

11th DAY OF THE ENDANGERED LAWYER

24th January 2021: AZERBAIJAN

The struggle to protect Azerbaijani lawyers

Contribution to the webinar on Jan. 22nd 2021

<https://lawyersforlawyers.org/dag-van-de-bedreigde-advocaat-2021-azerbeidzjan/>

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1 Azerbaijan *Azərbaycan* Azerbeidzjan

Azerbaijan...Azerbaijan might ring a bell for you due to many other topics then politics or human rights and rule of law. E.g. because of the Euro Football League Finals in capital city Baku, or the first ever European Games ('regional Olympics')¹, or the Formula-1 races, or because of Azerbaijan's excellent wine, its music, poetry and literature as e.g. the beautiful novel 'Ali & Nino'².

Or because of the Eurovision Songfestival in 2012³ in which our Dutch Joan Franka performed in her feather headdress – whereas in the streets of Baku anti-corruption protest songs were chanted⁴.

But some of you might have become interested to have a closer look to Azerbaijan, its history and politics, only recently - due to the recent war with its neighbour Armenia about Nagorno-Karabach. Maybe you tried to understand why this war erupted so deadly, and why the ceasefire agreement of 1994 proved not sustainable. And maybe you ask yourself if the latest ceasefire of November 2020 can lead to a final settlement of the dispute over the region.

International media, international and Dutch thinktanks (as e.g. International Crisis Group⁵ and the Clingendael Institute)⁶, the EU⁷, our Parliament⁸ in Hague, they all discussed the issue elaborately.

However, on the occasion of today, commemorating the Day of the Endangered Lawyer, Nagorno-Karabach **will not be** the focal issue of debate: all eyes and ears will tonight be on Azerbaijan proper: together with well-respected guest Mr. Emin Abbasov, you will zoom in on its Rule of Law, its judiciary.

As announced in the program, I myself contribute tonight on behalf of the Foundation of the DEL. I will, in next ten minutes time, roughly draft the geographical, cultural and political context to the lecture.

My experience with Azerbaijan is having served as independent election observer for OSCE/ODIHR⁹ in Azerbaijan's Parliamentary elections last year, in Feb. 2020. It was an excellent opportunity to experience, despite for only a short time, Azerbaijan 'on the ground' and talk with as much civilians in shops, streets, cafe's etcetera, as possible. For the OSCE/ODIHR reports, go to its website¹⁰. For tonight, it is very important to understand that I do not speak to you on behalf of OSCE/ODIHR but, as said, on behalf of the Foundation.

Therefore, before turning to Azerbaijan, let's shortly commemorate the 1st Day of the Endangered Lawyer in 2009 before jumping to its 11th edition in 2021.

¹ https://nl.wikipedia.org/wiki/Europese_Spelen_2015

² *Ali & Nino* by Kurban Said, 1937.

³ Azerbaijan won the Festival in 2011 in Düsseldorf with the song 'Running scared'.

⁴ <https://nos.nl/artikel/375345-protest-bij-songfestival-in-baku.html>

⁵ <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/b91-improving-prospects-peace-after-nagorno-karabakh-war>

⁶ E.g. <https://spectator.clingendael.org/nl/publicatie/why-armenian-azerbaijani-conflict-matters-eu>

⁷ [https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659267/EPRS_ATA\(2020\)659267_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659267/EPRS_ATA(2020)659267_EN.pdf)

⁸ E.g. Plenary session 17 Nov. 2020

⁹ <https://www.osce.org/odihr/elections/azerbaijan> OSCE/ODIHR: Office for Democratic Institutions and Humanrights (ODIHR) of the Organization for Security and Co-operation in Europe

¹⁰ <https://www.osce.org/odihr/elections/azerbaijan/442933>.

2 The Foundation of the DEL : birthday in 2009, jubilee in 2021

As you might know, the 1st Day of the Endangered Lawyer (DEL) was organised in 2009, so over a decade ago. The focus in that year was on the difficult position of lawyers in **Iran**. The Day worked especially for the now well-known lawyer **Nasrin Sotoudeh**¹¹. The Dutch lawyers Hans and Symone Gaasbeek encouraged their Dutch and European colleagues to pay **bold, constructive and durable solidarity** with endangered international colleagues defending human rights and advocating Rule of Law. These international colleagues persist in their judicial work in a context of moral and often brutal discouragement, or even harsh repression, by authorities or extremists groups.

*I myself came to know Hans and Symone in 2004, and thus later the Foundation, due to my work in **the Southern Asian region of Kashmir**, in support of Kashmiri human rights activists. The status of Kashmir is disputed since 1947 by India and Pakistan ever since their independence from the former British-Empire, and its people brutally repressed. Hans raised attention in Europe for endangered Kashmiri human rights lawyers, who, as a result, felt protected due to this international attention and support. This engagement explicitly reflects the aims of the Foundation of the DEL and in specific the event organised by Lawyers4Lawyers of today: raise attention, support and liaise with international colleagues who refuse to give up their dedication to defending human rights and advocating Rule of Law, and guarantee civilians a fair access to justice and dignity.*

As of 2011, The Foundation of the DEL **intensified cooperation** for endangered colleagues by establishing a **worldwide network liaising over 40 lawyer organisations and bar associations** in a wide variety of countries. The Foundation aims to further expand the support for and impact of its work and, inter alia, by bringing it under attention of the UN.

This year, 2021, we commemorate the 11th edition of the DEL, but we also commemorate **the jubilee of the UN Principles on the Role of Lawyers** as these were adopted 30 years ago. Both the **Foundation of the Day of the Endangered Lawyer** and **Lawyers4Lawyers** work on the basis of these guidelines, which were designed to guide, serve and protect lawyers.

