak out on the need for a fair and open discussion of the proposed constitutional amendments before the September 26 referendum.

So far the regime has ignored demands for [outside evaluation](#) of the constitutional amendments. There is little doubt that the regime will prevent open discussion of the proposed amendments and the referendum results will be rigged. The US and its European allies in particular must not only make strong statements regarding the referendum and constitutional amendments, but be prepared to move into an active diplomacy mode. Active diplomacy could involve:

- temporarily recalling our Ambassador for consultations on the deteriorating human rights situation in Azerbaijan.
- imposing an asset freeze and/or a visa ban on those officials responsible for bans on travel and the illegal detention, arrest and conviction of Azerbaijan NGO activists, political opposition figures, and journalists; and the intimidation of their families. [The Global Magnitsky Act](#) and [the Azerbaijan Democracy Act](#) represent a helpful framework for undertaking such action.
- blocking IFI financing and OPIC and EXIM activities until Azerbaijan releases all political prisoners and resumes its path toward democracy and observance of its human rights obligations. At a minimum, we should withhold US support for IFI financing of extractive projects until Azerbaijan has met the criteria required of it by the Extractive Industries Transparency Initiative (EITI), regarding ensuring the independence of civil society. The US should also mobilize support from like-minded governments to do the same.
- maintain Azerbaijan’s [demoted status](#) in the EITI until Azerbaijan has truly met the criteria for civil society, for example by repealing the recent harsh laws that make it nearly impossible for NGOs to get funding for and carry out independent work,. Azerbaijan is making a [major effort](#) to resume its “compliant” status at the October 25-26 EITI Board Meeting in Astana, Kazakhstan.

Active diplomacy is “tough love” diplomacy. It should seek the release of all the political prisoners and a return of Azerbaijan to the path building democracy and observing human rights and freedom of expression according to standards (i.e. Council of Europe, Organization for

Security and Cooperation in Europe) it has freely accepted. Azerbaijan also needs to undertake radical economic reforms. It cannot do that in a social/economic/political setting defined by corruption, limits on personal freedom and initiative, and perpetuation of Soviet-style command-economy thinking.

Thank you.

Mr. MCGOVERN. Well, thank you very much to all three of you.

Mr. Ambassador, I just want to begin with you just if I could. I agree. I mean, I think we need a new, fresh approach, and maybe tough love is the right phrase. You know, I think when it comes to human rights, I think it is important that the United States not be a cheap date. You know, we talk about the importance of human rights, but then, you know, because of a variety of economic or strategic or -- you know, or reasons are because it is uncomfortable, oftentimes we are recalibrating, and that could be sometimes deemed as looking the other way in the face of corruption and human rights violations.

But, look, many in the United States, you know, may look at the world, the situation in the world, you know, the war, humanitarian crisis in Syria, you know, the troubling economic and electoral issues in our own country and think, you know, Azerbaijan? So what? Why should we care about human rights in Azerbaijan? Why should Azerbaijanis care about the human rights situation in Azerbaijan?

Mr. KAUZLARICH. Well, I think, you know, we should care about Azerbaijan because we care. We care about the country since the breakup of the Soviet Union. We have supported the independence and territorial integrity of Azerbaijan in a variety of ways. We have helped develop the resources. And Azerbaijan has cooperated with us in a number of areas of importance, including Afghanistan and the war on terror.

But I believe that diplomacy must practice more than simply, you know, support of the interests and common challenges that we face and talk about things that are also very important for the future of a country like Azerbaijan that has said in the past that it wants to be part of the West and move in a democratic direction.

That is not taking place now, and we just have to be frank with our Azerbaijani friends. I know how uncomfortable it is having been in that position -

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Mr. MCGOVERN. Right.

Mr. KAUZLARICH. -- where you have to deliver bad news, but we can't just walk away from it.

Mr. MCGOVERN. And you mentioned the Global Magnitsky Act. I think Khadija did as well. You know, I am the House author of the original Magnitsky Act, which was global originally, and then when we went through the legislative process, they narrowed it down to just Russia. And now we are trying to get the Global Magnitsky Act enacted into law, and I think hopefully we will.

And if the administration were here, I would remind them, they don't need a Magnitsky law or a Global Magnitsky law in order to be able to impose, you know, freezes on assets and, you know, denying people who are guilty of human rights and corruption, denying them visas to come to the United States. They have that authority already. I mean, what Magnitsky did is put in a formal process that enables us here in Congress, you know, to kind of keep their feet to the fire.

But I am just curious. Why do you think they are so reluctant to use that lever? Because they do have that ability, and I do think it would send a powerful

signal. The signal it would send is that, you know, there is a consequence to bad behavior, and not just to, you know, political leaders but to others who are engaged in the corruption who may be supporting the government. You know, they may feel the sting, you know, and that might result in some other kinds of changes that we all want.

Mr. KAUZLARICH. Well, I take a very practical view of this. The alternative, which is quiet diplomacy, you know, having visits and ratifying the importance of the relationship and then talking to officials quietly about these problems, does not work.

Mr. MCGOVERN. Right.

Mr. KAUZLARICH. And to me the tragedy is we have turned these poor people who are in prison in Azerbaijan basically into a commodity to be traded. And the fact that that is the relationship we are in now is an indication that we need to try something different. So sanctions, I think --

Mr. MCGOVERN. Right.

Mr. KAUZLARICH. -- would be one part of that.

Mr. MCGOVERN. Thank you. Khadija, again, it is great to see you, if not in person, on the TV screen, you know, and I first learned about your situation through Reporters without Borders and Amal Clooney raised your case directly to many of us here in Congress. And I remember being at a rally, I think, in front of the White House on your behalf as well. But I think I would much prefer you were here in Washington in this hearing room, and hopefully that day can come sooner rather than later.

I just want to ask a couple of questions if I could. You know, in your testimony that you prepared for us here, you mentioned that there were 138 political prisoners in Azerbaijan. Can you tell us how that number is determined? Who are these people? Can you provide additional background and context on the religious prisoners? And maybe it would be helpful to get on the record, I mean, what are the conditions in these prisons? There have been reports of torture. Is that true? Do prominent prisoners receive better or worse treatment? And how can the international community effectively advocate for the people currently in prison in Azerbaijan today?

Ms. ISMAYILOVA. Well, I will start from the latter. The conditions in prisons are harsh. The prison I was in had 476 inmates while they had basically a place for only 350 officially. So I can give you only one figure like according to the government standards, there should be one toilet for each 10 inmates. We had one for 47, so it was -- the prisons are overcrowded, and the policy that the prisoners should suffer, that is the philosophy behind the harsh conditions.

And tortures, yes, they are common in prisons and during the investigations. And we political prisoners actually get less of the bad treatment than the others, but still -- and the prominent ones are even tortured less. But young activists, for example, two bloggers, two young activists who did a graffiti, who wrote a graffiti on Heydar Aliyev statue, it is -- Heydar Aliyev is the father of our President. They wrote graffiti on his statue -- "Happy Slaves' Day" slogan on his birthday, and they have been tortured, harshly tortured.

