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# EUROPE AND AZERBAIJAN: THE END OF SHAME

*Gerald Knaus*

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A few years ago, Europe's most important intergovernmental human-rights institution, the Council of Europe, crossed over to the dark side. Like Dorian Gray, the dandy in Oscar Wilde's story of moral decay, it sold its soul. And as with Dorian Gray, who retained his good looks, the inner decay of the Council of Europe remains hidden from view.

Today, Europe has more human-rights treaties, employs more human-rights commissioners, awards more human-rights prizes, and is home to more human-rights organizations than at any point in its history. And yet it was no great challenge for the autocratic regime of President Ilham Aliyev in Azerbaijan to paralyze this system. By capturing the Council of Europe, the Azerbaijani government managed to neutralize the core strategy of the international human-rights movement: "naming and shaming." A ruthlessly efficient political machine, a modern public-relations campaign, and some tricks inherited from the Azerbaijani KGB—where Aliyev's late father, President Heydar Aliyev (1993–2003), had made his career—were enough to shift the bar on what is considered shameful in Europe today.

The Ilham Aliyev regime also took a page from George Orwell's *1984*, capturing key concepts, and through its allies on the Council introduced its own "newspeak" to the corridors of Strasbourg. Political prisoners and dissidents became "hooligans"; what is in fact a consolidating, unrepentant autocracy was now a "young democracy"; Azerbaijan's stolen elections became "free and fair" and "competently organised." With

most prominent human-rights defenders in jail, Azerbaijan, as chair of the Council of Europe in 2014, hosted international conferences on “human rights education” and “tolerance.” While defying judgments of the European Court of Human Rights, Ilham Aliyev hosted the president of that very court at an October 2014 conference on the “Application of the European Convention on Human Rights and Fundamental Freedoms on national level and the role of national judges.” While torture returned to jails in Azerbaijan, an Azerbaijani became the president of the Council of Europe’s Committee for the Prevention of Torture.<sup>1</sup>

All this poses a profound, even existential challenge to the human-rights movement in Europe. For the Council of Europe, whose function is to defend the European Convention of Human Rights, to align itself with a regime jailing human-rights activists is unprecedented and deeply disturbing. As the space for human-rights organizations to operate is shrinking in many parts of the world today, the capture of the Council of Europe sends a warning to all supporters of human rights, and not only in Europe.

All human creations require care and attention. When the maintenance of a building is neglected, cracks appear in the ceiling. Before long, falling debris will pose a threat to anyone who seeks shelter. The same is true today for the architecture of human-rights protection.

## Prizes and Honor

The 53-year-old Ilham Aliyev has ruled his small country (population 9.5 million) on the western shore of the Caspian Sea since 2003. When he meets European leaders, he feels completely at ease. Most such encounters resemble his June 2013 get-together with José Manuel Barroso, who was then serving as president of the European Commission. 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.” When Aliyev visited Berlin in January 2015, 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.” Leaving Berlin for Davos, Aliyev had every reason to be pleased yet again.

While in Brussels in January 2014, President Aliyev was asked by a journalist about political prisoners in Azerbaijan. Standing next to the secretary-general of NATO, the Azerbaijani leader responded in fluent English, as if explaining the obvious to a petulant child: “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.” He then elaborated:

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.

Other dictators have to lie to their people about the respect that they enjoy abroad. Ilham Aliyev can tell the truth. The respect of fellow leaders makes it easy for him to ignore the critical reports published by international human-rights organizations. In August 2013, Amnesty International estimated that there were “at least 14 prisoners of conscience” in Azerbaijan. In September 2013, Human Rights Watch warned that the regime in Baku was “arresting and imprisoning dozens of political activists on bogus charges.” In mid-2014, a working group of Azerbaijani human-rights activists produced a detailed list of nearly a hundred Azerbaijanis jailed for political reasons. Then, before the English translation of the list was even on the Web, the list’s authors were themselves arrested.<sup>2</sup> The silence from European governments and the Council of Europe was deafening.

