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# Democracy And Human Rights In Azerbaijan

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Statement before the Commission on Security and Cooperation in Europe

Mr. Chairman, Members of the Commission, thank you for inviting me to speak to you today. The Department and I greatly appreciate the dedication of Helsinki Commission members and their staff to the OSCE, its values, and its institutions. In both my capacities as the Assistant Secretary for the Bureau of Democracy, Human Rights and Labor and as the State Department representative to the Commission, I look forward to continuing to work closely with you on the full range of important issues before the OSCE, including the upcoming Human Dimension Implementation Meeting (HDIM).

You have asked me to speak about democracy and human rights in the run up to Azerbaijan's October presidential election, following my June trip to the South Caucasus. If you will permit me, I will briefly discuss Armenia and Georgia, which I visited as well, before turning to Azerbaijan. The United States works with the OSCE, European Union, and Council of Europe to promote democracy, the rule of law, and respect for human rights in Azerbaijan, Armenia, and Georgia. We will continue to closely consult with our European partners on ways to encourage all three South Caucasus countries, respecting their unique qualities, to take more vigorous steps to improve democratic governance and respect for human rights.

## ARMENIA

While in Armenia, I met both with senior government officials and with opposition and civil society activists, including some of the wives of those detained in connection with the post-presidential election demonstration in March. I urged the authorities to release all individuals detained for engaging in opposition activities or for expressing their political views; conduct a credible, independent investigation into the March 1-2 violence that left ten dead; fully restore freedoms of assembly and media; and initiate a constructive dialogue with the opposition and civil society.

Time is of the essence. Societal tensions will only increase if the authorities fail to take swift, dramatic, and substantive measures to heal the serious divisions in the country that the presidential election and its violent aftermath exacerbated. While all elements of society have an obligation to engage in constructive dialogue and to act responsibly, the heaviest responsibility lies with those who actually hold power -- the government.

It is in the interest of the U.S.-Armenia bilateral relationship and in the interest of the Armenian people to see the new government in Yerevan succeed in deepening Armenia's democratic development. On a positive note, I found the Ombudsman to be playing an important role on behalf of democratic reform in the country.

## GEORGIA

In Georgia, too, I met with a range of senior government officials as well as opposition and civil society activists, including the Ombudsman, who has been playing a leadership role in support of improved human rights observance and accountability for rights violations. I expressed concern about the lack of checks and balances among the branches of government, and urged the

authorities to support robust democratic institutions including a strong, multi-party parliament and a fully independent judiciary.

My message to the government included the need to make a maximum proactive effort to work with the opposition to foster a culture of respect for political pluralism. A policy-making process that includes consultations with experts and stakeholders including the opposition and civil society would be helpful. I expressed concerns about negative trends since last year regarding media freedom, and stressed the need to accelerate prison reform.

It is in Georgia's own interest and also in the interest of our already strong bilateral relationship to see democratic institutions take root in Georgia. I also urged opposition leaders to strengthen their outreach to Georgia's citizens to explain their parties' vision for strengthening democratic and market economic institutions.

#### AZERBAIJAN

Located between Russia's troubled Northern Caucasus region and Iran, Azerbaijan is situated in a tough and strategically important neighborhood. If it enacts meaningful political reform, its location and abundant resources give it tremendous potential to serve as a model for aspiring democracies.

We consider Azerbaijan a friend of the United States. We have major interests in Azerbaijan in three equally important areas: democratic and economic reform, energy diversification, and security cooperation. Our two countries enjoy strong cooperation on energy diversification, with Azerbaijan emerging as a potentially crucial supplier of diversified natural gas supplies for our European allies. On security, Azerbaijan has made important troop contributions to international efforts in Iraq and Kosovo, and provides an air corridor that is crucial to supporting U.S. and NATO operations in Afghanistan. Our relationship in both these areas has tremendous potential for even further growth.

