

## **REPORT**

### **OF “AZERBAIJAN AGAINST BRIBERY” MEDIA SURVEYS GROUP**

**on project “Obligations Azerbaijan took before European Council: Corruption and poverty”**

**implemented by Oil Workers Rights Protection Committee**

**due to financial support of Royal Norwegian Embassy in Azerbaijan  
November 2004**

One of biggest problems of independent Azerbaijan Republic is surely high level of corruption. Not only we also international organizations know it and name of country is regularly entered in black corruption rating lists.

Oil Workers Rights Protection Committee was not indifferent to problem, in summer of 2004 “Azerbaijan against bribery” Media Surveys Group (further “Group”) was created within organization. Presentation of group was held on July 6 in Baku Press Club. It was announced that goal of group is to analyze in media corruption and bribery facts happening in different structures of country, direct attention of community to this issue, create public opinion. While it was announced membership of group was consisted of chief editor of “Tezadlar” paper Asif Merzili, chief editor of “Bizim yol” paper Mahammad Ersoy, head of “Center of Analysis of Public Issues in Media” Razi Abasbeyli, correspondent of “Baku-Kheber” paper Metanet Muslumgizi and correspondent of “Yeni Musavat” paper Zamin Haji. Then correspondent of “Yeni Musavat” paper Sevinj Telmangizi, employee of “Sherg” paper Sariyya Muslumgizi and others joined the group.

Group members implemented surveys on corruption due to financial support of Royal Norwegian Embassy in Azerbaijan. Group was headed by chair of OWRPC Mirvari Gehramanli. In frame of project, group members wrote more than 100 articles on corruption problems in “Tezadlar”, “Yeni Musavat”, “Sherg”, “Baku-Kheber”, “Bizim yol” papers during 6 months (July-December) of 2004. Big part of those articles was at the same time published in monthly bulletins of group and distributed. Electron versions of bulletins were translated into English and sent to foreign embassies and international structures.

As well during report period, news and reports on corruption of following media structures in Azerbaijan were studied, up to 85 such kind of articles were analyzed:

On Azerbaijan – Turan IA, “Azadlig”, “525th gazet”, “Yeni Musavat”, “Sherg”, “Baku-Kheber”, “Boz gurd”, “Zerkalo” papers, “Trend” IA, “Monitor” magazine;

On foreign countries - "The Gardian", "The Observer", "Petersburg Tribune Review", "The Independent", "Australian Financial Review", "Mother Jones", "Voice of America" and etc.

Analysis of articles written and studied articles by group members caused interesting statistics. For instance, names of fields engaged with corruption in Azerbaijan were disclosed in following number of articles:

Executive power of president (specially Baku City Executive Power) – 31 articles  
Energy sector (specially oil-gas industry) – 28  
Education – 15  
Courts – 13  
Police – 12  
Transport sector – 12  
Army – 10  
Social defense of population – 9  
Prosecutor offices – 8  
Judicial system – 8  
Financial sector – 8  
Public health – 7  
Light industry – 7  
Taxes – 7  
Customs – 5  
Banknotes market – 5  
Communication – 4  
Agriculture – 3  
Ecology – 2  
Foreign policy – 2  
Water supply – 2  
Construction – 1  
Privatization – 1  
Municipalities – 1

Corruption of state officials in this or another form was claimed in articles written and analyzed during report in following number:

Ilham Aliyev (president of country) – 24 times  
Hajibala Abutalibov (Head of Baku city EP) – 12  
Ramiz Mehtiyev (Head of presidential executive Apparatus) – 11  
Ziya Mammadov (transport minister) – 6  
Safar Abiyev (defense minister) – 6  
Ramil Usubov (police minister) – 5  
Zakir Garalaov (general public prosecutor) – 4  
Kemaleddin Heydarov (chair of Customs Committee) – 4  
Ferhad Aliyev (economic development minister) - 4  
Misir Merdanov (education minister) – 4  
Artur Rasizade (premier) – 3  
Fikret Mammadov (justice minister) – 3  
Heydar Babayev (chair of SC on banknotes) – 3  
Murtuz Alesgerov (speaker of parliament) – 3  
Natig Aliyev (president of SOCAR) – 2  
Aydin Beshirov (chief of CSSD) – 2  
Aydin Gasimov (chief of JM MDCDI) – 2  
Ali Hasanov (chair of Committee on Refugees) – 2  
Fazil Mammadov (taxes minister) – 1  
Jahangir Asgerov (president of “AZAL”) – 1  
Fuad Alesgerov (head of legal department of presidential apparatus) – 1  
Ali Insanov (health minister) – 1

According to statistics, president of country, his executive power and energy sector are in forefront in corruption rating and it reflects fairly current reality of Azerbaijan. We think that main reason of this is that according to constitution of country president is given many, nearly 32 authorities, at the same time energy sector, specially oil revenues are under direct control of executive power. Collection of about the same point of corruption by head of Baku city executive power and presidential executive apparatus is showing of unequal division of country economy on territories – as major profitable fields are collected in Baku, corruption possibilities are wider here.

Despite Premier A.Rasizade takes place in the mid of table and even behind transport minister, it does not show that he is not indented to corruption. He just does not have a chance to do this. Because according to laws of country Ministers Cabinet is fully dependent on president, symbolic structure and its possibilities of affecting economy of country are in level of zero. It is interesting that none of up to 200 analyzed articles does not cover any information concerning corruption in Ministers Cabinet.