There are two common explanations for this state of affairs. One explanation focuses on the money that Azerbaijan spends polishing its image: financing statues of members of the presidential family in public parks from Canada to Russia; hosting mega-events in Baku; sponsoring the Spanish champion soccer team Atlético Madrid. The other explanation stresses Azerbaijan’s role as energy supplier. Both explanations fall short of appreciating the strategic genius of Ilham Aliyev’s campaign against human rights.

Many dictators hire lobbying and public-relations firms. No others have managed to combine arresting human-rights defenders with setting the agenda for the Council of Europe. Many dictators try to turn natural assets into political influence. Few have achieved this much with so little real leverage. During the Cold War, European democracies bought Soviet hydrocarbons without praising “the tremendous progress achieved” under Leonid Brezhnev. In 2012, Europe imported 31 percent of its natural gas from or through Russia; this did not stop the EU from criticizing and even imposing sanctions on Russia in 2014. Why is Azerbaijan different?

Its leverage is not just a product of its energy wealth, although Azerbaijan’s funding of research institutes around the world working on energy issues and the Caucasus tends to spread this idea. The EU imports just 4 percent of its oil and none of its gas from Azerbaijan. Once pipelines currently under construction are completed, Azerbaijan might supply 2 percent of the EU’s natural gas. If a trans-Caspian pipeline to Turkmenistan is ever completed, something that looks highly unlikely today, this might rise to 4 percent.<sup>3</sup> European dependency this is not.

The real secret to Azerbaijan's influence is something else: The remarkable indifference of European democrats toward their own human-rights institutions. In some European democracies, ignorance and apathy regarding the Council of Europe vie with hostility to any binding international human-rights regime. Britain's Conservative Party campaigns against accepting unpopular judgments by the European Court of Human Rights. So does the most successful political party in Switzerland, not to mention parties of the far right such as the National Front of Marine Le Pen in France. To those who are already indifferent or hostile to international human-rights mechanisms, their capture by small autocratic regimes means little.

In 2014, Azerbaijani human-rights activists won or were nominated for the most prestigious human-rights prizes awarded in Europe. One won the 2014 Václav Havel Human Rights Prize. Another Azerbaijani was nominated for the Martin Ennals Award for Human Rights Defenders. Leyla Yunus, a leading Azerbaijani human-rights defender, was one of three finalists for the European Parliament's Sakharov Prize for Freedom of Thought. She also won Poland's 2014 Sergio Vieira de Mello Prize and was nominated for the Nobel Peace Prize. In November 2014, the Andrei Sakharov Freedom Award went to "political prisoners in Azerbaijan." Such a flurry of awards is remarkable for a country with fewer than ten-million people. More remarkable, however, is that the regime which put these activists in jail is simultaneously treated with respect by some of the same institutions that give out the prizes.

Slavery or apartheid, capital punishment or torture, corrupt elections or the imprisonment of political opponents—what is considered shameful is not a matter of moral philosophy or even human-rights treaties. Rather, it depends on how those who engage in such activities are treated by others. In this respect, Ilham Aliyev has nothing to worry about. Human-rights activists may win their awards, but he remains a guest of honor in the capitals of Europe.

### A Short History of Shaming

Ilham Aliyev, the son of a Soviet-era KGB general, was born the same year that Amnesty International and the modern international human-rights movement were launched. In May 1961, outraged by the news that two Portuguese students had been jailed for raising a toast to freedom, British human-rights lawyer Peter Benenson published an article in the *London Observer*. Alongside photos of six people jailed in different countries, he wrote about "forgotten prisoners." Benenson appealed to international norms such as the Universal Declaration of Human Rights. He put his trust in the power of public opinion: "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.” In July 1961, the first assembly of what turned into Amnesty International took place in a Luxembourg cafe. In 1963, the first Amnesty prisoner of conscience, a Ukrainian archbishop imprisoned in the Soviet Union, was released. By 1965, the organization had taken up the cause of 1,200 prisoners of conscience. Before long, it had developed a global movement focused on political prisoners and the prevention of torture.