And the local preventive mechanism, the ombudsman institution, just ignored the fact of their torture. They basically denied the fact. But coincidentally, the U.N. group against arbitrary arrest was visiting the country, and they documented the tortures, which were basically rejected, denied by the local ombudsman institute. That raises another issue. Actually, there is no preventive or monitoring mechanism that would be independent, that would monitor the prisons and detention facilities and report independently about the conditions and the tortures. That's one of the burning problems. After the latest crackdown on civil society when part of the civil society was bought by the -- basically bribed by the government, and another part was either arrested or shut down, this became a really burning issue. And I think U.N. and the Council of Europe should think about having an independent reporting mechanism from Azerbaijan, reestablish one.

And I want to go to the political prisoners list. There is a group of human rights activists -- some of them are former political prisoners -- who are doing the consolidated list of political prisoners. I am invited to monitor and attend all the meetings as an independent watchdog, and the process has been finished basically yesterday and we are going -- like the group is planning to publish the list of political prisoners, the updated list of political prisoners later this week.

How this list is compiled, how do we define that, that this or that person is a political prisoner? Well, there is a definition adopted by the Parliamentary Assembly of the Council of Europe, the definition of the political prisoner in the countries of Council of Europe. And all of these 138 people have been scrutinized. All the cases have been scrutinized to check if they can be listed as political prisoners and if their cases can be defined according to the standard that is under the rule of the Council of Europe.

So these principles are defined by the Council of Europe, the Parliamentary Assembly, and Azerbaijani Government tried to block that act as well, that resolution as well, but didn't manage it. The Azerbaijani Government has been very successful in blocking a lot of resolutions on political prisoners in Azerbaijan, but the resolution on definition of political prisoners could not be blocked at that time.

So there is a defined definition of the political prisoners, and the group is working hard. The group includes human rights activists and former political prisoners like Rasul Jafarov, Intigam Aliyev, and Leyla Yunus. So it is a consolidated list and not only these three human rights activists but other human rights groups are now in the process of signing the list. So it will be a consolidated list agreed by the number of the independent civil society activists and organizations.

And also religious activists who are arrested, well, the government is playing a card of the radical Islam to portray those who have been arrested as radicals. They are not. And I am an atheist, and I have my own issues with every kind of Islamist in the country. But I have been scrutinizing documents and statements of the leaders of this group that is now in the court, and embassies have been attending their trials as well. And it is simply the trumped up case.

The government created a show of crackdown on radicals, but in fact targeted a very moderate Muslim group that was seeking the official registration and calling for nonviolent ways of opposing the regime. And they have been targeted because they have been criticizing the regime. And their slogans were not just religious. They were calling for social justice, and that was the real reason why the government targeted these people.

And the religious activists, actually they are on top of the torture victims list because the harshest torture measures have been undertaken against them to force them to testify against political groups to establish -- to demonstrate the link between Islamic groups and the National Council of the opposition, of Democratic Forces. The deputy of Popular Front Party has been arrested within this case, and they want to demonstrate that the opposition in the country is linked to radical Islam and they are calling for violence.

The trial, it is not over yet, the main trial, but the trial shows that actually all the allegations regarding the violence used by the believers arrested are baseless because the witnesses, the documents don't show any evidence of violence used by the defendants in the case. While the trial is still going on and I don't want to say the final word on that, but so far we have been seeing a lot of evidences of tortures implemented against these people and the attempt of the government to portray these people as radicals and link them to political opposition in the country. So this is my impression from the trial, which I attended to have my own opinion on that.

Mr. MCGOVERN. Right. And are these trials involving, you know, human rights defenders or journalists or people the government has accused of, you know, things that quite frankly are nothing more than having people exercise their basic rights? I don't know if I heard you say this or not, but does the U.S. Embassy and other foreign embassies, do they attend these trials? Do they make the appropriate inquiries about the status of some of these political prisoners? Do you feel that there is support coming from other embassies during these difficult times?

Ms. ISMAYILOVA. Well, some of the trials are being attended. These are the loud trials, the like high-profile trials, are being attended by the embassies, not always the U.S. Embassy but some other -- I think there is a coordination between them and they share information. The British, French, Norwegian, German, and U.S. Embassy are attending some of the trials.

But I would say the stance of the -- especially the U.S. Embassy is not sufficient at all. I remember the time before I got arrested. The U.S. Ambassador to OSCE, Mr. Daniel Baer, criticized OSCE Ambassador to Azerbaijan for having too many pictures with the government representatives and not being shown publicly with civil society activists. Well, he should scrutinize Ambassador Cekuta's photo albums because like -- and if you just go to the embassy's Web site you will see only the cultural events attended by the Ambassador, his meetings with government officials as if there is no civil society activists at all in the country.

I mean, when I am invited to the embassy, they ask me to be off the record, so not to publicize our meeting, and once we have picture with the high-

level official from the State Department, it was not shown anywhere. So I think there is a -- I feel like they are afraid to show their contacts with us. And it is very depressing. It is very depressing.

The most depressing thing for a civil society activist in Azerbaijan is to see a scared diplomat or scared foreigner. The biggest thing that may happen to them, they can be deported from the country. Azerbaijani Government doesn't kill, doesn't arrest, doesn't beat foreigners. Like anything that may happen, may happen to us, and when I see scared diplomat, and especially from a strong country like the United States, I really get confused.

And this happens all the time. This happens all the time. They are not publicizing their contacts with us. They are -- in French Embassy they even were closing the shutters so we couldn't be -- the cameras could not photograph us from the building next to the embassy. So this is how depressing it is.

And I work for the Radio Free Europe. The Radio Free Europe is funded by the U.S. Congress. And the criminal case that led to financial charges against me was started based on the letter from the Azerbaijani national bank's financial monitoring service that was alleging that money laundering is taking place in Radio Free Europe/Radio Liberty. Money laundering. It means that the money and -- Congress money, U.S. Congress money are the only source of the funding for the Radio Free Europe. It means that U.S. Congress money are dirty and they need to be laundered in Azerbaijan, and it means that the U.S. taxpayers' money are dirty.

So what was the response of the embassy? Nothing would be better. The embassy's statement was saying that they think Radio Free Europe should continue their operations if they operate professionally. And when I read that statement, I was really shocked, and that was the hardest day in my prison life because, you know, it is like being stabbed from behind, from the back. It is really difficult.

And I couldn't imagine that the U.S. Embassy was not able to stand for the Radio Free Europe, not even for journalists, for us, to stand for the U.S. taxpayers because they have been targeted by this criminal case. They have been targeted by this. And until now, Radio Free Europe's office is closed. Their accounts are frozen. The money they are sending even to their lawyer are being frozen by the government. And the embassy is silent about that. We don't hear any public statements regarding that.

In off-the-record conversations, some political analysts, diplomats, are telling me that Western embassies are silent because they don't want to touch the dialogue because the Government of Azerbaijan will stop speaking to them at all. And my question is when is that -- what happened in the world that the countries like the United States and France and Germany became so weak that the governments like Azerbaijani Government can afford to stop speaking to them?

Mr. MCGOVERN. Well, thank you. You have given us some interesting things to follow up with our embassy about.