Ever since the 1st Day of the Endangered Lawyers in 2009, the Day is organised in a large variety of cities and states globally. This happens in the form of interactions and debates with guests from areas of concern, like ours tonight with Mr. Emin Abbasov from Azerbaijan. Next to debates, petitions are composed which will be sent or handed over to diplomatic representatives of Azerbaijan in e.g. Europe. The Day for Iran in 2009 was the first time that **lawyers in robe protested and offered petitions** to ambassadors of Iran as e.g. in Hague.

This year, due to the Corona pandemic, it won't be possible to organise **the yearly lawyers' protests** in front of Azerbaijani Embassies in as many cities as in previous years. Local constrictions will define the conditions for such protest per each country. However, it is confirmed that in **Berlin and in Rome lawyers will nonetheless be protesting in robe !** Thus, in one way or another: in over 40 countries protests will be heard and seen indeed!

The Dutch board of the Foundation has already sent **a letter to the Embassy of Azerbaijan in Hague** with a request to meet in person, face-to-face, to discuss the difficult situation for lawyers in Azerbaijan.

Thus, our session of tonight is hopefully the first in more steps to follow.

¹¹ <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26582&LangID=E>
<https://lawyersforlawyers.org/advocaten/nasrin-sotoudeh/>

3 Azerbaijan At Glance

Azerbaijan – **land of flames** - the name refers to inflaming natural gas, raising from the Caspian Sea. Once you visit Azerbaijan's capital city Baku, you'll see the Flame Towers, a trio of blue-glass skyscrapers that symbolise the natural gas that gave the country its name, and, next to the rich oil field, its economic wealth.

This chapter serves as a context for the lecture of our respected guest, Emin Abbasov. Hopefully it will trigger your curiosity to take a deeper dive in Azerbaijan's history, culture, politics, economy, and that this short chapter and the documents referred to, encourage you to do so.¹²

INDEPENDENCE

In October of this year 2021, the Independent Republic of Azerbaijan will celebrate its 30th birthday. Azerbaijan was part of the USSR until its independence in October 1991 **when the the Soviet Union ceased to exist**.

It was, by the way, not a simple and smooth transition: independence was preceded by a confrontation between Moscow and Azeri nationalists in Baku, resulting in an intervention by Soviet troops in Baku in January 1990, killing dozens of civilians and turning public opinion definitely against Russia. The **Declaration of Independence**, drafted by the Supreme Council (of the Azerbaijan Socialist Soviet Republic), was easily affirmed by a nationwide referendum in December 1991¹³.

Ever since, **the influence and power of Russia never completely faded out**. Only recently, in last months of 2020, we could see the relevance and weight of Russia's role in brokering a ceasefire agreement between Azerbaijan and Armenia to end the full-scale war about, and in, Nagorno-Karabach. As probably our guest Mr. Emin Abbasov will explain, the Soviet-heritage of how state-institutions function and are run (e.g. their centralized traditional power policies) explains a lot of the difficulties independent civilian professionals as lawyers as well as teachers, journalists, and others encounter¹⁴.

Azerbaijan however made sure to keep up a good-terms-relationship with the Russian Federation: Moscow is important is trade partner and strategic ally. Note for example the substantial number of Azerbaijani labourers employed as seasonal workers in Russia's labour market.

From Moscow's perspective we can state that Azerbaijan is of geo-strategical interest to keep its 'feet on the ground' in the Caucasian neighbourhood. Russia is a strategic backbone for Armenia but wants to keep Azerbaijan as a like wise 'close friend' in order to preserve its presence in the volatile but geopolitical essential region¹⁵.

Well, so far about The Russian Federation. What about other neighbours or geopolitical actors as, inter alia, Europe?

¹² For the Dutch amongst you, see e.g.: [Algemeen+ambtsbericht - mn p 84 - +Azerbeidzjan+2020-07.pdf](#)

¹³ Tonight, we'll lack time for a deep dive into Azerbaijan's complex and amazing history, thus I encourage you to undertake that journey by yourself whenever you have time!

¹⁴ In a webinar organized by *The Law Society of England and Wales*, 21/1/2021, one of Azerbaijani guests covered the issue. See Bowring's blog <https://www.barhumanrights.org.uk/blog-day-of-the-endangered-lawyer-2021/>

¹⁵ https://www.foundationmaxvanderstoel.nl/agenda/agenda_item/t/in_gesprek_over_nagorno_karabakh

Some political analysts even claim that, for that reason, Moscow deliberately merely brokered a ceasefire agreement to stop the war between Armenian-Azerbaijan last November 2020, and that it was never Moscow's intention to reach out for a final and durable settlement of the dispute.

GEOGRAPHY

Have a look at this map (©DeVolkskrant).



You'll see Azerbaijan located in between the **Armenia** at its eastern border and the oil-rich **Caspian Sea** in the west, **Georgia** and **Russia** in the north and Iran in the south, and a very small border with **Turkey** in the far west, bordering Azerbaijan's **autonomous enclave Nachtsjevan**¹⁶.

From Europe's perspective, Azerbaijan is perceived as located at the utmost eastern corner of Europe, at crossroads with Asia and the Arab world¹⁷. In Europe the EU- Memberstates, like the Netherlands, relate to Azerbaijan from the perspective of their '**European neighbourhood policy**'¹⁸ which might explain to you why Azerbaijan surfaces in many policy debates in Dutch Parliament and reports of thinkstanks like the Dutch Clingendael Institute in Hague.