That said, our strongest relationships world-wide are with democracies that respect the full range of human rights of their citizens in addition to sharing interests with us. Fulfilling the great potential of our relationship with Azerbaijan should be no exception. We seek to bring our cooperation on democratization up to the level of our security and energy collaboration. Azerbaijan's progress on democratic reform is key not only to the strengthening of our bilateral relationship, but also to Azerbaijan's own long-term stability.

In my meetings I focused on democracy and human rights concerns which are essential for the type of relationship I just outlined. I continued the high-level, results-oriented dialogue that my predecessor Barry Lowenkron and President Aliyev initiated in December 2006, following President Aliyev's visit to Washington in April 2006. During that visit, President Aliyev stated, after meeting with President Bush: "We are grateful for the United States' assistance in promotion of the political process, the process of democratization of our society, and are very committed to continuing this cooperation in the future." I traveled to Azerbaijan with President Aliyev's stated commitment in mind.

In addition to my discussions with President Aliyev, Foreign Minister Mammadyarov and other government officials, I also met with a variety of non-governmental figures, including opposition and civil society figures, and independent journalists as well as journalism students.

There is no denying that we have some serious concerns about the state of democracy and the protection of human rights in Azerbaijan, which in some areas has deteriorated. I was able to discuss these concerns in a candid but

friendly and constructive manner with senior government officials. I addressed five key areas: political processes, with a focus on the October presidential election; media freedom; protection of human rights; rule of law, including combating corruption; and an empowered and educated civil society. In my meetings with senior officials, we discussed concrete steps that can be taken to accelerate democratic reform in order to build a democratic future for Azerbaijan's citizens. In light of today's focus on the situation in advance of the October election, I will highlight our concerns regarding the election and media freedom, and conclude with a few additional points.

#### The Presidential Election

As I stressed to senior Azerbaijani officials, the October presidential election presents an important opportunity for the government to demonstrate its commitment to democratic reform and free and fair elections by ensuring that the overall electoral process and election-day itself are observed by credible, independent elections monitors, both international and domestic. A key theme in my discussions was that the pre-election environment is as important, if not more important, to the integrity of the electoral process as is the conduct of election-day itself, including the vote count and regional and national tabulation. The pre-election environment must be conducive to a level playing field - particularly with respect to freedom to organize political parties, election campaigns, or interest groups; freedom of the media, assembly and association; voter registration; appointments to elections commissions; and election grievance processes.

We are concerned that the political space for dissenting voices has been shrinking over the past few years. While some in the government have argued that the opposition's weakness is due to a lack of new faces and ideas, the government bears ultimate responsibility for the climate within which political parties and candidates operate, and within which public debate takes place. In a welcoming environment, new people will have confidence that they can safely engage in politics and the open exchange of ideas. We urge the authorities to establish the conditions that would be conducive to a truly competitive election.

A key factor in determining the credibility of the entire elections process, and for establishing broad confidence in the legitimacy of the outcome of the election, is serious domestic and international election monitoring. It is especially unfortunate that this spring Azerbaijani courts deregistered and annulled Azerbaijan's largest independent domestic election monitoring NGO, the Election Monitoring Center (EMC). I strongly urged my governmental interlocutors to restore the EMC's ability to function in time for meaningful, independent election observation this October. The OSCE's Office of Democratic Institutions and Human Rights (ODIHR) should soon receive an invitation to monitor the election, and will send about 30 long-term observers and 450 short-term observers. Likewise, the Parliamentary Assembly of the Council of Europe (PACE) has announced its intention to send 35-40 members as short-term observers. We also hope that the European Network of Election Monitoring Organizations (ENEMO) can observe the election.

The June 23 joint OSCE/ODIHR-Venice Commission opinion on the amendments made this year to the Azerbaijani election code is a useful tool. We hope to see the authorities implement election-related laws in a way that expands, rather than constricts, the scope of citizens to exercise their rights.