In August 1975, European democracies, the United States, and Canada joined the leaders of the communist bloc in signing the Helsinki Accords. European democracies had pushed for human rights to be included in these talks. The United States was skeptical; Henry Kissinger famously said that the human-rights provisions of the Helsinki Act could be “written in Swahili for all I care.” 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. 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.”

Just as Benenson had been moved by the reports of students jailed in Portugal, people were moved by stories about the bravery of Andrei Sakharov and the Moscow group, or Václav Havel and Charter 77 in Czechoslovakia. The cause of human rights attracted growing numbers of supporters. As historian Samuel Moyn put it: “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.”

By the end of the 1970s, the nongovernmental human-rights movement had become a force in global affairs. Amnesty International won the Nobel Peace Prize in 1977. Many similar organizations emerged. Human Rights Watch began its work in 1978 with the creation of Helsinki Watch to support civic groups in the Soviet bloc that monitored compliance with the 1975 Helsinki Accords. As its website explains today, Helsinki Watch “adopted a methodology of publicly ‘naming and shaming’ abusive governments through media coverage and through direct exchanges with policymakers.” 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.”

A turning point for the international human-rights movement came in 1989, the year that the Berlin Wall fell. It seemed obvious that human-rights norms mattered; after all, the Helsinki Act had contributed to the demise of communism. Across Central Europe, dissidents committed to human rights became democratic leaders. In 1990, European leaders adopted the Paris Charter for a New Europe. It saluted the legacy of dissent and committed the nations of Europe to democracy and human rights: “The courage of men and women, the strength of the will of the peoples and the power of the ideas of the Helsinki Final Act have opened a new era of democracy, peace and unity in Europe.” With international norms accepted throughout the continent, the international human-rights movement—and with it the strategy of “naming and shaming”—looked stronger and more promising than ever.

### **How the Council of Europe Lost Its Soul**

In May 1990, Václav Havel, the Czech dissident-turned-president, went to Strasbourg to address the Parliamentary Assembly of the Council of Europe (PACE). He described the Council of Europe as “the most important European political forum.” This was not flattery: While other democratic clubs promised security (NATO) and prosperity (the EU), they were elite clubs closed to Central Europe’s new democracies. The Council of Europe was the first institution to rise to the challenge of European enlargement. It was also more demanding than the Organization for Security and Co-operation in Europe (OSCE), which had been set up originally as a platform for discussions between democracies and autocracies.

As early as 1948, Winston Churchill argued that a charter of human rights should be at the center of a process of European unification. In November 1950, the European Convention on Human Rights (ECHR) was signed in Rome. The ECHR laid out the fundamental rights of the citizens of Europe, including the right to freedom from arbitrary arrest and detention. 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.” There was a Committee of Ministers, a European Court of Human Rights (ECtHR) and a parliamentary assembly (PACE). Only democracies were allowed to join. Portugal and Spain acceded in 1976 and 1977 respectively, only after their authoritarian regimes had fallen. Although Greece had joined the Council in 1949, the coup d’état of 1967 led PACE to recommend ending its membership. (In the event, the Greek colonels’ regime quit the Council of Europe, and Greece rejoined in 1974 after the colonels fell.)

In 1989, the Council of Europe had 23 member states. Today it has 47, with a total population of 800 million. Hungary joined in 1990,

Czechoslovakia and Poland in 1991, and Bulgaria in 1992. In 1993, the Council began welcoming member states from the former Soviet Union. Russia joined in 1996. In June 2000, the vote in PACE to recommend Azerbaijan's accession was 120 to 1, and Azerbaijan was in before the year was out.