Mr. Karimli, can you explain in greater detail some of the limitations placed on opposition parties? And in addition to the Popular Front Party, which other parties are having members harassed or placed in prison?

Mr. KARIMLI. Government of Azerbaijan is using all possible methods that is available to them to suppress the political opposition, political parties. And they do it by various means. First of all, they rig all elections.

Mr. MCGOVERN. How do they rig them? Tell us how they are rigged.

Mr. KARIMLI. Well, they do it very blatantly actually. They use very basic methods like ballot stuffing, transporting a group of people from one venue to another and so multiple times the same group of people --

Mr. MCGOVERN. Right.

Mr. KARIMLI. -- would vote in the same constituency. Actually, all of these are documented in a number of European Court of Human Rights cases. And following the 2005 election, the Parliamentary election, nearly all of them -- nearly every single case brought by the opposition alleging election fraud was won. The European Court of Human Rights confirmed the widespread election --

Mr. MCGOVERN. Right.

Mr. KARIMLI. -- rigging, and all of these facts show that they did it in a very blatant way. They didn't even try to pretend that there was a free election going on. They engaged in ballot-stuffing in front of election observers, and in several constituencies, the police officers were taking the ballot boxes away from the election voting centers to fill it up in a different location when they were unable to do it at the original location.

And all of this was on the tape actually. At that time BBC was running a documentary in Azerbaijan. All of this was on tape. And they engaged in a very basic, blatant way of election fraud, and this shows that they don't care what the international community thinks.

Mr. MCGOVERN. Are there campaigning opportunities for the opposition or were those closed?

Mr. KARIMLI. Absolutely none.

Mr. MCGOVERN. And are people prohibited physically from voting if they know who you are going to vote for, or do they just null and void the votes they didn't like?

Mr. KARIMLI. Well, they usually just throw a lot of ballots --

Mr. MCGOVERN. Right.

Mr. KARIMLI. -- in favor of one candidate, but also many people also find it hard to be registered as candidates. Registering as a candidate for elections is very huge problem in Azerbaijan and it has to be dealt with. The election commissions do not have a balanced composition. Only the members of the government and the New Azerbaijani Party are represented in the election commissions. And election commissions not only decide who will be the candidate on the election voting list, but also they are the organizations which deal with the appeals.

So what happens is they get to choose who is on the ballot and often not registering them. If you appeal, the same body controlled completely by the government will rule in their own favor. And there is a clear guideline by OSCE, and Azerbaijan is an OSCE member and so has obligations as a member to comply with the guidelines. And the guidelines state that the election

commissions should be represented in a balanced way and should include equal amount of opposition and the ruling party members.

Mr. MCGOVERN. And what can the United States do to try to help influence the situation to make it better? What are the things that you think we should be doing we are not doing?

Mr. KARIMLI. To push Ilham Aliyev to commit to upholding his obligations as an OSCE member, to follow OSCE guidelines for elections. The election code in the commissions isn't the only problem. We don't have equal campaigning opportunity. In 1998 presidential candidates had six hours of TV debates. In 2013 there were 54 minutes in nine different occasions. The national television and all other television channels are controlled by the government. All of the formerly independent TV channels are owned by oligarchs. The only TV channel which wasn't owned by an oligarch, ANS, was recently shut down --

Mr. MCGOVERN. Right.

Mr. KARIMLI. -- from the bogus allegations about Gulen. We have no opportunity to deliver our message on TV, on any TV channel, use any adverts during election campaigns. In the last election, for example, the paid adverts were set at such a high rate that not a single candidate used them. They deliberately shut down the TV from us.

And this includes all other media outlets. We don't have more than one independent newspaper in Azerbaijan. Azadliq is the only independent newspaper, and it is forced into bankruptcy with artificial means. I mean, there is direct interference by the government in the financial circumstance of the newspaper.

The financial director Faig Amirli was arrested, and now the Azadliq newspaper cannot recover its money from the bank, cannot withdraw its funds from the bank. And the people at Azadliq are demonstrating incredible sacrifice and are working unpaid, but obviously this is unsustainable in the long term.

And the print edition has already ceased its publication, and if the government doesn't back down, there's a very serious risk that the only newspaper and the Guardian Journalism Award winner will be shut down. And with that, there will be not a single media outlet in Azerbaijan voicing an alternative view, voicing a critical view of the government, of the government which is corrupt and incompetent.

Mr. MCGOVERN. Thank you. Mr. Ambassador, how does this situation compare to one year ago or five years ago or 10 years ago and just to kind of follow up on some of the previous questions. You know, we talked earlier about some of the things that the U.S. Government kind of can do in terms of Global Magnitsky and visa bans and freezing assets and that kind of stuff, but on the ground in Azerbaijan the embassy, you know, being more open to civil society, welcoming more people into the embassy, showing up at more trials, you know, being seen with independent journalists more often, I mean, you know, I know it is complicated, but the question is, I mean, clearly, if we are trying to help strengthen civil society, you can't be afraid of civil society or hide them or close the shutters or, you know, not want to release a photograph with them.

Mr. KAUZLARICH. Well, you know, my time now was almost two decades ago. I hate to think of that. And at the time that our very small embassy, 14 Americans, was operating, section 907 of the Freedom Support Act prevented us from providing any assistance to the Government of Azerbaijan. So the assistance that we did provide was through nongovernment organizations to help strengthen an independent media and political parties.

And Heydar Aliyev, for his own reasons, was quite prepared to meet with representatives of the National Democratic Institute when they would come to visit and talk about how he was committed to democracy. And while there were limits on what we could do, still we were able to help the nongovernment political parties and independent television.

What I think is happened now in the last few years is that those opportunities have been totally dried up. Even though we can do more economic assistance activities, we can't fund NGOs, we can't use RFE/RL in the same way that we did. And the environment is just much more restrictive in terms of what you can do as an outside -- so those instruments that we had, you know, 10, 20 years ago just aren't available today.

But what we can do is to be visible. I mean, the one thing that I did was, you know, I would go have tea with journalists if I heard the police were going to raid a newspaper. It happened a couple of times. Or I went to a religious service because we heard the police were going to shut that down. You have to be prepared as an embassy to be visibly seen and supporting people who are under duress. And if you do that regularly, it doesn't become an exceptional dramatic event. It becomes this is what embassies do.

Mr. MCGOVERN. Yes. And, Khadija and Turkel, maybe -- I mean, one of the trends, how can the international community help the Azerbaijani people access accurate and factual news? I mean, there are -- I mean, are average Azerbaijanis within Azerbaijan able to access -- I hope I am pronouncing these right -- Azadliq or Meydan TV or other independent sources? If someone is trying to get some of the truth about what is happening, you know, are they able to access independent sources to be able to learn about what the reality is?

Ms. ISMAYILOVA. Well, I want to emphasize that the first thing that the international community can do is not help the government to do oppression. For example, if there are rigged elections, they shouldn't rush to congratulate the so-called winner. That --

Mr. MCGOVERN. That is a radical idea.

