

**“Europe and Azerbaijan: The End of Shame”** by Gerald Knaus  
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### Source List

#### Page 6

At this meeting, Barroso told journalists that he recognized “the tremendous progress achieved,” and was “glad that Azerbaijan is committed to political reform, democracy and the rule of law.”

“Ilham Aliyev and European Commission President Jose Manuel Barroso Held a Joint Press Conference,” 21 June 2013, <http://en.president.az/articles/8503>.

German chancellor Angela Merkel told him that Azerbaijan was “an increasingly important partner” and that, despite “differences of opinion” on the matter of democratic principles, “the most important thing is to keep the lines of communication with Azerbaijan open.”

Azerbaijan’s President in Berlin: ‘An Increasingly Important Partner,’” 21 January 2015, [www.bundesregierung.de/Content/EN/Artikel/2015/01\\_en/2015-01-21-merkel-aserbajdschan\\_en.html](http://www.bundesregierung.de/Content/EN/Artikel/2015/01_en/2015-01-21-merkel-aserbajdschan_en.html).

“Azerbaijan is a member of the Council of Europe for more than 10 years. We are members of the European Court of Human Rights. And a priori, there cannot be political prisoners in our country.”

Ilham Aliyev at NATO in 2014, “Joint Press point with NATO Secretary General and the President of Azerbaijan,” <https://youtu.be/5MlneMakw80>.

#### Page 7

“Last December [2013] there was a broad discussion with the Council of Europe about this issue and the resolution which was launched by some members of the Assembly with respect of the issue of political prisoners in Azerbaijan failed . . . That there are no political prisoners in Azerbaijan is also confirmed by one of the most important institutions of Europe and all the world.”

“Joint Press Point with NATO Secretary General Anders Fogh Rasmussen and the President of Azerbaijan, Ilham Heydar oglu Aliyev,” 15 January 2014, [www.nato.int/cps/en/natohq/opinions\\_106145.htm](http://www.nato.int/cps/en/natohq/opinions_106145.htm); see also <https://youtu.be/5MlneMakw80>.

In August 2013, Amnesty International estimated that there were “at least 14 prisoners of conscience” in Azerbaijan.

“Azerbaijan Starts Presidential Election Campaign with at Least 14 Prisoners of Conscience,” Amnesty International Public Statement, AI Index: EUR 55/006/2013, 8 August 2013.

In September 2013, Human Rights Watch warned that the regime in Baku was “arresting and imprisoning dozens of political activists on bogus charges.”

Human Rights Watch, “Tightening the Screws: Azerbaijan’s Crackdown on Civil Society and Dissent,” September 2013, 1, [www.hrw.org/sites/default/files/reports/azerbaijan0913\\_ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/azerbaijan0913_ForUpload_0.pdf).

#### Pages 8–9

“When world opinion is concentrated on one weak spot, it can sometimes succeed in making a government relent. . . . Pressure of opinion a hundred years ago brought about the emancipation of the slaves.”

Peter Benenson, "The Forgotten Prisoners," *Observer* (London), 28 May 1961, see <http://blog.timesunion.com/humanrights/write-for-rights/277>.

### Page 9

Neither the U.S. president nor Soviet leaders could imagine "that a handful of men and women in Moscow—at the outset, the Helsinki Group had only eleven members—would seize on the human rights provisions of the Helsinki Accords and take them as a charter," as Aryeh Neier put it in his history of the international human-rights movement.

Aryeh Neier, *International Human Rights Movement: A History* (Princeton: Princeton University Press, 2012), 14.

In the end, the Helsinki human rights provisions "mattered because individuals and non-governmental organizations, first in the East and then in the West, insisted at home and abroad that states must be accountable to their international obligations."

Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001), 282

"It was not until the 1970s, with the emergence of dissident movements in Eastern Europe, that [human rights] entered common parlance. This is the period that historians need to scrutinize most intently—the moment when human rights triumphed as a set of beliefs and as a stimulus for new activities and institutions, particularly non-governmental organizations."

Samuel Moyn, *Human Rights and the Uses of History* (London: Verso, 2014), 15.

Aryeh Neier, one of its founders, widened its focus also to "those indirectly responsible because of the support they provided to abusive governments." Mobilizing against such "surrogate villains" was "often much easier and more effective than working against those who actually committed the abuses."

Aryeh Neier, *Taking Liberties: Four Decades in The Struggle For Rights* (New York: PublicAffairs, 2005), xxvi.

### Page 10

This convention was also to serve as an "early warning device by which a drift towards authoritarianism in any member state could be addressed by an independent trans-national tribunal through complaints brought by states against each other."

Steven Greer, *The European Convention on Human Rights Achievements, Problems and Prospects* (Cambridge, Cambridge University Press, 2007), 20.

### Page 11

He said that, after having observed thirteen elections in seven countries, "this was the worst election fraud I saw."

Quoted in "Kann sich der Europarat die Aufnahme Aserbeidschans leisten? Ein kritischer Disput mit dem Schweizer Nationalrat Andreas Gross," *Neue Zürcher Zeitung*, 27 January 2001, [www.andigross.ch/html/site420.htm](http://www.andigross.ch/html/site420.htm).