Andreas Gross, a Swiss Social Democrat, then became the key person in PACE's relations with Azerbaijan. Having headed the election-observation mission in November 2000, Gross had no illusions about the quality of Azerbaijani democracy. He said that, after having observed thirteen elections in seven countries, "this was the worst election fraud I saw." Yet he had voted for Azerbaijan's membership, convinced that shortcomings would best be corrected after accession, through pressure and support inside the organization. In 2001, Gross became a monitoring rapporteur for Azerbaijan. 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." When, after the 2003 elections, hundreds of election officials and opposition supporters were arrested, PACE condemned the "excessive use of force" and warned that, absent progress, it might rethink Azerbaijan's membership. The June 2005 parliamentary elections then turned out to be as bad as any. Gross felt that something had to be done. In January 2006, he and other parliamentarians launched a challenge to the credentials of the newly elected Azerbaijani delegation.

Gross was in for a shock. The key PACE debate on Azerbaijan drew some surprising participants. In the Aliyev regime's corner stood colorful supporters such as Leonid Slutsky, a Russian friend of Ilham Aliyev who condemned the very idea of sanctions. There was also Michael Hancock, a British Liberal Democrat who argued that they were pointless given the *longue durée* of slow democratic evolution. And there was Robert Walter, a British Conservative who argued that the vote-rigging had not determined the result. In the end, sanctions were rejected by 100 votes to 67.

This marked a turning point. Gross resigned as rapporteur. His idea that the Council of Europe could transform Azerbaijan had been defeated. Instead, Azerbaijan set out to transform the Council of Europe. As Azerbaijani sources told the European Stability Initiative in 2011, their government put ever more resources into an influence-building policy that its own officials called "caviar diplomacy." There were gifts, and not just of pricey fish roe:

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.



In March 2009, a four-member PACE delegation traveled to Baku to observe a controversial referendum allowing Ilham Aliyev to remain president for life. The group included a pair of German politicians: Eduard Lintner of the right-of-center Christian Social Union, who would later leave PACE to become chairman of an Azerbaijani lobbying group in Germany; and Social Democrat Hakkı Keskin, a Bundestag member who after leaving that body became a lobbyist for Azerbaijan. The third member was Paul Wille, a Belgian senator who would return to Baku in 2010 as leader of a monitoring mission that would whitewash Azerbaijan's elections (and would later "monitor" elections in the Central Asian republics). Rounding out the foursome was Pedro Agramunt from Spain's right-of-center Popular Party, a figure who consistently praised Azerbaijan's progress and became PACE's next monitoring rapporteur on the country. After the referendum predictably approved Aliyev's desire to write himself a lifetime pass to his country's highest office, 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."

Behind caviar diplomacy's success lay careful study of how decisions are made in Council of Europe institutions. Azerbaijan and its allies worked to secure posts within key forums. From these perches they could stop majorities from forming to back any decisions critical of Azerbaijan. Insiders in Strasbourg began to refer to a "dark coalition." This informal coalition supported friends of the regime who were candidates for key positions, with quick results. 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.

In early 2011, the deputy head of the PACE election-monitoring mission, Polish ex-communist Tadeusz Iwiński, told the assembly that the November 2010 parliamentary elections had been free and fair. 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." 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. By contrast, ODIHR, which had deployed a team of experts and long-term observers, saw overwhelming evidence of systemic fraud, with the counting process in 58 percent of observed polling stations assessed as bad or very bad.<sup>4</sup>

In 1990, Europe's leaders had boldly proclaimed a Charter of Paris for a New Europe, asserting their shared commitment to "build, consolidate and strengthen democracy as the only system of government of our nations." The Azerbaijani elections of 2010 and 2013 reveal instead a broken system of international election observation. The problem is not just that electoral fraud has become routine, but that some of the very European institutions charged with safeguarding democracy appear

determined to turn a blind eye to fraud. It is disturbing that Council of Europe election monitors can now be counted on to praise Azerbaijani elections, however outrageous their conduct. It is even more disturbing that none of this has triggered a serious investigation into how such a state of affairs has come about.

### **The Lights Go Out in Strasbourg**

When Azerbaijan joined the Council of Europe, it committed itself to resolving the issue of political prisoners as a condition of membership. This matter was initially a top priority for the Council of Europe. In 2001, the secretary-general appointed a team of independent legal experts to examine hundreds of cases of alleged political prisoners in Azerbaijan. PACE appointed special rapporteurs who met prisoners as well as authorities and wrote four hard-hitting reports. PACE passed three resolutions on political prisoners in the country. These actions produced practical, if short-lived, results as President Heydar Aliyev released hundreds of prisoners.