Ms. ISMAYILOVA. That is the first thing not to do. I mean, it is devastating to see that the first congratulations after rigged elections comes from democracy, and it is really -- and if the elections are rigged, they should be named as they are. And naming and shaming is one of the issues because the Government of Azerbaijan still cares about its image. It is in need of financial support, and the Western international financial institutions should make it conditional for Azerbaijani Government to receive foreign funding based on their record for democracy.

Second is supporting civil society is very important. Although the foreign funding for NGOs is almost outlawed, it is still possible, and the U.S.

Government, USAID, has an experience of doing it in harsh environments like Iran, Belarus, and other countries, so it can continue supporting civil society and media by training, funds, and technical support. It is very important and it is important to continue this work.

It is important to continue operating Radio Free Europe in Azerbaijan because -- like it is not because I work there. Radio Free Europe is the best American has done in Azerbaijan. I mean, this is invaluable support to Azerbaijan, to give them an example of the up-to-standard journalism that is operating in the country and reporting about the problems of the country. That is very important.

And the second important thing is education programs. The U.S. Government has stopped education programs with -- most of the education programs with Azerbaijan. The student exchanges and scholarship programs have been stopped, so they should continue as well because this is one of -- it is important to work gradually on changing the minds of people. This is very important.

And also, to react promptly when something is happening because the government is sure that nobody will react, nobody will speak out. Actually, we forgot when the U.S. Embassy have raised their voice immediately after someone's arrest, if that is not someone well known internationally.

Well, right now, for example, the rallies being planning against the referendum, because the opposition says the referendum, it will lead to monarchy in the country because it increases presidential power, reduces Parliament's power, introduces new positions of vice president appointed by the president, and increases the presidential term.

So opposition is against -- the government hasn't given a chance for opposition to register a promotion group against referendum. So opposition is now planning the rally. And on September 17 there is another rally, and 13 people, members of the Popular Front Party mainly, are arrested because they are involved in organization of that rally. Thirteen people have been detained. Some of them got several days of imprisonment just in order to disable them from helping in organization of the rally.

And these kind of measures, like it happened today, so the embassy should react immediately because when they react immediately, the government is more hesitant on implementing tortures against these people, and sometimes they are even releasing those who are detained immediately if there is an immediate reaction. So it is important that the embassies, the international community, react promptly to the arrest. There should be people who work on this. Maybe the embassy is understaffed and it needs more employees to monitor the human rights situation while the situation is harsh and they need maybe more hands to do that, so they have to do.

Mr. MCGOVERN. We will follow up on that.

Turkel, do you want to add anything?

Mr. KARIMLI. Yes, I would like to add a few things.

First of all, I agree with the statement that Radio Free Liberty is very important and so is Meydan TV but also there is one TV program called Azerbaijani Hour, which became very popular recently.

And just a few years ago when the TV channel was on the Turksat, the Turkish satellite, there was evidence that more than 150,000 households are connected to watch the news. That is not very far away in terms of ratings from the main TV channels of that time. That shows a clear demand for alternative, accurate, independent media in our country. And that is exactly why the TV channel is always hit by government. Now, the TV channel cannot secure access to a satellite where it would be able to broadcast its program without intervention. And actually, that is one of the things that could be done to help the TV channel to secure that satellite capabilities to broadcast without interference.

And in relation to Azadliq newspaper, I think there should be more pressure on the government to back away from forcing it into bankruptcy because the newspaper at this rate will be shut down.

And in terms of the rallies, it is not the first time the organizers, the activists, the people who engage in grassroots levels, organizing rallies are jailed. First of all, the rallies take place not in central locations but in very limited -- in areas with very limited transport connections specifically chosen by the government for its ineffectiveness as a rally point.

And over the last three, four years, Azerbaijani opposition has not been able to secure a central location for a rally. That is in direct contrast to the ruling New Azerbaijan Party, which can have a rally whenever and wherever it wants.

And whenever they do have rallies, they use several methods to intimidate people from joining the rallies. First of all, they create practical problems like transport problems, so that not many people get to the rally points.

In the last rally, which happened on 11 September, the authorization given to the rally was delayed significantly and illegally. It was only authorized two days before the rally. Now, this is intentional and this is designed to cause concern and confusion among people, many of whom were, I am sure, scared and didn't join the rally in case it wasn't authorized.

When a rally takes place, they have face recognition cameras surrounding the location, which is also designed to intimidate people. This is a message sent by the government that we can see who you are to anyone joining the rally. Obviously, one would assume that many people are deterred from joining rallies because of this.

And whenever we have rallies, during the rally, the government is trying everything to cause provocation. In the last rally they were spreading rumors that there would be a physical altercation, there would be a fight, and the leadership had to address this issue. In previous rallies, they also caused provocations. In one of the rallies, they brought an ISIS flag into a rally.

But they always do utilize these methods to decrease effectiveness of the rallies, which take place in a very remote location. And the people who are driving the organization of these rallies, these activists from the Popular Front Party, they are always targeted. And this is designed to scare them from being very effective at their jobs. There is no other effective way to spread the message.

As you know, the media has completely shut down the opposition, and the grassroots campaigns are constrained by the arrests of the activists.

And so all of these are very significant issues. And one may expect the government to try these methods in the next rally, which will take place on Saturday. And so a clear message must be delivered to the government, firstly, that the opposition has a right to hold rallies. It is a constitutional right to hold rallies in a central location, not in impractical locations which only suits their interests. Secondly, the people who are joining the rallies, they should not be intimidated. They should not be deterred from joining. The people organizing the rallies should not lose their fundamental freedoms of liberty over doing so.

Mr. MCGOVERN. Well, thank you very much. I want to personally thank all of you for being here. It has been very informative for me. And it is clear that we on the Human Rights Commission have some assignments to follow up on. And I want to assure you that we will, and that I hope that you will stay in touch with us on the Commission, you know, when people get arrested or when there is a heightened intimidation, so that we can communicate directly with our embassy, you know, in real time to get them to try to raise their voices and not be silent.

Look, you know, I am somebody who, you know, wants to have a good relationship with everybody in the world, right? We all do. But the price of us being a friend, you know, has to mean that you respect the rights of your people. And, you know, we are fighting adversaries all over the world, and there is a war on terror and a war on ISIS and a war on this and a war on that. I get it.

But being with us on that is not enough, and I think you have all made it very clear here today that people in Azerbaijan expect more from us than you have seen and heard, and we need to figure out a way to help provide that. Again, this is not saying we don't want a good relationship with the Government of Azerbaijan. It is simply saying that, you know, the price of that good relationship has to be more than you saying that you agree that ISIS is bad.

It has to be much deeper than that, because in the long run, quite frankly -- and I am a big -- you know, we have lots and lots of hearings. I believe that sustained repression results in radicalization, results in people giving up that there is any chance, you know, of resolving things in a way utilizing, you know, civil society and civilian institutions. So I think this is a good time.

So I am going to close but I am going to give you all the last word because if there is anything that you wanted to say on the record, this is the time to do it if I haven't asked it. This transcript will be shared with every member of the Human Rights Commission.

