

**“Azerbaijan: US Energy, Security and Human Rights Interests,”
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Executive Summary:

Azerbaijan is an energy-rich post-Soviet state situated between Russia and Iran. Its oil and gas wealth contribute to European energy security. Its strategic location is relevant to combating illegal drug and arms trade, human trafficking, and terrorism. Post-Soviet Azerbaijan has joined the OSCE and aided the US in the War on Terror.

Azerbaijan today is not a democracy. The government has been moving away from, not closer to, pluralism and democratic elections. Critics of the regime are harassed or go to jail. The trend accelerated in 2014. There are about 100 political prisoners in Azerbaijani jails including human rights defenders, journalists and lawyers. Corruption remains an obstacle to social trust and economic integration into the West.

Government officials have recently expressed anti-American views. The president’s chief of staff Ramiz Mehtiyev accused the US of trying to “destabilize” the Aliyev government under the guise of protecting human rights. US-funded NGOs are under attack and Radio Liberty was closed in late December.

Recommendations: Evaluate Azerbaijan in a more nuanced, holistic, and realistic light, acknowledging its strategic and economic importance, but also identifying the shortcomings in democracy indicators, restrictions on civil society including the media and human rights activists. The US owes it to the pro-democracy forces within Azerbaijan to speak up clearly for the defense of the same rights that are the foundation of the United States. The US can assist Azerbaijan in defeating corruption and cultivating civil society as means to strengthen that country, allow fruitful political discourse, and reduce the appeal of radicalism.

Analysis:

Azerbaijan is an energy-rich post-Soviet state situated between Russia and Iran. It is located in a geopolitically and strategically sensitive zone where the Middle East meets Europe. In over 20 years of post-Soviet independence, Azerbaijan has been a partner to the US and Europe in political and military areas and in energy. But it is not a democracy. The regime of Ilham Aliyev, which began with a tainted election in 2003, has moved away from even the limited democracy of his predecessor and father, Heydar Aliyev, former Communist Party First Secretary in the Soviet period. Under Ilham Aliyev's government, the authorities have increased repression of regime critics, opposition parties, youth movements, journalists and political bloggers, human rights defenders, NGOs and the lawyers who defend them against politically motivated charges. Fearing a color revolution or "EuroMaidan" threat, the Aliyev regime has greatly increased its repressions during 2014 and accused Western-led international organizations and the US in particular of subverting the Aliyev regime.

Geopolitical context: Begin with the map: Azerbaijan is the only country that borders both Iran and Russia, and must deal with various pressures arising from its location. As a former Soviet republic, and part of the Russian Empire before that since the early 19th century, it has close cultural, economic and political ties to Russia. With its primarily Muslim (mostly Shi'ite) population, and even earlier history as part of the Persian Empire, it has cultural bonds with Iran. These relationships are not simple. Russia is both a trade partner¹ and a threat. Iran dislikes Azerbaijan's secularism and relationship with Israel, and fears that Azerbaijan's Turkic national identity that may attract its own Azerbaijani population along their common border.

Like the entire South Caucasus, Azerbaijan is potentially in a pincer between events of Russia or Ukraine/Crimea and the Middle East. Iran has engaged with Baku most consistently, but in 2014-15, the ISIL threat has become urgent. Any government

¹ A new investment was agreed February 10, "Azerbaijan, Russia to sign plan for investment co-op until 2020," <http://azeridaily.com/politics/4965>

ruling Azerbaijan would have to deal with the pressures of the immediate neighbors and neighborhoods to the north (and northwest) and to the south (and southwest). If we consider also Azerbaijan's eastern neighbors across the Caspian in Central Asia, it becomes obvious that they figure in policies around energy, drugs, arms, human trafficking, terrorism, intelligence gathering and more.

As an energy-rich country, Azerbaijan benefits financially and its oil /gas output is strategically important to Europe and Turkey and potentially to other areas. Future gas supplies from Azerbaijan could, combined with gas from Iran, Iraq and Turkmenistan, provide substantial supplies through Turkey to southern Europe.

Azerbaijan is therefore an important country for US and European considerations of politics, energy, business investment, enforcement of laws against trafficking, and potentially as a bulwark against the increasing influence of Islamic extremism.