Already in January 2002, he warned Baku that if member states "do not follow the commitments and values, their membership in the Council is always at stake."

Quoted in Kenan Aliyev, "Azerbaijan Defiant After European Council Warning on Prisoners," *EurasiaNet*, 27 January 2002.

PACE condemned the “excessive use of force” and warned that, absent progress, it might rethink Azerbaijan’s membership.

Parliamentary Assembly of the Council of Europe, “Functioning of Democratic Institutions in Azerbaijan,” Resolution 1358 (2004),  
<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta04/ERES1358.htm>.

“During visits to Baku many other things are given as well. Many deputies are regularly invited to Azerbaijan and generously paid. In a normal year, at least 30 to 40 would be invited, some of them repeatedly. People are invited to conferences, events, sometimes for summer vacations. These are real vacations and there are many expensive gifts. Gifts are mostly expensive silk carpets, gold and silver items, drinks, caviar and money.”

Quoted in European Stability Initiative, “Caviar Diplomacy: How Azerbaijan Silenced the Council of Europe,” part 1, Berlin, 24 May 2012, 1–2.

### **Page 12**

the quartet dutifully told the press that the vote “showed the willingness of the people of Azerbaijan to have greater stability and elements for further democratisation.”

See “Azerbaijani People Vote Positively, Says PACE Delegation Present at Constitutional Referendum,” Parliamentary Assembly of the Council of Europe, News, 19 March 2009.

A second rapporteur on Azerbaijan, Joseph Debono Grech of Malta, praised the country in October 2011 for having done a “great job” as a “young” democracy.

Quoted in “European Rapporteur in Baku to Help, 'Not Preach,’” News.az, 4 October 2011.

His only complaint involved the long-term observers from the OSCE’s Office of Democratic Institutions and Human Rights (ODIHR) and their finding that Azerbaijan lacked the conditions “necessary for a meaningful democratic election.”

PACE, “Observation of the parliamentary elections in Azerbaijan (7 November 2010),” Report, Doc. 12475, rapporteur: Tadeusz Iwinski, 24 January 2011, sections 53 and 54.

In 2013, the British Conservative MP Robert Walter, leader of the PACE short-term election monitors, praised the country’s “free, fair and transparent” presidential election.

Parliamentary Assembly of the Council of Europe, “[Presidential Elections in Azerbaijan: Joint Statement by PACE and EP Delegation](#)”, 10 October 2013.  
<http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=4699&lang=2&cat=31>

### **Page 13**

At first, Azerbaijan tried to shift the Council’s focus, calling for the appointment of a “special rapporteur for a thorough investigation of the problem of political prisoners in Armenia.”

PACE, Motion for a resolution “The Problem of Political Prisoners in Europe and the Necessity to Investigate the Issue of Political Prisoners in Armenia,” Doc. 11898, 5 May 2009,  
<http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=12322&Language=EN>.

### **Page 14**

Iwinski, the Polish apologist for the Azerbaijani regime, called defining what makes someone a political prisoner “tricky” and a “political” matter.

Iwinski quoted here: European Stability Initiative, *Showdown in Strasbourg: The Political Prisoner Debate in October 2012* (February 2013), [www.esiweb.org/index.php?lang=en&id=156&document\\_ID=135](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=135).

A majority of the PACE committee that had appointed Straesser in 2009—and had twice previously approved his definition of political prisoners—now voted that PACE had no authority “to assess violations of fundamental rights and freedoms.”

“2012 Ordinary Session (Fourth part), Report, Thirty-Third Sitting, Wednesday, 3 October 2012 at 3.30 p.m.,” PACE debate, AS (2012) CR 33, <http://assembly.coe.int/Main.asp?link=/Documents/Records/2012/E/1210031530E.htm>.

Robert Walter, the British Conservative, accused Straesser of “not visiting Azerbaijan” in preparation of the report. Slutsky added: “If the report is approved, then [Anders Bering] Breivik [the Norwegian mass murderer], those who deal in human organs and those who deal drugs to fund terrorism can all announce themselves to be political prisoners.” Irish Fianna Fáil politician Terry Leyden tried to change the subject: “Many of the countries represented here have pretty bad human-rights records. Let those without sin throw the first stone.”

European Stability Initiative, “Azerbaijan Debacle: The PACE Debate on 23 January 2013,” 21 February 2013, Berlin, [www.esiweb.org/index.php?lang=en&id=156&document\\_ID=136](http://www.esiweb.org/index.php?lang=en&id=156&document_ID=136).

Its head, Samad Seyidov, said flatly: “[T]he Council of Europe belongs to Azerbaijan.”

ANS Press, “Səməd Seyidov: ‘Kristofer Ştrasser Avropa dəyərlərini özəlləşdirmək istəyirdi,’” 24 January 2013, [www.anspress.com/index.php?a=2&lng=az&nid=185485](http://www.anspress.com/index.php?a=2&lng=az&nid=185485).

## Page 15

Human Rights Watch called his arrest “a blatant and cynical act of political revenge.”

