

## Testimony on Azerbaijan

Tom Lantos Human Rights Commission

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### **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.