¹⁶ The enclave (ca. 400.000 inhabitants) is squeezed in between Armenia, Iran and Turkey, and geographically isolated from the rest of Azerbaijan. Its history is connected to the breakdown of the USSR and harsh disputes with Armenia over its status. It is home to the the Aliyev-dynasty: Heydar Aliyev, the father of President Ilham Aliyev, was former leader in Sovjet Azerbaijan with strong powerposition in Nachtsjevan, before he came over to Baku in 1993 to become president of Azerbaijan.

¹⁷ West Asia, which includes not only Turkey and Iran, but also the Arab Peninsula

https://en.wikipedia.org/wiki/Western_Asia

¹⁸ https://ec.europa.eu/info/policies/european-neighbourhood-policy_en

Europe makes sure to keep in good terms with Azerbaijan: the republic became the 43rd Member State of the **Council of Europe** on 25 January 2001¹⁹; in May 2014 it became the Council of Europe's six months chair.²⁰

Europe has, however, also strong reservations vis-a-vis Azerbaijan and boldly criticizes its presidential autocracy and its lack of democratic accountability. For example: the EU refused to send an Election Observation Mission to Azerbaijan last year, to monitor the parliamentary elections (which I observed as member of an OSCE/ODIHR Election Monitoring Mission).

*To quote: 'Azerbaijan is an authoritarian country in the southern Caucasus. Part of the Eastern Partnership, Azerbaijan has attempted to keep a pragmatic balance between the European Union (EU) and Russia. Rich in oil and natural gas, Baku's poor human rights record and consistent failure to hold free and fair elections have continued to hamper its ties with the EU. The 9 February 2020 snap elections in the wake of abrupt top-down reforms in late 2019 are not expected to substantially change the country's leadership or its overall (geo-)political orientation.'*²¹

Last December 2020, Azerbaijani government officials visited Brussels, welcomed by **Joseph Borrell, EU's High Representative for Foreign Affairs and Security Policy**. Borrell stated:

'EU is the first trading partner and largest foreign investor in Azerbaijan, and also key partner in a push for reform and modernize the Azeri economy and strengthening governing institutions . (...) I think the EU can play an important role in reconstruction, reconciliation and peace consolidation, complementing the work of the OSCE MINSK Group'^{22 23}.

Mr. Abbasov might tell us more tonight, and elaborate on what Europe and **European bodies as e.g. the European Court of Human Rights (ECtHR)** mean to him and his colleagues in Azerbaijan. Do they feel supported? Protected? You will read these questions also in the detailed and excellent **Petition on the Struggle to protect Azerbaijani lawyers**, that is composed for this year's Day of the Endangered Lawyer.

POLITICS

In Azerbaijan it is hardly possible, if not simply impossible, not to notice the numerous and immense **posters and pictures of president Ilham Aliyev and his father, former president Heydar Aliyev**: these are exposed in every public building and almost all media.

Father Heydar Aliyev had served as of 1969 as leader of the Soviet republic Azerbaijan and as Azerbaijan's third president as of 1993²⁴. Heydar Aliyev's prestige, popularity and power got consolidated

¹⁹ <https://www.coe.int/en/web/portal/azerbaijan>. Neighbouring Caucasian state Armenia became the 42nd Member on that same day whereas Georgia as 41st Member few years earlier, on 27 April 1999. Neighbour Turkey became CoE's 13th member on 13 April 1950, the Russian Federation its 39th on 28 Feb. 1996. Neighbourstate Iran is not a CoE member. See <https://www.coe.int/en/web/portal/47-members-states>

²⁰ <https://www.coe.int/en/web/portal/cm-chairmanship-azerbaijan>

²¹ [https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/646165/EPRS_ATAG\(2020\)646165_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/646165/EPRS_ATAG(2020)646165_EN.pdf)

²² <https://newsroom.consilium.europa.eu/events/20201218-eu-azerbaijan-cooperation-council-december-2020/129332-doorstep-statement-eu-hr-borrell-20201218>

²³ <https://www.osce.org/mg>: 'The Minsk Group, the activities of which have become known as the Minsk Process, spearheads the OSCE's efforts to find a peaceful solution to the Nagorno-Karabakh conflict. It is co-chaired by France, the Russian Federation, and the United States'.

²⁴ Ayaz Mutallibov was the last leader of Soviet Azerbaijan, and the first President of independent Azerbaijan from August 1991 until May 1992; the second was Abdulfaz Elchibey (a former Soviet dissident) (and leader of the oppositional Azerbaijan Popular Front).

by his role in brokering a ceasefire agreement in 1994 to end the first civil war over Nagorno-Karabach of 1992-1994²⁵.

In 2003 he fell seriously ill, stood down from the presidency in and appointed his son **Ilham Aliyev**, as the sole presidential candidate of his party, the YAP (the New Azerbaijan Party (NAP/YAP))²⁶. Ilham Aliyev contested and won the presidential elections of 15 October 2003 and serves as Azerbaijan's President up till today. In 2017, Ilham Aliyev appointed his spouse **First Lady Mehriban Aliyeva** as Azerbaijan's First Vice-President²⁷.

The president's party YAP rules with absolute majority of seats and does not face any substantial opposition from other parties in the parliament: most of them are known for supportive statements towards the government's policies. As for the recent parliamentary elections of February 2020, serious oppositional parties either boycotted²⁸ election or simply couldn't manage to win seats due to fraud and rigging.²⁹ One of the unfortunate contesting oppositional parties was the party *Musavat* ('Equality Party'), the oldest party in Azerbaijan (established, in secret, in 1911)³⁰.