And we look forward to working with all of you again to kind of figure out like what are the concrete and constructive steps that we can take, you know, that can be positive, have a positive influence on this. And I have got a couple of ideas based on what you have said, but when this hearing ends, that doesn't mean our relationship ends. We need to keep the communication going.

So let me, Ambassador, begin with you, and if there are any other last things you want to say for the record.

Mr. KAUZLARICH. Just to reinforce the point that Khadija may -- if we can build a better relationship with Azerbaijan, I think one of the things we need to do is to get more involved in exchange programs throughout society. The environment isn't good for that now, but the more contact that we have, the more we can get young people like Khadija and Turkel here, the better it is going to be for both of our societies, and the government is shutting that down now.

Mr. MCGOVERN. Turkel?

Mr. KARIMLI. As I said earlier in my speech, Azerbaijan is at the crossroads. The constitutional amendments are designed to give absolute executive authority to Ilham Aliyev, and he is showing no intention to back down from the repression. And because of this, the reaction from the West should be adequate as well. It should be confident, decisive, and target the highest level of leadership of Azerbaijani Government by targeted sanctions, and there should always be more public diplomacy.

And the issues of political prisoners, the political crackdown in Azerbaijan, these should always be discussed in public, not just behind closed doors. Every foreign leader, after meeting the government, must mention in its briefing that the issue of human rights and democracy was discussed. Foreign leaders should meet with opposition members.

And Ilham Aliyev should be delivered a clear message that the current proposals to create a monarchy in Azerbaijan are not going to be tolerated, that he needs to commit to a series of meaningful political and economic reforms, election reforms, media freedoms, individual human right reforms to ensure that Azerbaijan's transition to democracy is peaceful and measured and controlled and that the country doesn't end up in civil chaos, which is likely if this incompetent government will rule even more.

Mr. MCGOVERN. Well, thank you. And please give your best to your father. And I am sure he is very proud of you for being here. And I could also probably assure you of one other thing in addition for the members of the Commission reviewing all of your testimony. I have the feeling that the Azerbaijan Government is listening to every word that has been said here today, so they are hearing your message loud and clear, too.

Khadija, you have the last word.

Ms. ISMAYILOVA. Yes, I want to answer your question why the United States should care. United States should care because Azerbaijan is part of Europe. It is part of the Council of Europe, it is part of the OSCE, and it has its commitments. So U.S., as a part of the OSCE, and the U.S., because it cares about Europe, should care about democracy in Azerbaijan.

It should care because non-caring has ended up with big problems for the United States, like in 1979 in Iran. So the history shows that when they pick countries that are developed countries, who are developed and who are taking more responsibility in the world, they should care about human rights and democracy issues because when they don't care, it leads to bigger problems for the rest of the world. It leads to radicalization of the people. It leads to tremendous problems that -- and the world is becoming smaller and smaller. It is very difficult to keep the problems inside one country isolated somewhere.

The problem in Azerbaijan tomorrow becomes a problem of the United States, so that is why the world should care. Care for us because the last thing we want to be is to become a problem for the rest of the world.

Mr. MCGOVERN. Well, thank you very much for your testimonies and answering my questions. And please be safe. And again, to all of you, thank you so much for being here. This is an important hearing.

And we will now adjourn. Thank you.

[Whereupon, at 12:28 p.m., the Commission was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Hearing Notice

Azerbaijan: Do Human Rights Matter?

Thursday, September 15, 2016

11:00 – 12:30 AM

HVC-210 U.S. Capitol Visitor Center

Please join the Tom Lantos Human Rights Commission for a **hearing** on the current human rights situation in Azerbaijan, and the consequences for United States policy.

Since 2014, the Azerbaijani government, led by President Ilham Aliyev, has intensified a crackdown on dissent, rounding up journalists, political opposition, religious activists, and members of civil society. U.S.-funded Radio Free Europe/Radio Liberty and several U.S.-based non-governmental organizations were ejected from the country, and RFE/RL reporter Khadija Ismayilova was imprisoned on trumped-up charges for a year and a half before being released following an international outcry. Precise numbers are difficult to confirm, but credible reports indicate that more than 100 of those detained remain in prison.

Restrictive laws in Azerbaijan effectively prohibit the operation of non-governmental organizations and independent media. The Aliyev government is mired in allegations of corruption, and is facing a weakening economy and declining currency. Past elections have suffered from [irregularities with vote counting, and failure to record ballots](#), combined with [limitations on freedom of expression, freedom of assembly, and freedom of association](#).

In July 2016, the government proposed amendments to the constitution that would consolidate President Aliyev's power, including by extending the presidential term from 5 to 7 years and giving him the power to dissolve parliament and call for early elections. President Aliyev is already serving his third term in office. The amendments would also subject fundamental rights to

vaguely worded restrictions, circumscribing freedom of expression when it provokes “hostility,” and freedom of assembly when it “disrupt[s]...public morale.” Voters will consider the amendments in a rushed referendum to be held September 26, 2016, the conduct of which is unlikely to inspire confidence. In recent days there are reliable reports that opponents of the changes are being detained.

The Government of Azerbaijan has served as an important strategic ally of the United States, but the concerns outlined above raise serious questions for and about U.S. policy toward the country. Witnesses will examine the human rights situation, the proposed constitutional amendments and referendum, and U.S. policy regarding Azerbaijan.

Panel I

- **Khadija Ismayilova**, investigative journalist and radio show host for Radio Free Europe/Radio Liberty, and former political prisoner
- **Turkel Karimli**, son of opposition leader Ali Karimli, who is Chairman of The Popular Front Party of Azerbaijan, Board Member of the National Council of Democratic Forces, and former political prisoner
- **Ambassador Richard Kauzlarich (ret.)**, Co-Director of the Center for Energy Science and Policy at the Schar School of Policy and Government at George Mason University, and former U.S. Ambassador to Azerbaijan

This hearing will be open to members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via YouTube on the Commission website, <https://humanrightscommission.house.gov/>. For any questions, please contact Kimberly Stanton (for Mr. McGovern) at 202-225-3599 or Kimberly.Stanton@mail.house.gov or Carson Middleton (for Mr. Pitts) at 202-225-2411 or Carson.Middleton@mail.house.gov.

Sincerely,

James P. McGovern, M.C.
Co-Chair, TLHRC

Joseph R. Pitts, M.C.
Co-Chair, TLHRC



Tom Lantos Human Rights Commission Hearing

Witness Biographies

Azerbaijan: Do Human Rights Matter?

Panel I



Khadija Ismayilova is an Azerbaijani investigative journalist and radio show host for Radio Free Europe/Radio Liberty. She also works with the [Organized Crime and Corruption Reporting Project](#), authoring numerous award-winning investigations that uncovered high-level corruption in Azerbaijan, including [lucrative business deals of the Azerbaijani president's family members](#), hidden interests of the president's siblings in national contracts and mismanagement in the state financing sector. In retaliation for her work, Ms. Ismayilova was arrested on December 5, 2014

on trumped up charges and sentenced to 7.5 years in prison on September 1, 2015. She was released on May 25, 2016, following an international advocacy campaign. However, she is prohibited from leaving Azerbaijan, and is not fully acquitted of the charges against her. Ms. Ismayilova holds a degree in philology from Baku State University. She previously worked for the Russian-language newspaper *Zerkalo*, the English-language *Caspian Business News*, and Voice of America.