“HRW: Anar Mamedli’s Arrest Is Blatant Attempt to Revenge Azerbaijani Authorities,” Federal Lezghi National and Cultural Autonomy, 20 December 2013, <http://finka.ru/digest/5032-hrw-anar-mamedlis-arrest-is-blatant-attempt-to-revenge-azerbaijani-authorities.html>.

While foreign ministers from 47 Council of Europe member states were listening to him talk about his government’s support for “human rights, rule of law and democracy,” a court in Baku was sentencing eight young prodemocracy activists to jail terms of six to eight years each.

Republic of Azerbaijan Ministry of Foreign Affairs, Presentation of the Priorities of the Chairmanship of the Republic of Azerbaijan of the Committee of Ministers of the Council of Europe by Minister Elmar Mammadyarov,” 7 May 2014, [www.mfa.gov.az/en/news/881/2313](http://www.mfa.gov.az/en/news/881/2313).

Instead, in a November 2014 Guardian article, Jagland described Azerbaijan as a “young democracy” that “needs help.” He wrote that the Council of Europe was “closely following several other trials against human rights defenders in Azerbaijan” and that “current legislation stifles” the activities of civil society.<sup>4</sup>

Thorbjørn Jagland, “Azerbaijan’s Human Rights Are on a Knife Edge: The UK Must Not Walk Away,” *Guardian*, 3 November 2014, [www.theguardian.com/commentisfree/2014/nov/03/azerbaijan-human-rights-uk-tory-echr](http://www.theguardian.com/commentisfree/2014/nov/03/azerbaijan-human-rights-uk-tory-echr).

## Page 16

Samuel Moyn quoted the human-rights scholar Moses Moskowitz, who wrote in the early 1970s that the human-rights idea had “yet to arouse the curiosity of the intellectual, to stir the imagination of the social and political reformer and to evoke the emotional response of the moralist.”

Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap, 2010), 3

Moyn added that “human rights as we understand them were born yesterday,” referring to the breakthrough of activism in the late 1970s.

Samuel Moyn, “The Future of Human Rights,” *Sur International Journal on Human Rights* 11 (June 2014), [www.conectas.org/en/actions/sur-journal/issue/20/1007251-the-future-of-human-rights](http://www.conectas.org/en/actions/sur-journal/issue/20/1007251-the-future-of-human-rights)

And he cautioned: “Few things that are powerful today turn out on inspection to be longstanding and inevitable . . . this also means that human rights are not so much an inheritance to preserve as an invention to remake.”

Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap, 2010), 9.

### Page 17

A 2015 paper by the Stiftung Wissenschaft und Politik (SWP) in Berlin, Germany’s top think tank, is all too typical. Three leading analysts from this prestigious institution suggest that “the precept of the inviolability of national territory should be broadened to include a political component: the incontestability of the internal political order.” This is a call to turn Europe’s back on the legacy of Sakharov and Havel. Western governments “would have to refrain from demanding and actively promoting democratic changes in the political systems of the countries of the post-Soviet region and adjust their conduct accordingly.” The SWP analysts go on to claim that “sober pragmatism in economic relations” would also “serve to stabilize energy relations and facilitate a fair balance of interests between the EU and Russia.”

Markus Kaim, Hanns Maull, and Kirsten Westphal, “The Pan-European Order at the Crossroads: Three Principles for a New Beginning,” SWP Comments 2015/C 18, March 2015, [www.swp-berlin.org/en/publications/swp-comments-en/swp-aktuelle-details/article/new\\_pan\\_european\\_order.html](http://www.swp-berlin.org/en/publications/swp-comments-en/swp-aktuelle-details/article/new_pan_european_order.html).

As the late philosopher Richard Rorty put it in a 1993 lecture at Oxford, “the emergence of the human rights culture seems to owe nothing to increased moral knowledge, and everything to hearing sad and sentimental stories.”

Richard Rorty, *On Human Rights: The Oxford Amnesty Lectures*, 1993.

Gerald Knaus, “NIDA’s “Live not by Lies” Baku Court Speech—May 2014,” Rumeli Observer blog, 6 May 2014, [www.esiweb.org/rumeliobserver/2014/05/06/this-is-our-shame-europes-democrats-have-failed-them/](http://www.esiweb.org/rumeliobserver/2014/05/06/this-is-our-shame-europes-democrats-have-failed-them/).

### Page 18

In the second quarter of the twentieth century, slavery returned to the European continent in a way “that had not been seen in Europe since the time of the Roman Empire.”

Keith Lowe, *Savage Continent—Europe in the Aftermath of World War II* (New York: St. Martin’s, 2012), 27.

In a March 2015 speech, Ilham Aliyev explained that international treaties are “only a piece of paper that aren’t worth anything . . . We see it and everyone else can see it too. We see this throughout the world—might is right.”

Ilham Aliyev, Speech of President of the Republic of Azerbaijan Ilham Aliyev, "In today's world, international law does not work, while international treaties are only a piece of paper that aren't worth anything." 19 March 2015, <http://en.president.az/articles/14598>.