International election observers of, inter alia, the OSCE/ODIHR Election Observation Missions criticized these elections as falling well below expected standards. They criticized the contest of October 2003 and all elections ever since, up until the Parliamentary Elections of last February 2020.

The Petition '**The Struggle to protect Azerbaijani lawyers**', composed for this year's 11th Day of the Endangered Lawyer³¹, recalls the work of e.g. **human rights lawyer** Intigam Aliyev, who admitted 200 applications to the ECtHR in cases of, inter alia, **election rigging** in various elections, and was refused membership of the Azerbaijan Bar Association in 2009.

THE PEOPLE

Language

Official language Azerbaijani next to which over fifteen minority languages are spoken: Russian and Armenian as well as e.g. Kurdish and Georgian. Azerbaijani is part of the Turkic language family, spoken and written very different from the Slavic or Italic minority languages.

²⁵ The first war over Nagorno Karabach in 1992 – 1994 and especially the dramatic defeat in 1992 of Azerbaijan's army in Susha, the historic citadel in central Nagorno Karabach, was essential in the re-appearance to power of Heydar Aliyev as next president of Azerbaijan. Mutallibov and Elchibey worsened the hostilities with Armenia over Nagorno Karabach, resulting in the deadly civil war of 1992-1994. Heydar Aliyev was called to Baku for help by Elchibey. Aliyev immediately ousted Elchibey by referendum and brokered a ceasefire agreement, the Bishkek Protocol of May 1994. The Bishkek Protocol, signed on May 5, 1994 in Bishkek (Kyrgyzstan) by the representatives of Armenia, the unrecognized Nagorno-Karabakh Republic, Azerbaijan and Russia's representative to the OSCE Minsk Group

²⁶ He was already member of the Azerbaijan Parliament as of 1995 and appointed as Prime Minister in August 2003, when his father was still formally president of Azerbaijan but absent from public events due to illness.

²⁷ She already served for over a decade in the National Assembly of Azerbaijan, elected in Azerbaijan's 2005 parliamentary elections as candidate for Aliyev's New Azerbaijan Party (NAP).

²⁸ The NCDF *National Council of Democratic Forces and the Popular Front*.

²⁹ OSCE/ODIHR report https://www.osce.org/files/f/documents/7/e/457585_0.pdf

³⁰ Musavat's leaders founded the first independent Azerbaijan Democratic Republic in 1918 (until 1920 Soviet rule). In 1992, Musavat re-established itself, was formally re-registered and in government 1992-1993. In 2013, Musavat was co-founder of the NCDF ahead of the presidential elections in that year but quit the coalition again soon thereafter. The party advocates pro-European politics (and is related to the Alliance of Liberals and Democrats of Europe (ALDE) in European Parliament).

³¹ <https://lawyersforlawyers.org/wp-content/uploads/2021/01/Petition-11th-DAY-OF-THE-ENDANGERED-LAWYER-Azerbaijan.pdf>

Language matters. In the old literaire novel 'Ali & Nino' (Kurban Said, 1937) Azeri schoolboys mock their authoritarian Russian teachers and ruling elite of local bureaucrats of their time, for not being able to understand and control their 'subordinates' due to the language-gap.

Last year, discussing the present, my Azeri friend Sevar told me that **surnames of newborns** can no longer be registered with surnames ending with the Russian -ov or -sov, like her own name and the names of many more of her, and her parents' generations. Names have to be -li, to be truly Azeri, she explained. She is 40 years of age: for her generation it is possible, if at all they wish so, to choose to yes or no change their surname, she stated³².

Demography

Of the estimated population of **ca. 10 million people**, a large majority (91%) identify themselves as Azerbaijani, a significant minority as Russian, Armenian, Lezgian (north-eastern region, bordering Dagestan), Talysh. Slightly more Azeris live in cities, as many in rural areas. Life in rural villages outside capital cities as Baku is however in dramatic contrast with the prosperity and wealth in urban areas.

A large number of ethnic Azerbaijanis work and live (many as seasonal labourmigrants) in **the Russian Republic**. In neighboring **Islamic Republic of Iran**, the number of ethnic Azerbaijanis far outnumber those in **Azerbaijan** itself. In Azerbaijan, many have family roots in Iran.

Many, of not most of the ethnic Armenians keep their identity hidden out of **fear for discrimination** or worse³³. The unresolved political dispute over Nagorno Karabach boosts a lasting hostility against Armenian civilians. Not only in political fora but also on the people-to-people level in everyday life.

This hostile sentiment is also stirred up by the dramatic number of **IDPs (Internally Displaced Persons)** who took refuge in other regions of Azerbaijan due to the years of the war over Nagorno-Karabach and occupation by Armenia of their homelands.

In November 2019, Azerbaijani authorities stated to have registered over 650.000 IDPs. Most of them endured dire housingconditions in many years before being accomdated in hundreds of special settlements or poor and neglected urban neighborhoods of cities as e.g. Baku.

Azerbaijan takes care of healthcare, insurance, education and financial support of the IDPs as long as they do not leave the settlements and accomodation provided to them by Azerbaijani authorities. The IDPs are **supposed to return to their 'homelands'** as soon as these will be 'liberated from Armenian occupation'³⁴.

Azerbaijan developed an ambitious 'Return Home Program': a multi-annual policy plan including necessary large budgets to, once the time has come, realise large-scale IDP-return.³⁵ E.g. to the provinces bordering Nagorno-Karabach recently 'liberated from Armenian occupation' (e.g. Kalbajar³⁶).