In 2005, Azerbaijan convinced the Council of Europe not to appoint a new rapporteur on political prisoners. Then it continued to crack down on its critics. In 2007, Azerbaijani human-rights NGOs sent an appeal to the Council of Europe, asking it to appoint a new rapporteur. In March 2009, the Council appointed Social Democrat and German Bundestag member Christoph Straesser. What happened next was unprecedented in the history of the Council of Europe.

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." Then it changed tactics, arguing that since the Council lacked an agreed-upon *definition* of "political prisoner," it could craft no meaningful assessment. Azerbaijani progovernment NGOs published books on this topic and organized international conferences, to which dozens of PACE members were invited. In parallel, Azerbaijani officials launched a smear campaign, claiming that Straesser was playing into the hands of Russia's Gazprom by turning the West against Azerbaijan. Hakkı Keskin, now working as a lobbyist for Azerbaijan, wrote an open letter to the Bundestag, accusing Straesser of being "extremely prejudiced." Keskin, who is of Turkish extraction, even warned the Social Democratic Party in Straesser's Westphalian constituency that it would lose the support of German voters from Turkish backgrounds.

Azerbaijan blocked Straesser any way that it could, thrice denying him an entry visa. For the first time in PACE's history, a member state refused to let a rapporteur into the country to do his job. This should have been a scandal, but there was no reaction from the PACE leadership, the secretary-general, or the Committee of Ministers.

Straesser did not give up. He compiled a list of seventy alleged political prisoners and submitted it to the Azerbaijani authorities. He never received a reply. He invited Anar Mammadli, a respected Azerbaijani human-rights expert, to help work on the list for a few days in Berlin in May 2012. Two years later, Mammadli was sentenced to five and a half years in prison in Baku. He remains in jail today.

In April 2011, a group of 35 PACE members asked for the promulgation of “objective criteria” to distinguish when someone is a political prisoner. In October 2012, some of the same members changed their minds and suggested that PACE did not even have the legal competence to discuss this issue. Iwiński, the Polish apologist for the Azerbaijani regime, called defining what makes someone a political prisoner “tricky” and a “political” matter. 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.”

Finally, on 23 January 2013, in the most heavily attended debate in its history, PACE voted on Straesser’s resolution regarding political prisoners in Azerbaijan. Fifty-four people spoke. Robert Walter, the British Conservative, accused Straesser of “not visiting Azerbaijan” during the preparation of the report. Slutsky added: “If the report is approved, then [Anders Behring] 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.” The resolution lost by a vote of 125 to 79. The outcome revealed the Azerbaijani political machine at its crudest and most effective: Russia’s entire eighteen-member delegation to PACE turned up to support Azerbaijan. So did all the PACE members from Turkey and Spain. Ilham Aliyev’s version of a rainbow coalition included Polish ex-communists and Russian nationalists; Turkish Muslim conservatives and Greek leftists; Spanish Catholic conservatives and English Liberal Democrats.

Following the vote, Straesser conceded defeat. He told journalists that the Council of Europe’s future as an institution that defends human rights was in doubt. The Azerbaijani delegation, meanwhile, was jubilant. Its head, Samad Seyidov, said flatly: “The Council of Europe belongs to Azerbaijan.”

## **Darkness in Baku**

The ink on the fateful January 2013 vote had barely had time to dry when the Aliyev regime unleashed a wave of repression across Azerbaijan. Youth activists, bloggers, and journalists found themselves tossed

into jail on charges of drug and weapons possession, tax evasion, or “hooliganism.” Any human-rights defender who had a personal relationship to the Council of Europe became a special target. In arresting these activists, the regime was signaling a belief that it enjoyed impunity and would face no consequences for its actions.

