



Statement by the Delegation of the Republic of Azerbaijan

the 1066th Meeting of the Permanent Council, *September 3, 2015*

In response to the statements of the EU, US, Canada, Switzerland and Norway on the court verdict to Mrs. Kh. Ismayilova

Thank you Mr. Chairperson,

I wish to respond to the comments made by the distinguished representative of the European Union and aligned countries: the Former Yugoslav Republic of Macedonia, Montenegro, Iceland and Albania, as well as of the United States, Canada, Switzerland and Norway. These statements and their content will be delivered to the capital.

In response to the statements, I would like to draw your attention to the remarks made by the spokesperson of the Ministry of Foreign Affairs of the Republic of Azerbaijan in connection with the court verdict on the case of Mrs. Khadija Ismayilova dated September 1, 2015 (SEC.DEL/471/15; 02 September 2015), as well as the press release distributed by the Permanent Mission of Azerbaijan to the OSCE (SEC.DEL/469/15; 01 September, 2015). In the interest of time I will not read out both of these documents, as the Delegations can get familiarized themselves with them.

I also took note of the approach this time chosen by the distinguished delegate of the European Union in raising the issue related to the case of Mrs. Ismayilova. I wish to stress that she was tried not because of her journalistic activities, but for the specific violations related to the *Tax Code, misappropriation in large amount of money and illegal entrepreneurship*. These are the violations, which do not have anything in common with those concerns expressed by the Delegations that spoke before me,

since every Government and society, in general, is interested in maintaining activities of every citizen in accordance with the law.

As for the concerns over the independence of the judiciary in Azerbaijan and irregular nature of the trials pertaining to Mrs. Khadija Ismayilova's case, I wish to respond that the sources of information on which the distinguished representative of the EU based his statement on are incorrect. I could assume that they were taken out of the participation of the EU delegation in the court proceedings in Baku. I would suggest acquainting themselves with other sources on the process that also were reported in general.

I disagree with the distinguished representative of the United States who questioned independence of the judiciary, investigation process and trial in Azerbaijan. I would not take those concerns from him, because quite on the contrary, the practice of the United States' courts, especially those of the military nature, in our view, have no legitimacy in general, including bringing to justice people who have nothing to do with the terrorist- related activities. This practice is still taking place for more than 10 years, including in relation to citizens of Azerbaijan. Therefore, it is not for the United States to preach others about how courts should function in independent countries. I would strongly suggest to take a close look at their own practice of trials, which are taking place for instance in Guantanamo base, and then come back with a clear list of arguments based on which they can prove that our investigation and court system are not independent.

As far as the initiatives of the US Government, including the one of the Ambassador of the United States to the United Nations Mrs. Power is concerned, I think initiatives of this kind could be implemented globally, regionally or nationally, unless they interfere with the domestic jurisdiction of Azerbaijan. If they do, they will receive an adequate reaction of the authorities of Azerbaijan.

On the statements made by the representatives of Switzerland and Norway, and also those who referred to the activity of the OSCE Representative on Freedom of the Media Mrs. Mijatovic, I wish to remind that for the last two years the Permanent Mission has distributed many press releases and questioned the legitimacy of the statements she made against the Government of Azerbaijan. On numerous occasions we have raised the issue of deviation and violation of the mandate entrusted to her and it is good that, at least after two years of communication distributed by us within the OSCE, we see a dialogue on this issue. Therefore, I would respond to those who consider that Mrs. Mijatovic could be instrumental and helpful that first of all we have

to look at practice of her activities with regard to Azerbaijan, and secondly we have on many occasions responded to the criticism she made.

Lastly, on the human rights issues in general, which are more and more prevailing in the OSCE as a matter of a comprehensive security, hereby replacing other dimensions of the OSCE which are forgotten and disregarded. This is unfortunate, because the countries who suffer from conflicts and security challenges, and building their own statehood based on their own resources and policy are expecting from OSCE not only prevailing level of criticism, but also support in resolution of other issues. If that type of support is not seen, visible or palpable, in that case countries might experience dissatisfaction with the lack of expected contribution from this organization. Therefore, we see a crisis in the OSCE and I again encourage those countries that see a narrow approach of human rights as overwhelming in OSCE to consider also other dimensions of security and to compare to what extent their approach is adequate to the volume of threats and challenges some OSCE participating States might experience. Our Delegation is ready for consulting on these issues.

Thank you.

Second intervention

Thank you Mr. Chairman,

I would like to respond to the comments made by the distinguished representatives of the EU, the US and Norway.

The commitments we all share, we all made and we need to implement cannot be taken out of the context. They are approved and agreed by the Ministers or even at the higher levels in a certain framework and certain context. If those commitments are applied selectively and checked against the implementation upon the countries selectively without taking other parts of that decision or commitment in other dimensions, then certainly we all are lacking the required level of perfection that Ambassador of Norway referred to. The point is not that the countries should be ideal to criticize the other participating States. My point was that there are certain linkages among dimensions, which are in certain cases probably in certain parts of the OSCE area may not be as acute as in other parts. There are various political and military institutions and blocks that probably provide that level of security or guarantees which are enjoyed by many around this table. In case of Azerbaijan, we provide them on our own and that means that we have to be more focused and spend more resources and

energy on other dimensions and see in what context the human dimension commitments would fit into. I wish to agree with Ambassador of US on the crosscutting nature of the risks. The point is that even if in some areas a country, I do not name now Azerbaijan or other country, does not comply with the expected level of implementation of commitments, there should be more comprehensive approach to understand and to evaluate what are the reasons behind the lack of implementation or partial implementation of those commitments. What is missing here is the discussion on why those circumstances which impede full implementation of commitments are taking place. One of them is the resolution of conflicts. Others are probably the application of the Helsinki Decalogue principles in a selective and a very biased manner in relation to certain conflicts. We see it here in certain cases. Therefore, if, for instance, in that domain of political-military security those commitments are not implemented this would reverberate into the human dimension commitments, as well as into others. We have to assess those failures in a comprehensive manner, and not only in human dimension.

As for the mandate of the OSCE Representative on Freedom of the Media every politician or diplomat in this room may interpret it in its own way, but there is a number of criteria established. Thereby, the OSCE RFoM is not in charge of observing the developments of non-governmental sector or political activists promoting certain areas of human rights. This is the violation of the mandate which we have referred to and I would be glad to continue this conversation on another occasion.

Thank you.