Religion

Mainstream religion in Azerbaijan is liberal islam. Over 95% of Azerbaijan's population identify themselves as muslim, of whom ca. 70% as Shia and ca. 30% as Sunni (incl. sufism and salafism)³⁷.

³² Private conversation, Baku, febr. 2020

³³ To be recalled in this context: 'the Sumgair Pogrom' in Febr.1998, that targeted the Armenian population of the seaside town in then still Azerbaijan Soviet Socialist Republic.

³⁴ See [Algemeen+ambtsbericht - mn p 84 - +Azerbeidzjan+2020-07.pdf](#) July 2020 (p.94)

³⁵ Jarl van der Ploeg: 'Thuis komen, bitterzoet geluksgevoel'. *De Volkskrant*, 30/12/2020.

³⁶ Pieterel Gruppen: 'Kalbajar blijft leeg en verschroeid achter'. *TROUW* 17/11/2020

³⁷ A minority of less than 5 % adheres christian religions (e.g. the Russian or Georgian Orthodox church), or identify as Armenian Apostolic, Jewish, Roman-Catholic or Jehova.

The Constitution of Azerbaijan formally **guarantees freedom of religion and does not identify an official (state-)religion**; the heritage of soviet-socialism. Up till today, all major political actors and state institutions are secularist and promote liberal religious ideologies. Religious symbols and slogans are allowed to be exposed inside religious locations, not in public space.

Foreign missionary work, least to say forced conviction by either christian or muslim scholars, is however strongly prohibited.

Incidentally, mosques get closed down to counter 'domestic (shia) islamist extremism', according to Azerbaijani authorities, accusing local or foreign actors of 'instigating islamist terrorism'. Political opponents blame Azerbaijani authorities on those occasions of 'instrumentalizing the narrative of religious extremism as a means for regime legitimization'³⁸.

Azeri women enjoy the freedom of liberal (shia-) islam but **fear the growing influence of Turkey** and its **conservative islam**. In speaking on the subject, female friends in Baku conveyed their fear Turkish conservative ideology might threaten secularism and dictate norms and values (e.g. in regard of fashion, gender relations, labourmarket) unfamiliar to their Azeri traditions and ethics³⁹.

Civil society

Azerbaijani civil society became vibrant and emboldened by global eruption of freedom movements, e.g. the 'Arab Spring'. These encouraged dissent voices to call into question Baku's grip on power.

Altay Goyushov: *'Another important development was the expansion of internet use and the introduction of social media, particularly Facebook, which dismantled the government's ability to control the free-flow of information and ideas. The new tool was grasped by a new class of influential actors: the youth and emerging middle class. The Azerbaijani public witnessed more and more new popular figures entering into open debates and establishing political groups and organisations, which played a central role in public life. Civic activity fomented serious discussions about various political and societal issues. Protests took place in various parts of the country, including in Baku, from 2011 to 2013. The government in turn reacted with heavy-handed tactics and arrests. Government repression heightened after the 2013 presidential elections, which was met with unprecedented criticism from the international community'*⁴⁰.

In 2014 the Azerbaijani authorities launched a dramatic crackdown on civil society to stifle expanding public dissent⁴¹. Journalists, political leaders and youth activists were jailed, international organisations and donors forced out of the country, lawyers arrested. I am sure **our guest of tonight Emin Abbasov** will tell you more about the impact of this crackdown on his work. During a likewise seminar as ours tonight, the legal director of the European Human Rights and Advocacy Centre (EHRAC))⁴² declared that the **arrests and persecutions of lawyers defending civil society actors** were politically motivated and exposed the government's lack of democratic accountability.⁴³

However, massive international condemnation didn't impress upon Ilham Aliyev's government at all.

Altay Goyushov: *'Unfortunately, with Russia's takeover of Crimea these nascent hopes were dashed. While the world was preoccupied with Russia's aggression in Ukraine, Baku decided to reinforce a full-scale crackdown against its opponents to crush its critics. Even the fact that, in May 2014, Azerbaijan assumed the 6-month*

³⁸ <https://journals.sagepub.com/doi/pdf/10.1177/1879366519863167>

³⁹ Private conversations, Baku Febr. 2020

⁴⁰ Quoting Altay Goyushov <https://www.opendemocracy.net/en/odr/crackdown-in-azerbaijan/>

⁴¹ https://www.foundationmaxvanderstoel.nl/nieuws/nieuws_item/t/civil_society_onder_druk_in_de_ovse_regio

⁴² <https://ehrac.org.uk/>

⁴³ Online Seminar-*Day of the Endangered Lawyer 21/1/2021*, organised by, inter alia, The Law Society of England and Wales. <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/news/day-of-the-endangered-lawyer-2021>

chairmanship of the Committee of Ministers of the Council of Europe, the very body to promote democratic values, did not mitigate the tensions. In late July early August, in a matter of days, law enforcement jailed the most prominent human rights defenders Leyla Yunus and her husband historian Arif Yunus, young popular activist Rasul Jafarov, and lawyer Intigam Aliyev⁴⁴.

Human rights defenders Leyla and Arif Yunus were released on health grounds in late 2015 and soon thereafter, in early 2016, allowed to leave the country; ever since they have been residing in the Netherlands.⁴⁵

ECONOMY

Oil-boom

Azerbaijan started drilling for oil over 150 years ago, in the mid-1800. Eversince, the oil-industry transformed Azerbaijan from an agricultural economy (e.g. cotton, wine) into a fast growing, oil-booming-economy that contributed to the massive growth of especially the capital city Baku and its suburbs. The economic profits of the oil-boom have however not reached rural areas, where life differs dramatically of the urban elite.