In early February 2013, opposition politician Ilgar Mammadov was arrested in Baku. He was director of the Baku Political Studies Programme, a project that the secretariat of the Council of Europe had established to promote democracy. In March 2014, he received a seven-year prison term on charges of having incited a riot in a hill town about a hundred miles inland from Baku.

In December 2013, it was the turn of Anar Mammadli, chairman of the Election Monitoring and Democracy Studies Center. Human Rights Watch called his arrest “a blatant and cynical act of political revenge.” Mammadli, who had advised Straesser on the issue of political prisoners, was charged with illegal business activities and sentenced to more than five years in prison in May 2014.

On 6 May 2014, Azerbaijani foreign minister Elmar Mammadyarov presented the priorities of the country’s Council of Europe chairmanship in Vienna. 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.

Not one delegation in Vienna brought this up. Neither did the Council’s secretary-general, Thorbjørn Jagland, who also happened to be head of the Norwegian parliament’s Nobel Peace Prize committee.

In June 2014, Ilham Aliyev returned to Strasbourg to lecture PACE on human rights as chairman of the Committee of Ministers of the Council of Europe. This was followed by another wave of repression. Many human-rights defenders had come together to produce a list of political prisoners in Azerbaijan. Within days, the main authors of this list—Leyla Yunus and Rasul Jafarov—were arrested. At the time of this writing in early May 2015, they remain in jail.

In September 2014, an independent commission acting on behalf of PACE awarded the Václav Havel Prize to the still-imprisoned Anar Mammadli. Neither the Committee of Ministers nor Secretary-General Jagland called for his release. 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>5</sup> In fact, during Azerbaijan’s Council of Europe chairmanship, the bank accounts of dozens of independent NGOs were frozen. The most respected local and international NGOs, such as IREX and the Open Society Foundation,

faced criminal charges. Staffers went into hiding or exile. Some NGOs saw their offices sealed.

## **Dissidents and the Future of Human Rights**

Four decades after the signing of the Helsinki Final Act, human-rights discourse has been marginalized across Europe. Most governments have human-rights commissioners, but these are rarely positions of influence. The EU's External Action Service created a special post for human rights, which so far has played no role in shaping policy. When foreign-policy think tanks convene gatherings to discuss the continent's future, the issue of human rights seldom comes up. Academics largely ignore what is happening to pan-European human-rights institutions. There is, of course, a world of human-rights NGOs, but often these organizations end up talking mainly among themselves or to individual government officials tasked to "deal with" human rights.

In his recent book about the international human-rights movement, 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." Moyn added that "human rights as we understand them were born yesterday," referring to the breakthrough of activism in the late 1970s. 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."

This is true in Europe today. Neither the Council of Europe's fate nor human-rights organizations' reports about the plight of political prisoners who languish behind bars in countries on Europe's periphery seem able to "arouse the curiosity" of many intellectuals. 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." As far as EU policy on Azerbaijan is concerned, this future is now.

Today's European landscape of human-rights protection looks markedly different from that of the 1970s. And yet today's human-rights de-

fenders in jail in Azerbaijan face the same repression as did the members of the Moscow Helsinki group and the signatories of Charter 77 back in the 1970s. Except that today, their oppressors can boast that they are members in good standing of the Council of Europe.

So what is to be done? For the human-rights movement in Europe, the situation is dire. One option is to focus on shaming “surrogate villains” across Europe: Aliyev’s apologists within PACE; governments that fail to act in the Committee of Ministers; or Secretary-General Jagland, who has stood by in conspicuous silence as an autocratic regime has captured the putatively democratic institution of which he is supposed to be the steward.

Perhaps today’s sacrifices of human-rights defenders on the edge of Europe will bring new heat to the cooling embers of emotional outrage. 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.” That same year, three former political prisoners served as presidents of European countries: Václav Havel (Czech Republic), Lech Wałęsa (Poland), and Árpád Göncz (Hungary). Their stories were tales of heroism, of activists prepared to go to jail for their beliefs.