Independence and internal stability are fundamentals for economic and human development. No opposition group or individual within Azerbaijan has suggested that either independent statehood or internal stability should be abandoned. Critics oppose the regime, not the state. But the regime identifies itself with the state and claims that a threat to its own power is a threat to statehood. Under these conditions, endemic corruption, lack of democratic governance, and repression of critical voices undermine the stability of society and therefore put the country at risk. Partnership with such repressive leaders taints the US reputation - this has already happened in Azerbaijan. US support for undemocratic regimes puts the US at a disadvantage in its efforts - in Azerbaijan and around the world-- to promote democracy, civil society, human rights, in short, all the "self-evident" truths about human dignity and equality that we claim as the foundation of our system. This loss of prestige hurts US "soft power" in the world.

Human Rights and Democracy: For most of its post-Soviet existence, Azerbaijan rulers have been less than fully tolerant of views that disagree with them, their policies or the ruling party. Opposition parties, their members, their publications and

on-line presence have been progressively constrained in various ways including economic discrimination, closing of offices, restricting of space for public meetings, arrests and legal action on bogus charges and other prosecution. The pressure on opposition groups and critics, especially youth, both in and outside political parties, and on NGOs has gradually increased since the 2003 accession to the presidency of Ilham Aliyev, son of the previous president and former Communist Party First Secretary and KGB general Heydar Aliyev. Since early 2013 the instances of such repressions have increased in number and intensity reaching unprecedented levels since the spring of 2014.²

Because 2013 was a presidential election year in Azerbaijan and because the incumbent was running for a controversial³ 3rd term, the regime and the ruling party YAP (Yeni [New] Azerbaijan Party) raised the levels of criticism and repressions against opposition parties, especially the two major parties the Yeni Musavat and the Azerbaijan Popular Front Party (AXCP), but also the newly founded Republic Alternative known as REAL. During the campaign, members of Musavat and AXCP were harassed by police, detained for questioning, released, detained again, and sometimes subsequently arrested on bogus charges. The leader of REAL, Ilqar Mammedov, was arrested and remains in jail.

The Aliyev regime has targeted the generation in their 20s and 30s, especially men. Fearing the participation of this age group in the “color” revolutions in Ukraine and neighboring Georgia, then the Arab Spring of 2011, and in 2014, the “Maidan” protest movement in Ukraine, Azerbaijani authorities have targeted and arrested more young people and have charged them with more serious crimes than in previous years. The authorities began to incriminate political critics by planting drugs on the suspect’s

² Summary in the HRW Report for 2015: <http://www.hrw.org/world-report/2015/country-chapters/azerbaijan?page=1>

³ Opposition critics challenged the legality of the National Assembly’s vote to remove term limitations to enable Aliyev to run for a third term. Rebecca Vincent, “Five Things Aliyev Doesn’t want you to know about Azerbaijan’s presidential elections.” <http://www.indexoncensorship.org/2013/10/five-things-aliyev-doesnt-want-know-azerbaijans-presidential-election/>

person or in his car or home.⁴ The accused was then arrested on drug charges rather than political ones.

Using these criminal charges, Azerbaijani authorities insist there are no political prisoners because those incarcerated are “criminals.” Human Rights Watch (HRW) noted this pattern: *“The Azerbaijani authorities used a range of spurious narcotics and weapons possession, hooliganism, incitement, and even treason charges in 2013 to prosecute at least 23 political activists, journalists, bloggers, and human rights defenders critical of the government. All 23 are behind bars, most in pretrial custody.”*⁵

The case of REAL leader İlqar Mammedov exemplifies repression of both regime critics and the youth opposition since REAL’s membership is largely under 40. Its founder İlqar Mammedov was arrested in early 2013 on charges of instigating public unrest that had begun before his arrival in the town (İsmayilli) where it took place. During the early months of his incarceration, his followers in REAL collected the required 40,000 signatures for candidacy in the presidential election. But the Central Election Commission (CEC), dominated by the ruling party YAP, declared many to be forgeries and Mammedov was therefore not registered as a candidate. He was subsequently sentenced to seven years in prison. In May 2014, the European Court of Human Rights issued a judgment in the Mammedov case and found his arrest to be unlawful and a violation of legal processes and of the complainant’s rights as guaranteed by the European Convention of Human Rights.⁶ Nonetheless, and despite international protests, he remains in prison today.

