

## Statement of Shelly Heald Han

### Azerbaijan's Persecution of RFE/RL Reporter Khadija Ismayilova

December 16, 2015

Thank you, Mr. Chairman. As staff of the U.S. Helsinki Commission, I traveled to Azerbaijan in late October and met with government officials as well as the few remaining activists, lawyers, and journalists who are not in jail or who are were not afraid to speak with someone from the United States. The mood was somber among the independent activists as many of their colleagues were in jail and they, and often their families, faced harassment from the government or were under threat of their own arrest. But I cannot say they were defeated—in fact they were defiant in the face of the crackdown and determined to continue the fight for human rights. The bravery and optimism that Khadija Ismayilova has shown during her trial and imprisonment has played a big part in keeping that determination going.

On the afternoon of October 29, I attended one of Khadija's appeal hearings. The courtroom was almost full and even more attendees were filing in, searching for the last few remaining spots on the crowded benches. There was a moment of confusion and then we were all told to move to a different courtroom. There was a scramble as the crowd rushed to the new courtroom. If you did not find a seat you would not be allowed to stay—no standing allowed—so there was a mad dash for seats and not everyone was able to attend. Apparently this room-swapping was a common technique used by the court to ensure that no one had any physical contact with Khadija or chance to exchange words.

I could feel the tension in the courtroom, but also the resignation. It was as if we were at a theater and we all knew the grim ending of the play, but held out hope that audience participation might somehow change the outcome. There was no doubt Khadija would be found guilty. It was not because of the preponderance of evidence against her. In fact, the evidence did not support the prosecution at all. But it was because the whole trial was being held to fit the government's desired conclusion—a guilty verdict—and the court was now merely the stage on which to act it out.

Khadija had started serving her sentence on the day of her arrest. The only thing she did not know was how much longer she would be in jail.

Since the guilty verdict is assumed, the punishment starts before the trial begins. Essentially every single political prisoner in Azerbaijan has spent the entirety of their trial period in pre-trial detention, despite the availability of a bail system. Khadija spent almost exactly one year in pre-trial detention, from her December 5, 2014, arrest to her November 25, 2015, final appeal.

The conditions in pre-trial detention are often harsher than in the regular prison. Khadija was not given consistent or sufficient time with her lawyers to prepare her case; her family was obliged to provide her with food, clothing and other basic necessities; her family visits were restricted or denied; and communication with the outside was extremely limited and Khadija was punished

many times, including being placed in solitary confinement, for issuing statements or writing letters from jail.

When we arrived in the second courtroom Khadija was already in the glass-enclosed witness cage where she spends the entirety of the hearing process. She cannot speak unless the microphone in her cage has been turned on, and in other hearings over the last year the judge would cut off Khadija's microphone whenever she said something the court didn't want to hear.

The court had another particularly cruel practice: as we filed into the courtroom, the tallest and most burly guards were standing, shoulder-to-shoulder, in front of the glass cage so that Khadija was not able to see or even wordlessly communicate with her elderly mother. Her mother was anxiously peering left and right around the uniformed guards trying to catch a glimpse of her daughter--did she look sick? Was she in good spirits?

We took our seats. Khadija pressed a piece of paper to the glass with a message to her mother. She was quickly told by the guards to put it down. The judge filed in and read a short notice about the procedure of Khadija's appeal. Khadija had one more month to file a certain petition, so the court would send her back to pre-trial detention to wait that full period of time. The judge quickly turned and left. As we were hustled out of the courtroom I, too, leaned around the guards searching to make eye contact with Khadija. There she was. We exchanged a quick wave, a big smile, and the universal peace sign. With that, I was pushed out the door. Leaving Khadija behind.

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