Large amount of oil-revenues were, and are, mainly invested in urban infrastructure and privat properties of political and industrial elite, as well as in Azerbaijan's military equipment for which the Russian Federation and Israel as Azerbaijan's most important suppliers of arms.

Gas-politics

Gaspipelines connecting Azerbaijan and the Russian Federation exist since very long time. The Heydar Aliyev government started gas- and oilsupply from and via Azerbaijan to Turkey via the Baku-Tbilisi-Ceyhan pipelines (to southern Turkey, near the Mediterranean Sea). In the very last week of December 2020, Azerbaijan's state energy company SOCAR announced the start of another route for commercial gassupplies to the EU: the TAP Trans Adriatic Pipeline, connecting the Caspian Sea with Western Europe⁴⁶.

The TAP is supposed to **diversify energy supplies away from Russia** which might weaken Russia's dominant position as supplier of gas to the European continent. European scholars (as e.g. connected to the Dutch Clingendael Institute) when analysing Azerbaijan's national and geopolitical security interests, underline the **importance of bringing non-Russian gas to the European energy market**⁴⁷.

Recall in this context, that Gaspipeline 'Nordstream 2' (the gaspipeline running from Russia to Europe across the Baltic Sea)⁴⁸ was stalled for a period of time due to US sanctions. Washington fears 'Nordstream 2' dangerously threatens international security of NATO allies in Europe due to expanding and sole dependence on Russian energy supply⁴⁹.

SOCAR: *'Seven years ago, we made the final investment decision together with our partners (...) Back then, some were skeptical about this project. Now the mission is accomplished - Azerbaijan's natural gas has arrived to Europe. Coming from a new source through an alternative route, it will contribute to European energy security. (...) Our gas will fill this gap for decades to come, and the importance of cooperation between the Old Continent and Azerbaijan will increase'*⁵⁰

⁴⁴ Quoting Altay Goyushov <https://www.opendemocracy.net/en/odr/crackdown-in-azerbaijan/>

⁴⁵ <https://www.rferl.org/a/baku-ordered-to-pay-compensation-to-prominent-rights-defenders/30730281.html>

⁴⁶ See https://apa.az/en/azerbaijan_energy_and_industry/SOCAR-First-commercial-gas-delivery-to-Europe-via-Southern-Gas-Corridor-339243

⁴⁷ <https://spectator.clingendael.org/nl/publicatie/why-armenian-azerbaijani-conflict-matters-eu>

⁴⁸ <https://www.gazprom.com/projects/nord-stream2/>

⁴⁹ <https://www.rferl.org/a/azerbaijan-gas-exports-tap-pipeline/31028639.html>

⁵⁰ Ibidem

Diversification

Oil and gas made Azerbaijani economy booming. Azerbaijani economists and international diplomats nevertheless advise Azeri authorities **to diversify the state's economy**. They claim that its gas- and oil-economy is not sustainable in the longterm future, and thus vulnerable. In tomorrow's global economy will need 'green energy', maybe gas but no longer oil in the long run. They try to convince Azerbaijan to invest in its ICT-sector, its tourism potentials and in a modernized agriculture-industry⁵¹.

GEOPOLITICS

The geopolitical powerbalance in Europe's utmost eastern corner seems to have shifted from West to East. In last (four) years of their Trump-administration, **the USA** seem to have chosen to be in the sidelines of the geopolitical chess-board Azerbaijan. Nowadays, the principle characters are **the Russian Republic and Turkey**.

Other characters are **Europe and its individual EU-Memberstates** (as e.g. The Netherlands) and international key-actors as, inter alia, the **OSCE Minsk Group**. The EU and EU-Memberstates because of their aim to consolidate cooperative relations in the context of their 'European neighbourhood policy'⁵²; the OSCE Minsk Group because of its position and responsibility to pave the way for a peaceful and durable solution to the Nagorno-Karabach conflict. The work of the Minsk Group has become known as 'the Minsk Process'⁵³.

Turkey

The OSCE Minsk Group is **co-chaired by France, the Russian Federation, and the USA**. However, not only The Russian Federation but also the Republic of Turkey exposed itself as key actor in the region, taking full advantage of the fact that the United States were rather absent as geopolitical actor in the Caucasus, and in specific vis-a-vis the latest war in Nagorno-Karabach. Azerbaijan and Turkey claim the support of Turkey's military drones were crucial in defeating Armenian forces. President Recep Tayyip Erdogan was Ilham Aliyev's Guest of Honour in Baku to celebrate Azerbaijan's victory with a military parade in which the Turkish combat-drones were a proudly demonstrated to the cheering crowd. Turkish and Azeri army-troops victoriously marching side by side in Baku's main streets⁵⁴.

The slogan 'One nation, two states!' is a popular expression in Azerbaijan to characterize the relationship with Turkey: 'It is our brother nation!' Azerbaijan was never ruled or dominated by the Ottomans, the language of Azerbaijan is a Turkic language, and in relation to their neighbour Armenia it is sloganeered that 'the-enemy-of-our-enemy-is-our-friend'.

Islam in Turkey is (conservative) sunni, in Azerbaijan (liberal) shia but this difference is, so far, not a spoiler in their economic partnership and trade-relations. As already mentioned, the Baku-Tbilisi-Ceyhan oil- and gaspipeline connects them as close economic partners. For Turkey, this pipeline is of importance not only in its alliance with Azerbaijan but also, and even more important, in its ambition to gain a keyrol position in the global energy market⁵⁵.