“The Crackdown” During 2014, harassment, arrests and reports of physical abuse in custody increased to such a degree that it is widely referred to as “The Crackdown.” The pattern of arrest for questioning, release, re-arrest was increasingly a prelude to

⁴ Presidential contender and member of AXCP Jamil Hasanli noted this pattern in a television interview

⁵ <http://www.hrw.org/news/2014/01/21/azerbaijan-election-amid-rights-crackdown>

⁶ Kavkaz [Caucasian Knot] <http://eng.kavkaz-uzel.ru/articles/28276/> and Amnesty International report: <http://www.amnesty.org/en/news/azerbaijan-political-activists-held-fabricated-charges-must-be-released-2014-03-14>; French government “deplores” sentence: <http://www.diplomatie.gouv.fr/en/country-files/azerbaijan/events-7746/article/azerbaijan-sentencing-of-ilgar>

arrest and detention. High-profile trials of youth activists resulted in long sentences. Six activists in the youth organization NIDA, who had been arrested in spring 2013, were sentenced in May 2014 to 6-8 years in prison.⁷

During July and August, arrests of human rights defenders and other critics reached a level of nearly one per week. Human Rights defender Leyla Yunus and her husband Arif Yunus, historian, were questioned and released in April, but arrested and charged with tax evasion, treason (for Track II diplomacy efforts) and other charges on July 30 and August 5, respectively. On August 8, head of the Human Rights Club Rasul Jafarov was arrested; he and Leyla had worked to create a unified list of political prisoners in Azerbaijan and now both were added to it. President Aliyev had stated in a NATO visit earlier in the year that Azerbaijan has no political prisoners. A week after Jafarov's arrest, human rights lawyer Intiqam Aliyev was arrested. In September opposition journalist Seymur Hazi was arrested on a charge of hooliganism. All remain in jail.

Treatment in custody has been poor, and defendants are regularly deprived of council. Requests for medicine by the Yunus couple and Intiqam Aliyev who are all in poor health, have been ignored. Charges by Leyla Yunus that she has been beaten have been dismissed by prison authorities as "lies of her lawyers." Several of her lawyers were declared to be witnesses against her and thus removed from her defense team. Later in the year another defense attorney Khalid Baghirov, associated with REAL and defender of Ilqar Mammedov, Leyla Yunus and others, was suspended and risks being disbarred.

The space for civil society activities has been increasingly constricted. Obstacles have been created since 2013 on NGOs so that registration is extremely difficult, acceptance of foreign grants -which was officially discouraged—is now almost impossible. NGOs in general are treated as instruments of foreign influence rather than vehicles for the initiatives and interests of Azerbaijani citizens. In 2014, bank

⁷ Sources on NIDA: <https://campaigns.amnesty.org/actions/youth-activists-Azerbaijan>
<http://www.hrw.org/news/2013/04/02/azerbaijan-authorities-targeting-youth-activists> and (against their arrest and torture in 2013); and on sentences, Meydan TV: <http://www.meydan.tv/en/site/news/1581/NIDA-Activists-Sentenced-%28UPDATED%29.htm>

accounts of numerous NGOs including Oxfam, IREX (International Research and Exchanges Board), Transparency Azerbaijan (arm of Transparency International), local partners of the Extractive Industries Transparency Initiative (EITI) and many of their CEOs were frozen forcing most to reduce activity or close their offices.

By December, many major NGOs were closed or had suspended activities. The number of political prisoners was over 100 - more than Russia and Belarus combined.

Journalists were under increasing pressure, and the number of journalists in jail had doubled since the start of 2014, from about 8 to 15. In December one of the most prominent investigative journalists, Khadija Ismailova, was arrested on bogus charges. Although her accuser reportedly dropped charges, she was not only held, but her pre-trial detention was renewed for two more months. In late December, the Baku office of Radio Liberty, an independent but US funded media organization was raided and closed. Several prominent defense lawyers were being suspended or disbarred.⁸

Why now?

Ilham Aliyev came to power in 2003 and therefore had a front seat to the Georgian and Ukrainian “color” revolutions both of which involved tainted elections and activist youth. He surely paid attention to the Arab Spring of 2011. The 2013-14 crisis in Ukraine, the EuroMaidan in Kyiv was a case of a former Soviet republic trying to choose a path, perhaps strike a balance, between the West and Russia. Ukraine’s elections were falsified and a substantial youth movement worked against the corrupt regime. Azerbaijan is not a simple analogy to Ukraine, but Aliyev’s regime may well have been afraid of a public reaction against their rule, especially after the abuses of his own presidential campaign in October 2013 and the pressures against youth activists, opposition parties, and the media.