Turkel Karimli is the son of opposition leader Ali Karimli, board member of the National Council of Democratic Forces, which is a joint council of several of Azerbaijan's political opposition parties, and chairman of The Popular Front Party of Azerbaijan. Turkel is present for the hearing today because his father is unable to travel abroad, the Azerbaijani government having refused to reissue his passport. Turkel himself has been targeted by the Aliyev regime for political association with his father. During

the 2013 presidential elections in Azerbaijan, Turkel was detained by the government and jailed for 25 days. Turkel Karimli was born on May 21, 1993. He is a law graduate of the University of Bristol in England, where he was president of the Azerbaijan Society in 2012-13 and president of the Jurisprudence Society in 2013-14. Upon completion of law school, he trained as a barrister (attorney at law) in London and is a member of The Honourable Society of the Inner Temple, one of the oldest bar associations in the world.



Ambassador Richard Kauzlarich is Co-Director of the Center for Energy Science and Policy and Adjunct Professor at the Schar School of Policy and Government at George Mason University. He joined the Institute after a 32-year career in the Foreign Service. He served as United States Ambassador to Bosnia and Herzegovina in 1997-99 and to Azerbaijan in 1994-97. He was Senior Deputy to the Secretary of State's and the President's Special Representative to the Newly Independent States (NIS) in 1993-94. From 2003 until 2011, he was National Intelligence Officer for Europe at the National Intelligence Council. Formerly he was Director of the Special Initiative on the Muslim

World at the United States Institute of Peace. He is a co-author of "Aid During Conflict: Interaction Between Military and Civilian Assistance Providers in Afghanistan, September 2001-June 2002," published by RAND in 2004. Ambassador Kauzlarich received his A.A. from Black Hawk College, B.A. from Valparaiso University, and M.A.s from Indiana University and the University of Michigan. He was a non-resident senior fellow at the Center on the United States and Europe at Brookings. He is a visiting fellow at the Joint Forces Staff College of National Defense University.

**U.S. Commission on International Religious Freedom,
2016 Annual Report, Azerbaijan Chapter**

April 2016

[Click here to read the full chapter.](#)

The Washington Post Editorial Board

In Azerbaijan, ‘a declaration of war against independent journalism’

April 25, 2016

BEFORE HIS recent visit to the United States, President Ilham Aliyev of Azerbaijan [pardoned](#) some 148 inmates, among them some journalists and political prisoners. Leyla and Arif Yunus, human rights stalwarts who were both wrongly imprisoned by the regime, were permitted at last [to leave Azerbaijan](#). In Washington, Mr. Aliyev [met with Secretary of State John F. Kerry](#) and [Vice President Biden](#). But no one should conclude that this brutish leader has changed his ways.

On April 21, after Mr. Aliyev returned home, Meydan TV, an independent digital news platform that has brought straightforward and revelatory accounts to a growing audience inside Azerbaijan, [announced](#) that prosecutors there opened a criminal investigation for alleged illegal business activities, abuse of power and tax evasion. These are the standard charges used to harass and silence Mr. Aliyev's critics. Meydan TV [reported](#) on its website that the investigation has named 15 of its journalists. None is yet formally charged, but some have been told they cannot leave the country, and they are subject to home searches and equipment confiscations without a warrant. "We consider this as a declaration of war against independent journalism in Azerbaijan," Emin Milli, Meydan TV's [founder](#), who had served 16 months in prison on trumped-up charges, [told EurasiaNet.org](#).

Mr. Aliyev is always jittery in the face of criticism. He jailed the journalist [Khadija Ismayilova](#), who first [exposed](#) the ownership of lucrative gold mines by Mr. Aliyev's daughters, later revealed in the [Panama Papers](#) to be even larger than thought. Ten other journalists, bloggers and activists also remain imprisoned. Ms. Ismayilova's plight and that of others have been thoroughly documented by [Meydan TV](#), which does not shy from stories that unsettle the regime. Most recently it [challenged](#) the official count of casualties suffered by Azerbaijan in a four-day conflict with Armenia. Using citizen journalists and interviews with the families of servicemen, Meydan TV calculated that the government had underreported the casualties by a factor of three. Meydan TV [closed](#) its newsroom in Baku in 2014 and moved the operation to Berlin after Mr. Milli was repeatedly [harassed](#). Using reporters and contributors in Azerbaijan, Meydan TV reaches its audience by [Facebook](#), [YouTube](#) and a [website](#).

The experience of Meydan TV teaches that the digital byways can enable free information to reach closed societies and bypass tyrants. Mr. Aliyev seems to think he can fight back with secret police and prosecutors. Perhaps Mr. Aliyev inherited these inclinations from his father, Heydar, a [career KGB](#) man who was appointed to the Soviet Politburo. While KGB methods can be painful for those targeted, they can't seal out the truth, nor stop criticism, as Meydan TV and Ms. Ismayilova have courageously demonstrated. Mr. Aliyev should free all political prisoners, drop the prosecution of Meydan TV and sit down to watch the channel himself. He might learn something about the values a nation needs to succeed in the modern age.

Source: https://www.washingtonpost.com/opinions/a-declaration-of-war-against-independent-journalism/2016/04/25/d2bbdb8-0b12-11e6-8ab8-9ad050f76d7d_story.html

David J. Kramer and Richard Kauzlarich, It's time for the United States to act on Azerbaijan, The Washington Post, September 8, 2016

It's time for the United States to act on Azerbaijan - The Washington Post <https://www.washingtonpost.com/news/global-opinions/wp/2016/09/0...>

The Washington Post
Global Opinions | Opinion

It's time for the United States to act on Azerbaijan

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By David J. Kramer and Richard Kauzlarich September 8

David J. Kramer is senior director for human rights and democracy at the McCain Institute for International Leadership and a former assistant secretary of state for democracy, human rights and labor. Richard Kauzlarich is an adjunct professor at George Mason University and former U.S. ambassador to Azerbaijan and to Bosnia and Herzegovina.

Earlier this year, President Ilham Aliyev of Azerbaijan looked like he was softening his authoritarian grip on his country. In March, he released 14 political prisoners ahead of his visit to Washington for President Obama's Nuclear Security Summit. Even the harsh anti-American rhetoric from Azerbaijani officials and regime media seemed to subside. While in Washington, Aliyev had sit-downs with Vice President Biden and Secretary of State John F. Kerry.

But since the April summit, Aliyev's regime has intensified its crackdowns on freedoms. Azerbaijan's rapid, dangerous deterioration demands more decisive action from the United States, yet the Obama administration has remained largely silent.

The government in Baku has increased its arrests and detentions of another dozen opposition figures, peaceful religious believers and civil society activists. Nearly 100 political prisoners are languishing in the country's jails. Azerbaijani writer Akram Ayisli was detained at the national airport and prevented from leaving the country. Faig Amirli, financial director of Azadliq newspaper and assistant to the chairman of the Azerbaijan Popular Front Party, was arrested last month. Other opposition politicians arrested in August include Natiq Jafarli, executive secretary of the REAL movement, and NIDA civic movement activist Elgiz Qahraman.