For the sake of Turkey's brotherhood-friendship, Azerbaijan does not allow any activism by the Gülen movement on its territory: the transnational (sunni) islamic movement, inspired by writings of the Turkish islamic preacher **Fethullah Gülen**, is designated by Turkey as a terrorist organization.

⁵¹ Confidential conversation. Baku, febr. 2020

⁵² https://ec.europa.eu/info/policies/european-neighbourhood-policy_en

⁵³ <https://www.osce.org/mg> and <https://www.osce.org/minsk-group/473649>

⁵⁴ Pieterl Gruppen: 'Erdogan geëerd bij triomftocht in Bakoe', TROUW 11 Dec. 2020

⁵⁵ Rob Vreeken: 'Gasoorlog rond de Middellandse Zee'. *De Volkskrant* 5/9/2020.

France

It is confirmed that thousands of Syrian mercenaries were also engaged in this war, recruited and employed by Turkey to side with Azerbaijani forces. It triggered the French president Emmanuel Macron to forcefully accuse Turkey of recruiting 'jihadi extremists', which however was denied by both Baku and Ankara.

The French, as co-chair in the Minsk Group advocating a peaceful solution for dispute over Nagorno-Karabach, explicitly **condemned Turkey's growing involvement** and its alliance with the Azerbaijani troops⁵⁶. The French as well underlined their (moral) support for Armenia in its claims to defend Armenian historical and political rights to control the disputed territories.

These geopolitical challenges, next to denouncing the dramatic humanitarian situation and accusation of warcrimes committed against Armenian civilians, motivated the French Senat (in its 19 November 2020 session) to adopt **a resolution that advocates recognition of Nagorno-Karabach as an Independent Republic**.⁵⁷

Iran

Azerbaijan's longterm history is as much entangled with Iran (Perzia) as with the Russian Federation.

Large part of the contemporary Republic of **Azerbaijan was part of the former Perzian Empire** until it got under Soviet rule in the 19th century⁵⁸. Part of this region fell back to Iran after World War II: **Iran's East-Azerbaijan Province** (with its capital city Tabriz), at the southern border of the Azerbaijan Republic. As a result, in contemporary Iran the number of ethnic Azerbaijanis far outnumber those in Azerbaijan itself and many have family roots in Iran.

In the rather recent history, during the presidency of Azerbaijan's second president Abdulfaz Elchibey (1992-1993), the relationship between Iran and Azerbaijan got tense, or even hostile. Elchibey was described as being 'vehemently anti-Iranian', fanatically advocating unification of Iran's East-Azerbaijan Province with 'his' Republic of Azerbaijan, and thus dangerously alienating the Iranian government in Teheran.

At present, both Azerbaijan and Iran aim to be 'good neighbors'. Tensions arise when Azerbaijan fears domestic islamic radicalism amongst conservative shia communities and blames Iran of supporting religious extremism, a narrative strongly condemned by Azerbaijani oppositional voices as a means for legitimization of its Baku's autocrat regime⁵⁹.

The Russian Federation

A lot has been said in former paragraphs on past en present relations with Russia. To add (or: repeat) in these final alineas is Moskou's so far rather successful balancing act in the very region: as Armenia's closest military ally as well as Azerbaijan's closest economic partner, as the peacebroker in the conflict over Nagorno-Karabach as well as the obstacle for a final political settlement of the conflict, as a partner for Western alliances as well as a guard of Russia's geopolitical and strategic interests. The Russian Federation: friend and foe.

⁵⁶ In April 2016, Azerbaijan used Israeli kamikaze drones in military confrontations with Armenia alongside the Nagorno-Karabach Line of Contact LOC

⁵⁷ RÉSOLUTION portant sur la nécessité de reconnaître la République du Haut-Karabagh, Dictum 20: *'Invite le Gouvernement à reconnaître la République du Haut-Karabagh, et à faire de cette reconnaissance un instrument de négociations en vue de l'établissement d'une paix durable.* <https://www.senat.fr/leg/tas20-026.html>

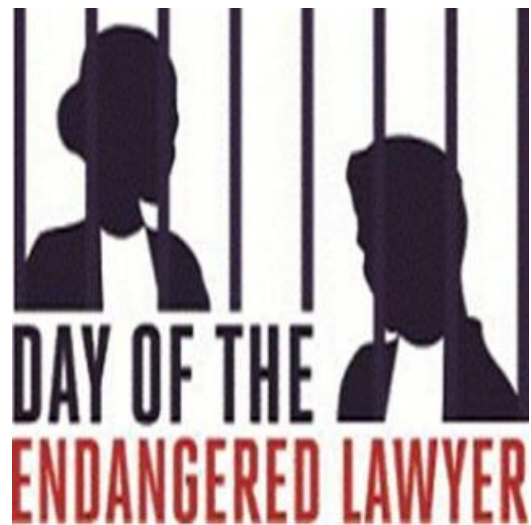
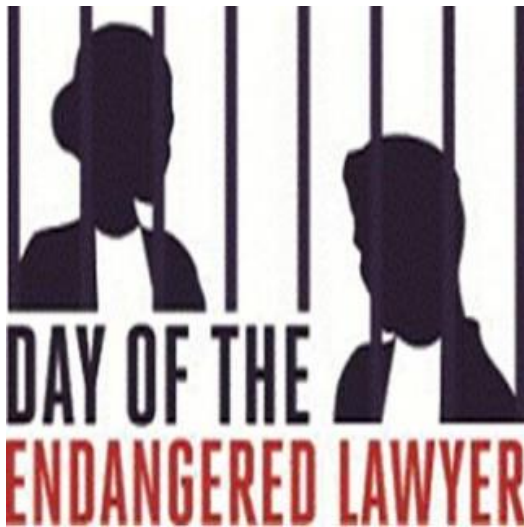
⁵⁸ The Russo-Persian war in 1826–28 resulted in the defeat of the Iranian army