The Aliyev regime had already been positioning itself to quash dissent and stave off criticism with an array of “carrots and sticks”:

⁸ Khadija Ismailova’s attorney is case in point; Giorgi Lomsadze “Azerbaijan: Next they come for the Lawyers?” <http://www.eurasianet.org/node/71301>

(1) Improve Azerbaijan's image abroad with such things as the beautification of Baku; invitations to foreign observers and businessmen; welcome foreign investment and ramp up sales of oil/gas; cultivate relations with European political organizations that do not monitor elections such as the Council of Europe (CoE) and host European cultural and sporting events. Regime victories here including Eurovision Song Competition in 2012, planned Euro Games for 2015, Formula One auto racing in 2016;

(2) preempt critics and watch dog group members with "caviar diplomacy," a short hand for legal lobbying as well as illegal vote buying, bribery, etc.⁹ Their great victory of this policy was the rejection by the CoE of its own committee's report on political prisoners, Jan/Feb 2013.

(3) marginalize or exclude organizations that monitor elections such as OSCE/ODIHR (the OSCO office in Baku was downgraded in December 2013 to a projects office) and the domestic Election Monitoring and Democracy Studies Center whose head Anar Mammadli was arrested at the same time;

(4) quash internal dissent vigorously by targeting public demonstrations, opposition parties, media, NGOs and their finances and their leadership, all under the rubric of maintaining domestic order and stability and independence. Groups with outside funding or affiliations were vilified as "foreign agents" aiming to subvert Azerbaijan. This policy constituted a pre-emptive strike against opponents of the regime, not of threats to the Azerbaijani state.

Western Assessment: Andrew Strohlein, Human Rights Watch (HRW) European Media Director noted the "Azerbaijani government's 'horrific crackdown' on civil society and critics, marking a dramatic deterioration in its already poor rights record. The HRW report says Azerbaijani authorities convicted or imprisoned at least 33 human rights defenders, political and civil activists, journalists, and bloggers on politically

⁹ European Stability Initiative (ESI) report, 2012, "Caviar Diplomacy: How Azerbaijan Silenced the Council of Europe," http://www.esiweb.org/pdf/esi_document_id_131.pdf

motivated charges, while many independent civic groups were forced to cease their activities.”¹⁰

In September 2014, the European Parliament adopted a resolution recognizing the worsening of the human rights situation over the previous five years. The UN Subcommittee on Human Rights cut short a visit to Azerbaijan because it was barred from visiting “places of detention” to which it had been promised access.¹¹ Wrote Nils Muiznieks, Council of Europe Commissioner for Human Rights, after his visit in October 2014 to Azerbaijan: *“Azerbaijan will go down in history as the country that carried out an unprecedented crackdown on human rights defenders during its chairmanship [of the CoE Committee of Ministers]. All of my partners in Azerbaijan are in jail.”*¹²

Targeting the US: Criticism of the OSCE, the EU, and other international organizations has become a staple of Aliyev regime rhetoric. But the overt and sharp accusations against the US spiked in 2014 seemingly an echo of Russian accusations about the US as instigator of the Kyiev Maidan.¹³ Official statements from Baku raised the specter of US instigation at every color revolution, the Arab Spring, Ukraine’s EuroMaidan, and the rise of ISIL. A long, vitriolic, and tendentious article by presidential chief of staff Ramiz Mehtiyev appeared in December 3, 2014.¹⁴ Mehtiyev argued NGOs represent “foreign interests” trying to destabilize Azerbaijan. Mehtiyev went so far as to accuse the West and the US specifically¹⁵ of attempting to subvert Azerbaijan in the guise of democracy building and of using Azerbaijani citizens and

¹⁰ www.rferl.org/content/human-rights-watch-report-2015-russia-ukraine-iraq-azerbaijan/26819455.html

¹¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15047&LangID=E>

¹² “Nils Muiznieks: Azerbaijan’s reprisals against brave activists and journalists must stop now,” posted November 24 <http://www.indexonensorship.org/2014/11/nils-muiznieks-azerbaijans-reprisals-brave-activists-journalists-must-stop-now/>

¹³ <http://azeridaily.com/news/4953>

¹⁴ Ramiz Mehtiyev, “Ikili standartlarin dunya nizami ve muasir Azerbaican,” posted 3 December 2014, <http://news.milli.azpolitics/312011.html>

¹⁵ He named European Union President Martin Schultz and US President Barak Obama, accusing them of political ignorance and trying to overthrow the Aliyev regime in the guise of building democracy using NGOs.

