

# **Azerbaijan: Do Human Rights Matter?**

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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 Seymur 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 Seymur 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.