⁵⁹ <https://journals.sagepub.com/doi/pdf/10.1177/1879366519863167>

Nato

Azerbaijan is **not a memberstate** of NATO. However, both Armenia and Azerbaijan are **member of the NATO Partnership for Peace program** for over 25 years⁶⁰. This program, founded in 1994 in Brussels, aims to consolidate mutual trust and encourage partnerships between NATO and Europe and former Soviet republics. Vis-a-vis Azerbaijan and Armenia, NATO however firmly underlines not to have, nor engage in, any role in regard of the conflict over Nagorno-Karabach⁶¹. In that context, NATO points to the OSCE Minsk group, co-chaired by the Russian Federation. It is obvious that Moskou would oppose NATO to take an active role indeed in the region (and thus expand its strategic significance) in the region.

The option of Azerbaijan to become a **NATO-memberstate** as 'follow up' of its membership in the NATO-Partnership for Peace program, is no option at all for Moskou.



⁶⁰ https://www.nato.int/cps/en/natohq/topics_49111.htm *Relations with Azerbaijan*, 21 October 2020.

Also see: https://www.nato.int/cps/en/natohq/news_165769.htm?selectedLocale=en *25 years of NATO - Azerbaijan partnership: Director General of NATO's International Military Staff visits Azerbaijan*, 16 April 2019. Quote: 'Relations with NATO started in 1992, when Azerbaijan joined the North Atlantic Cooperation Council. This forum for dialogue was succeeded in 1997 by the Euro-Atlantic Partnership Council, which brings together all Allies and partner countries in the Euro-Atlantic area ...'.

⁶¹ <https://www.aa.com.tr/en/azerbaijan-front-line/nato-is-not-part-of-conflict-in-nagorno-karabakh/2014457>

4 Azerbaijani Jubilea

As mentioned, the Republic of Azerbaijan will celebrate its birthday this year as **30 years ago, in October 1991**, it became an **independent state when the Soviet Union ceased to exist**. Annually on 18th of October⁶², Independence Day is celebrated as the main state holiday.

The 30th birthday will probably exuberantly celebrated. Azerbaijan is very experienced in celebrating a jubilee as we can conclude when looking at the reasons for organising big international anniversary festivals in capital city Baku as

- on the occasion of **the 60th anniversary of the Treaties of Rome in 2017**⁶³;
- to celebrate **the 70th anniversary of the Declaration of Human Rights** which coincided with 10th anniversary of Delegation of the European Union to Azerbaijan **in 2018**⁶⁴;
- to celebrate **the 10th anniversary of the Eastern Partnership in 2019**⁶⁵, with documentary films on the theme of tolerance and diversity, and, inter alia, The Dutch filmmaker Robert Rombout as special guest at the festival.⁶⁶

The festivals are famous as the IMAGINE Euro Tolerance Festivals, aimed at promotion of the values of the intercultural dialogue, diversity and tolerance through different expressions of art and to offer be **a platform of interaction and exchanges between Europe, Azerbaijan and beyond**. As of 2017, The Netherlands is one of its enthusiast supporters and donors.⁶⁷

For all these international donors, for all international artists performing at the Festivals, for all the Azerbaijani civilians who can afford to be part of the audience and for the Azerbaijani authorities, these Festivals boost their imago. However, as Mr. Emin Abbasov will immediately add to this shining story, many poor civilians had to be evicted from their houses to create space for brand new prestigious Festival accommodations to welcome the invited artists and VIPs.

Let's watch the video of the 1st edition in 2017: <https://m.youtube.com/watch?v=Zftl-x-CvEE>

This movie depicts an imagination of hope, tolerance and peace. Our respected guest Emin Abbasov will tell us how reality looks like. Hopefully, *imagination* and *reality* will once upon a time for 100% coincide.

On behalf of the Foundation, in personae Hans and Symone, I wish you a successful event tonight, and in all years to come. And I appeal for an ongoing engagement and persistence in international solidarity and support to your brave colleagues, at home and abroad.

Thank you !

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⁶² On Oct. 18th 1991, the Supreme Soviet of Azerbaijan adopted a Constitutional Act on the Declaration of Independence of Azerbaijan. The declaration was confirmed by a referendum in December 1991.

⁶³ <https://www.azernews.az/culture/118533.html>

⁶⁴ <https://www.azernews.az/culture/132482.html>

⁶⁵ The joint initiative of the (EEAS of the) EU aimed to govern the EU's relationship with the post-Soviet states of Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. See for the latest Clingendael report: <https://www.clingendael.org/publication/eastern-partnership-three-dilemmas-time-troubles>

⁶⁶ Video <https://m.youtube.com/watch?v=n3hfNEHvPg4> Part of this 3rd IMAGINE Festival was held also outside Baku, in Ganja. Festivalprogram: https://eeas.europa.eu/sites/eeas/files/programme_2.pdf

⁶⁷ Next to a large variety of especially Embassies of EU member states accredited in Azerbaijan, whereas Embassies of Argentina, Israel, Peru, Colombia, Moldova and more, also contribute.