Such stories are being written again today. On their last day in court, 5 May 2014, Azerbaijani youth activists held up a mirror to outside observers by placing their nonviolent activism in the context of Soviet-era dissent—the very dissent that İlham Aliyev’s father worked to repress as a KGB general. As one young defendant said: “Solzhenitsyn in his ‘Live Not By Lies’ wrote about despotic regimes’ dependence on everyone’s participation in the lies. He wrote that the simplest and most accessible key to our self-neglected liberation lies right here: Personal non-participation in lies. This is what [the civic movement] NIDA does.”

In February 2015, journalist Khadija Ismayilova, a towering figure in the Azerbaijani dissident scene who was arrested in late 2014, wrote a “Letter from an Azerbaijani Jail” (the echo of Martin Luther King, Jr., is intentional) with a similar message:

If we can continue to reject the thinking that is imposed on us and believe that human dignity is not for sale, then we are the winners, and they, our jailers both inside and outside prison, are the losers. Prison is not frightening for those trying to right a twisted scale, or for those who are subject to threats for doing the right thing. We see clearly what we must fight for. Life is very complicated, but sometimes we get lucky and are offered a clear choice, between truth and lies. Choose truth and help us.

And what if this time no one listens? The philosopher Kwame Anthony Appiah has sought to explain instances of moral progress, such as the abolition of dueling and slavery, by pointing to changing notions of “honor.” But moral revolutions can also halt progress. In 1926, the

League of Nations promoted a Convention to Suppress the Slave Trade and Slavery. Three years later, Stalin's USSR started setting up the vast and cruel system for extracting forced labor known as the Gulag. A few years after that, Hitler came to power in Germany and began steering that powerful nation on a course that would, among its other horrors, bring the enslavement of some twelve-million people from across Europe as laborers forced to serve the Nazi Reich. 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." When shame is gone, morality changes.

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." There are no moral principles or international human-rights obligations. There is no voice for the powerless. There is no room for shaming. Once torturers are treated with respect, even torture will cease to be considered shameful. In the past decade, Aliyev has managed to steal a series of elections with impunity. But his biggest coup was to steal the soul of the Council of Europe. He locked it up, along with his country's dissidents, in an Azerbaijani prison. There it sits, waiting to be rescued.

## NOTES

1. Azerbaijani Latif Huseynov was elected chairman of the Committee for the Prevention of Torture in 2011. "Latif Huseynov Elected Chairman of European Committee for Prevention of Torture," *News.az*, 12 March 2011, [www.news.az/articles/32756](http://www.news.az/articles/32756). In public, he has consistently supported President Aliyev and praised prison conditions in Azerbaijan: "I can state with the whole responsibility, as for how employees of local penitentiary institutions treat prisoners, the situation in Azerbaijan is better than that in an overwhelming majority of European countries"; see Eynulla Fatullayev, "Head of European Committee: 'Azerbaijani Prison Conditions Are Better Than in Most European Countries' (Exclusive)," *Azeri Daily*, n.d., <http://azeridaily.com/politics/3771>.

2. "The List: 98 Political Prisoners in Azerbaijan, August 2014," 10 August 2014, [www.esiweb.org/pdf/THE%20LIST%20-%2098%20political%20prisoners%20in%20Azerbaijan%20-%20August%202014.pdf](http://www.esiweb.org/pdf/THE%20LIST%20-%2098%20political%20prisoners%20in%20Azerbaijan%20-%20August%202014.pdf).

3. Eurostat, Imports by Country of Origin, 2003 to 2012, Azerbaijan to EU-28; Vesela Tcherneva, Louisa Slavkova, and Chi Kong Chyong, "Europe's Alternatives to Russian Gas," 9 April 2015, [www.ecfr.eu/article/commentary\\_europes\\_alternatives\\_to\\_russian\\_gas311666](http://www.ecfr.eu/article/commentary_europes_alternatives_to_russian_gas311666).

4. Quoted in European Stability Initiative, "Disgraced: Azerbaijan and the End of Election Monitoring as We Know It," ESI report, Berlin, 5 November 2013.

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