A word about what U.S. election assistance is and is not: As I made clear to my Azerbaijani interlocutors, America's interest in elections worldwide is that they be free and fair. We do not provide assistance in order to direct, influence, or dictate outcomes. Our programmatic assistance is non-partisan and our aim is to help create an elections environment conducive to a

competitive, free and fair elections process. We also seek to strengthen democratic political culture and democratic institutions. That is our approach in Azerbaijan as it is in many other countries around the world.

#### Media Freedom

A significant and growing U.S. concern in recent years is the deterioration of media freedom in Azerbaijan. Administrative and other obstacles to the functioning of independent media make it extremely difficult for the public to have access to a variety of views, including those which may be critical.

Although seven journalists were released in 2007, which we welcomed, three remain in prison for reasons that appear politically motivated. Another journalist is imprisoned despite severe violations of due process during his trial. In addition, the government has yet to seriously investigate numerous cases of violence against journalists. There has been no accountability for the 2005 murder of Elmar Huseynov. I urged senior officials to release the remaining jailed journalists and ensure rigorous and transparent investigations of acts of physical violence against journalists such as Agil Khalil and media monitor Emin Huseynov. Rigorous and transparent investigations would be a powerful sign of the government's commitment to media freedom and rule of law, as would public condemnation by senior Azerbaijani officials of violence against and intimidation and harassment of journalists. The decriminalization of libel would also be a strong signal that the government respects open debate. I was pleased to learn that, since my visit, the Azerbaijani government has decided to allow Agil Khalil to travel outside of Azerbaijan, and he is now in France.

I also made it clear that the unresolved conflict between Azerbaijan and Armenia over Nagorno-Karabakh is not a valid reason for either country to avoid respecting media freedom or engaging in other essential components of democratization. To the contrary, the conflict only heightens the importance of a serious discussion on both sides of how to achieve a peaceful resolution to the conflict.

U.S. assistance to support the development of independent media in Azerbaijan includes funding for the professional development of journalists, advocacy for media rights, Internet access, and capacity building to make media financially self-sustaining.

Some additional human rights concerns for Azerbaijan include:

**Political Prisoners:** As noted in the Department's human rights report for Azerbaijan, local human rights NGOs maintain that the government continues to hold political prisoners. NGO activists currently estimate that the government holds between 33 and 57 political prisoners. The release earlier this year of two individuals considered by human rights monitors to be political prisoners was positive. We support the Council of Europe's efforts to resolve this problem; institutional reform of the justice system also could help.

**Abuses by Security Forces:** The constitution and criminal code prohibit torture and provide for penalties of up to 10 years' imprisonment for officials who violate the law. Torture, and the lack of accountability for it, and the excessive use of force against peaceful demonstrators or detainees, remain serious problems.

**Rule of Law and Corruption:** Unchecked corruption can destroy a government's ability to govern effectively and to retain citizens' confidence. In the midst of Azerbaijan's oil boom, which creates, at least in the near term, highly visible disparities in wealth between a small elite and the bulk of society, it is all the more important for the government to act with

determination and complete transparency to root out corruption. Above all, pervasive corruption in the judiciary and law enforcement community must be eradicated. Promoting the rule of law - including an independent judiciary that respects due process - remains among our highest diplomatic objectives for Azerbaijan and neighboring countries in the South Caucasus.

In closing, I appreciate the frank and constructive meetings I had with President Aliyev, Foreign Minister Mammadyarov, and others, and their generosity with their time. The U.S. approaches this dialogue as a friend of Azerbaijan. Friendship means not being indifferent to the circumstances of a friend. At the same time, being able to discuss matters of disagreement in a proper yet candid way is part of the nature of a serious dialogue. And concrete results in terms of improved respect for human rights clearly will serve to deepen our bilateral relationship. I look forward to working with our friends in Azerbaijan - both in and out of government - to help them implement the kinds of democracy and human rights reforms that the citizens of Azerbaijan seek and deserve.

Thank you, Mr. Chairman.

<http://www.state.gov/g/drl/rls/rm/2008/107536.htm>

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