The situation on the ground may get even worse. On Sept. 26, Aliyev's regime plans to force a referendum which aims to enhance his powers. The result of the referendum is already known; we can be sure that the government will ensure its

1 of 3 9/14/2016 12:57 PM

It's time for the United States to act on Azerbaijan - The Washington Post <https://www.washingtonpost.com/news/global-opinions/wp/2016/09/0...>

approval. That means that Aliyev can extend his term from five to seven years, create new positions of vice president (to which he might name a member of his family) and lower the age for members of parliament — opening the door for his son Heydar to be elected. It would not be a surprise if elections were called early under the new constitution to ratify these authoritarian steps.

Quiet diplomacy, we are told, is the only way to protect American interests in Azerbaijan. Along with its strategic location on the Caspian Sea between Russia and Iran, the country of 8 million is rich in oil and gas resources, and plays a role as a national security ally to the United States. No American interests are served if Azerbaijan's increasing authoritarianism explodes into a political and social crisis.

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Moreover, Azerbaijan is following in the footsteps of Vladimir Putin's media tactics in Russia by increasingly painting the United States as the enemy. An editorial in the state-approved media outlet, Haqqin, accused the United States of "losing" Azerbaijan, "driving it into a corner" and "neglecting a valuable partnership" with Baku. The editorial warned that Azerbaijan will be left with no option but to establish closer relations with its immediate neighbors, Iran and Russia. Aliyev's supporters have pointed to the failed Turkey coup and have accused the United States of supporting opposition forces not only to spoil the upcoming referendum — but to plot a coup in Azerbaijan.

Aside from legislation introduced by Rep. Christopher H. Smith (R-N.J.) last December and the cries of activists and human rights groups, Azerbaijan has received a free pass from the Obama administration. Rarely do either the U.S. Embassy in Baku or the State Department in Washington speak out against human rights abuses. Even the 2014 raid on U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL) and the arrest of one of its journalists, Khadija Ismayilova, triggered a mild response from Washington. Ismayilova was released from prison earlier this year but has been refused permission to travel outside the country. RFE/RL is still barred from operating in Azerbaijan, as are most American nongovernmental organizations.

In the past, we have called for sanctions — asset freezes and visa bans — against Azerbaijani officials involved in and responsible for gross human rights abuses, similar to the Sergei Magnitsky Rule of Law and Accountability Act for Russia. President Obama doesn't need new legislation to take such measures; he can do so under existing presidential authorities. Beyond that, we should withhold U.S. support for International Monetary Fund and World Bank assistance should Azerbaijan request it amid its deteriorating economic situation and end Overseas Private Investment Corporation and Export-Import Bank lending to Azerbaijan.

The United States should consider recalling our ambassador for extended consultations over human rights concerns as well as the rising anti-American rhetoric of Azerbaijan officials and government-sanctioned media. We also need to get the Europeans on board with similar measures. These steps should be taken unless and until all the political prisoners are released and the referendum enhancing Aliyev's powers is voided. Letting Azerbaijan follow through on its threat to form

It's time for the United States to act on Azerbaijan - The Washington Post <https://www.washingtonpost.com/news/global-opinions/wp/2016/09/0...>
closer ties with Moscow and Tehran without balance from the United States may be a necessary, albeit unpleasant, learning experience for the regime in Baku.

The problem in Azerbaijan is not that Aliyev has too little power; it is that he exercises the power he has in the wrong ways against innocent people. America's silence as the situation on the ground worsens risks making us accomplices to a looming human rights disaster in Azerbaijan.

Sports for Rights, Letter to Formula One Group, May 17, 2016



Bernard Ecclestone
Chief Executive
Formula One Group
6 Princes Gate
Knightsbridge
London SW7 1QJ

17 May 2016

Dear Mr Ecclestone,

We, the undersigned members of the Sport for Rights coalition, are writing to you in advance of the Baku European Grand Prix in June to provide details on Azerbaijan's deeply troubling human rights record and steps that we believe Formula One Group can take to ensure its compliance with its human rights responsibilities.

Sport for Rights is a coalition of international non-governmental organisations working together to promote human rights in Azerbaijan. As Azerbaijan hosts and bids to host international sporting events, with the media spotlight, prestige, and reputational boost that those events can bring to a host country, we are consistently calling on international sporting organisations and others to take meaningful action consistent with their human rights responsibilities as well as use the opportunity of sporting events to press for better human rights protections.

In the run-up to the European Grand Prix in Baku, the Azerbaijani authorities have continued with their human rights crackdown to silence critical voices. We urge you to use the European Grand Prix as an opportunity to speak out against the crackdown and call for the release of jailed journalists and activists.

Formula One Group's Responsibilities

Formula One Group states that it "is committed to respecting internationally recognised human rights in its operations globally". The policy also states that Formula One Group will take steps to "understand and monitor through our due diligence processes the potential human rights impacts of our activities", "identify and assess, by conducting due diligence where appropriate, any actual or potential adverse human rights impacts with which we may be involved", "consider practical responses to any issues raised as a result of our due diligence", and "engage in meaningful consultation with relevant stakeholders in relation to any issues raised as a result of our due diligence". Sport for Rights welcomes this explicit acknowledgement and statement of Formula One Group's human rights responsibilities.

As you will be aware the United Nations Guiding Principles on Business and Human Rights (Ruggie Principles) and the Organisation for Economic Cooperation and Development

(OECD) Guidelines for Multinational Enterprises, issued in 2011 both provide that entities such as Formula One Group bear responsibilities to carry out effective human rights due diligence, to avoid contributing to adverse human rights impacts and to address any that arise.

Grave Human Rights Situation in Azerbaijan

As you may also be aware, in recent years, the government of Azerbaijan has undertaken a dramatic crackdown on journalists, media outlets and civil society leaders and independent organisations. Specifically the authorities have:

- Arrested or imprisoned dozens of human rights defenders, journalists, bloggers, youth activists, politicians and others on politically motivated charges, prompting others to flee the country or go into hiding.
- Frozen the bank accounts and sealed the offices of NGO leaders targeted in the crackdown, forcing these NGOs to stop operations function.
- Launched a spurious, overbroad, two-year criminal investigation implicating foreign donors and dozens of their grantees, forcing the donors to stop their crucial support to independent civil society.
- Adopted legislative amendments and regulations on non-governmental organisations that severely and groundlessly interfere with organisations' ability to operate, including by restricting access to international funding.

Recently, the authorities have taken some positive, but limited steps. In March 2016, the authorities pardoned or conditionally released at least 16 human rights defenders, activists, and journalists imprisoned on politically motivated charges. In April 2016, the government also finally allowed leading activist, Leyla Yunus, and her husband, Arif Yunus, to travel abroad for medical treatment. The Yunuses had earlier been released on suspended sentences from prison, where their fragile health conditions had deteriorated precipitously since their arrests on politically motivated charges in 2014, charges levied in retaliation for their activism.

However, many outstanding, extremely serious concerns remain, and the crackdown on independent voices has not ended.