NGOs as a “fifth column.” The message to the domestic audience is that working for an NGO is subversive and reflects disloyalty. By extension, criticism of regime policies is treason. This tirade against the West and Western values led one analyst, a former US ambassador to Azerbaijan, to argue that the regime’s position “undoes two decades” of relationship-building between Azerbaijan and the US.¹⁶

The anti-American posture was not merely in the rhetoric. Last September, in detaining Said Nuri, a US citizen of Azerbaijani origin, the Prosecutor’s office stated it “does not recognize” his US citizenship.¹⁷ After several weeks he was released and allowed to return to the US. The arrest of Khadija Ismailova has created a far greater international stir. She was arrested two days after she was named in Ramiz Mehtiyev’s article as being “disloyal” to Azerbaijan because she works for Radio Liberty. She remains in jail today. In late December, Azerbaijani authorities raided the local RL office, *Azadliq Radiosu*, taking all the staff for questioning (including the cleaning woman), seizing computers, and sealing the offices. The staff was later questioned again, without an attorney, some in the middle of the night in their pajamas.¹⁸

The US State Department adjusted its tone from gently reminding Azerbaijan of its international obligations in June of last year¹⁹ to calling for an end to restrictions on civil society in August when the US representative to the OSCE released a statement identifying individuals arrested on politically motivated charges and calling on the government of Azerbaijan to release its political prisoners.²⁰ By year’s end, State

¹⁶ Richard D. Kauzlarich, “The Heydar Aliyev Era Ends in Azerbaijan Not with a Bang but a Whisper,” posted January 13, 2015,

<http://www.brookings.edu/research/opinions/2015/01/13-aliyev-era-ends-bang-whisper-azerbaijan-kauzlarich>

¹⁷ RFE/RL Azerbaijani service, September 4, 2014, <http://www.azadliq.org/content/article/26565995.html>

¹⁸ Among detailed international coverage of this incident and its aftermath are these:

<http://www.rferl.org/content/azerbaijan-rferl-baku-bureau-raided/26763449.html>,

<http://www.japantimes.co.jp/news/2014/12/29/world/detained-radio-liberty-journalists-questioned-azerbaijan/#.VNpfoC7PosQ>,

<http://en.rsf.org/azerbaidjan-rfe-rl-s-baku-bureau-falls-victim-26-12-2014,47427.html>

¹⁹ Testimony of Deputy Assistant Secretary of State Thomas O. Melia to the Helsinki Commission, June 11, 2014,

<http://www.state.gov/j/drl/rls/rm/2014/227450.htm>; State Dept statement of October

<http://www.state.gov/r/pa/prs/ps/2014/10/233268.htm>;

²⁰ http://photos.state.gov/libraries/azerbaijan/749085/highlights/osce_Azerbaijan_Ongoing_Detentions.pdf

Department spokesperson Jan Psaki expressed concern that Azerbaijan is not living up to its international commitments in human rights.²¹

Room for Engagement?

The year 2015 will be pivotal for the coming 5 years in Azerbaijan and in US-Azerbaijani relations. Azerbaijan must maintain friendly relations with its neighbors and commercial partners. Recent signs suggest that the regime, or at least some people among the power elite, are trying to bring the country closer Russia in foreign policy and in the handling of domestic criticism. Despite Aliyev's visits to Putin and the rhetoric of friendship, there is a limit to that shift. Ilham Aliyev and most of his inner circle want to be seen as Western and get the business deals and the life-style benefits the West has to offer. It is more likely that Azerbaijani leaders will seek a new balance among its neighbors and principal partners, Russia, Iran, Israel, Turkey, and the West including the US.

Fearing for its survival, the regime is likely to maintain its clamp-down on civil society. This is not only anti-democratic, but also a risky and counter-productive strategy for the regime itself. Polls show the population as a whole is most immediately concerned with pocket book issues. This is not good news for the regime with falling oil prices that reduce state revenue. Lower revenues will lead to spending cuts and thus fewer jobs. Pensions and state salaries are already low and would not be raised. The same pattern of joblessness in Russia could send home hundreds of thousands of migrant workers who return to see poverty in their native village compared to the luxuries and lavish spending by the ruling elites. Many historical examples show that without official governance mechanisms for the redress of grievances or civil society space for discussion of problems and debate over solutions, people turn to radical actions and sometimes also to radical leaders. Demonstrations become likely and if the police crack down on them, people will become more belligerent and a "BakuMaidan" can begin.

²¹ <http://www.state.gov/r/pa/prs/dpb/2014/12/234568.htm#AZERBAIJAN>

The US can play an important role in aiding Azerbaijan. First and foremost, the United States and its representatives must be unapologetic about our commitment to human rights and democracy. The US owes this much to the pro-democracy movements and groups in Azerbaijan. The US has lost respect and credibility among the population by its support for the Aliyev regime and its repressive policies. Only by difficult negotiations might the US persuade this regime of the need for reform that would benefit the Azerbaijani people and improve its own standing in the world.

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