The criminal records of the recently released activists have not been expunged and some continue to face restrictions, including travel bans and frozen bank accounts. Other prominent activists and journalists arrested on politically motivated charges remain behind bars. They include:

- Khadija Ismayilova, Azerbaijan's best known investigative journalist;
- Ilgar Mammadov, opposition REAL movement leader, whose release has been ordered five times by the Council of Europe Committee of Ministers, in order to implement the May 2014 European Court of Human Rights ruling on his case;
- Seymour Hezi, journalist with the opposition daily "Azadliq";
- Ilkin Rustemzade, blogger and youth activist.

On 30 March 2016, authorities detained 79-year-old writer Akram Aylisli at the Baku airport for 12 hours, questioned him, and prevented him from traveling. Authorities later charged him with violently resisting authorities, and he faces up to three years' imprisonment if convicted.

On 20 April 2016, the Azerbaijani authorities opened a criminal investigation against Meydan TV, a leading independent online broadcast news outlet, only able to operate out of Germany, with correspondents and other staff based in Azerbaijan. The Azerbaijani prosecutor's office named 15 journalists in the investigation, at least seven of whom remain in the country under travel bans, and face the threat of politically motivated trials and imprisonment.

In addition, the Azerbaijani government has not committed to amending the restrictive legislation regulating NGOs and NGO funding. In December 2015, the Ministry of Justice adopted new regulations granting the ministry nearly uninhibited powers to conduct inspections at non-governmental organisations.

Role of Formula One Group

In light of this deeply troubling human rights situation, we encourage you to use your prominent role within Formula One racing to guarantee a positive legacy from the European Grand Prix in Baku and ensure that the race is not stained by severe violations of press freedom and human rights.

Specifically, in advance of the opening of the Grand Prix in Baku on 17 June 2016, we urge you to:

- Publicly and privately call for the unconditional release of imprisoned journalists and activists, including Khadija Ismayilova, Ilgar Mammadov, Seymur Hezi, Ilkin Rustemzade and others unjustly imprisoned. Such a call would be particularly meaningful from you personally, as the recognised global leader of Formula One racing;
- Call on the authorities to quash the convictions of all freed activists, drop the political prosecutions of independent media outlets, organisations, and individuals, unfreeze civil society organisations' bank accounts, and allow civil society to function without undue legislative or other restrictions on funding or other activities;
- Urge the authorities to refrain from repression and any further politically motivated arrests and prosecutions of independent journalists and activists;
- Insist that the authorities guarantee that all international and Azerbaijani journalists and bloggers can operate without interference in advance of and during the European Grand Prix in Baku while covering a range of topics. During the 2015 European Games in Baku, the government interfered with the entry of several leading international journalists, including those accredited to cover the games,

without penalty or consequences, sending a very troubling signal that such actions are acceptable for hosts of international sporting events.

In addition, we would welcome more information on and strongly encourage Formula One Group to publicly disclose the responsible parties, timeline, terms, specific actions, indicators, and outcomes of its due diligence procedure undertaken in relation to the European Grand Prix in Baku, including information on consultation with stakeholders, in line with the UN Guiding Principles on Business and Human Rights requirements and their call for transparency as an essential element of meaningful due diligence.

Finally, representatives from the Sports for Rights coalition would welcome the opportunity to meet you in the coming weeks to discuss these issues in more detail.

Sincerely,

Rebecca Vincent, Coordinator, Sport for Rights campaign
Katie Morris, Head of Europe and Central Asia Programme, ARTICLE 19
Alice Klein, President, Canadian Journalists for Free Expression
Robert Hårdh, Executive Director, Civil Rights Defenders
Nina Ognianova, Europe and Central Asia Program Coordinator, Committee to Protect Journalists
Maran Turner, Executive Director, Freedom Now
Mary Lawlor, Executive Director, Front Line Defenders
Danuta Przywara, President of the Board, Helsinki Foundation for Human Rights
Hugh Williamson, Director, Europe and Central Asia Division, Human Rights Watch
Melody Patry, Senior Advocacy Officer, Index on Censorship
Emin Huseynov, Director, Institute for Reporters' Freedom and Safety
Jesper Højberg, Executive Director, International Media Support
Brigitte Dufour, Director, International Partnership for Human Rights
Petra Havlikova, Project Coordinator of the Women's Rights Are Human Rights Programme, NESEHNUTI
Pepijn Gerrits, Executive Director, Netherlands Helsinki Committee
Berit Lindeman, Senior Advisor, Norwegian Helsinki Committee
Karin Karlekar, Director, Free Expression Programs, PEN America
Ann Harrison, Programme Director, Writers in Prison Committee, PEN International
Emma Hughes, Strategy Director, Platform
Ivana Skalova, Head of the East European Program, People in Need
Aleksandra Antonowicz-Cyglicka, Head of Programme, Action for the Global South, Polish Green Network
Łukasz Biernacki, Managing Director, You Aid Foundation

Human Rights Watch

February 3, 2016 12:00AM EST

Dispatches: A Grim Milestone in Azerbaijan's Crackdown on Critics

[Giorgi Gogia](#)

Associate Director, Europe and Central Asia Division

Three years ago today, authorities arrested Ilgar Mammadov, a prominent political analyst and one of Azerbaijan's few alternative political voices. The anniversary of his arrest marks another grim milestone in Azerbaijan's relentless crackdown on critics.



Ilgar Mammadov detained during a protest rally in Baku, 2013. © 2013 Turkhan Kerimov (RFE/RL)

On February 4, 2013, authorities [arrested](#) Mammadov on charges stemming from anti-government riots in Ismayilli, 200 kilometers from Baku, in January 2013. He was accused of inciting violence and [sentenced](#) to seven

years in prison after a politically-motivated trial that violated due process and other fair trial protections. I have known Ilgar for more than a decade and he is one of the most law-abiding, nonviolent people I have ever met. Shortly before his arrest, Ilgar announced plans to challenge President Ilham Aliyev in the October 2013 vote, representing the opposition group REAL (Republican Alternative), which he chairs.

In May 2014, the European Court of Human Rights [concluded](#), in a strongly worded judgment, that the actual purpose of Mammadov's detention "was to silence or punish [him] for criticizing the Government." Citing that ruling, the Committee of Ministers of the Council of Europe has called repeatedly for Mammadov's release. Yet Ilgar remains in jail.

Mammadov is one of the dozens of government critics, human rights defenders, and journalists whom Azerbaijani authorities have [arrested and convicted](#) in a sweeping crackdown.

The failure to implement the European Court judgement, and "arbitrary application of the law in Azerbaijan [...] to silence critical voices" has triggered a [rare move](#) by the secretary general of the Council of Europe, Thorbjørn Jagland, to launch an official [inquiry](#) into Azerbaijan's implementation of the European Convention on Human Rights.

The Council of Europe, together with Azerbaijan's other bilateral and multilateral partners, should make sure that Azerbaijan ends this mockery of justice without further delay. Three years is three years too long to wait for justice.

Source: <https://www.hrw.org/news/2016/02/03/dispatches-grim-milestone-azerbajians-crackdown-critics>