Possession of places by army, police ministers, general prosecutor according to fields they represent are objective results, we think. Existence of transport minister in this distance (4<sup>th</sup> place), that will seem exotic, has to be considered result of the fact that he is close to president as well transport sector, possessing big revenues, is still under monopoly of state.

Possession of “cleaner” places of education and health ministers in comparison with fields they represent shows that identification of persons leading these fields is not so important for society. These are “traditional” corruption spheres.

Respective structures gave certain reactions to articles released in press. For example:

Articles released in a few of last issues of “Tezadlar” paper on destructions of green spaces of capital were subject to survey.

After articles titled ““Dead” executive orders in Nizami district” published in issues of our paper released in 2004, November 2, 9, 16 and 23, Baku city Prosecutor’s Office started inspection.

Those articles covered sending of official letters 01/05/966 and 01/05/965 with signature of M.Ahmadov, Chair of Committee on Control on Baku city Ecology and Use of Nature to Baku city Prosecutor A.Mirsalamli on cutting of thousands of precious Eldar fir, olive and other trees aged 25-30, occupation of territory in Chobanzade street of Nizami district by restaurants ‘Khan gizi’, “Natavan”, “Khari bulbul” and firm “Gunel”.

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Baku city Prosecutor’s Office orders Nizami district Prosecutor’s Office to take measure. And prosecutor of Nizami district H.Gambarov sends letters B-264 and B-265 on July 11, 1999 to Head of Nizami district Executive Power E.Azimov, requests to release the territory, compensate the damage made. And Head of Nizami district Executive Power E.Azimov...

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E.Azimov calls owners of mentioned objects to himself and “talks” with them in such a manner that since then Baku city Prosecutor’s Office, Nizami district Prosecutor’s Office and Committee on Control on Baku city Ecology and Use of Nature prefer to keep silence. But....

Because of appearance of “but”s, restaurants ‘Khan gizi’, “Natavan”, “Khari bulbul” grew and became Wedding Palaces, instead of being punished. Even ‘Khari bulbul’ has a child next to it –

second wedding palace is built beside. Firm “Gunel” grew from this “care” and became a big “girl” – changed to new establishment...

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We sent articles on this again to Baku city Prosecutor's Office. Beginning from last week, Nizami district Prosecutor's Office started special investigation on the executive order of Baku city Prosecutor A.Mirsalamli.

Ecology experts, who carried out in due time survey on this material that is under authority of deputy of district prosecutor Vagif Khalafbeyli, were called again to Nizami district Prosecutor's Office to give explanation.

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In article “Anatomy of anarchy” released in issue of paper dated July 27, 2004, corruption and bribery in “Azneft” Union Qualified Repair-Construction Department was covered. Article was prepared in base of official complaint letters of department employees, as well worker Intizam Shahverdiyev (three persons) to President I.Aliyev and editorial board.

After release of article, direction of “Azneft” union interfered issue and response letter of Director General of Union Y.Jamalov was published in next issue of paper. Also three complainers that were fired from job were restored to their job. Commission created by direction of “Azneft” union, defined confirmation of facts mentioned in article and chief of department Tofiq Babayev was fired from his office.

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In issue 25 of paper dated July 6, 2004, serial article “What happens in “European-Tobacco-Baku”?” was published.

This article was prepared to publication in base of complaints of more than 300 stockholders of “Baku-Tütün” OJSC.

After publication of article, President's Apparatus, Home Affairs Ministry and Department of ministry on Fight against Organized Crimes, Taxes Ministry, lastly Finance Ministry intervened this issue.

Finance Ministry still realizes surveys in combine. Reason of this is privatization of OJSC, deposit of some documents in head office of “Sorex” Group of Companies located in Great Britain.

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In article “Two faces of one order” published in issue 47 of paper dated December 7, 2004, it was talked of corruption and bribery ongoing in Caspian Sea Diving and Rescue Department of “Azneft” Union. Article was written after appeal of former lawyer of department Azer Guliyev to Chair of Oil Workers Rights Protection Committee Mrs. Mirvari Gehramanli and official appeal to our editorial.

After publication of article, after interference of direction of “Azneft” union, chief of Caspian DRS A.Ibrahimov, facts mentioned in article were analyzed. Then, violated rights of complainer A.Guliyev were partly restored. Reply was sent to editorial with signature of chief of Caspian DRS A.Ibrahimov.

We presented several articles that were published over the last period and analyzed by governmental bodies, and measures were taken. Numerous articles were published on corruption on the advice of “Azerbaijan against Corruption” Analysis Group. A number of them are still studied by governmental bodies.

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- In article titled “Violated rights of businessmen” that was published in “Baku Kheber” paper, head of “Sultan” company, resident of Ali Bayramli district Ali Babayev faced pressures of Shirvan Oil BMM. After publication of article in press, local businessman

was told in High Court that property that you possess will be returned to you on court decision.

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Military Prosecutor's Office already conducts investigation on the facts of embezzlement in Army Corps in Barda that was covered in article titled "Debt of dining-room to Homeland" which was released in "Baku Kheber" paper in October.

Analysis of facts occurred as a result of surveys conducted by group during report showed:

1. Despite Azerbaijan Republic took obligation to fight corruption while entering in January of 2000 European Council, no **practical** work was felt in this direction over the last 5 years.
2. Over the last period Azerbaijan joined European Conventions "On civil-legal and criminal responsibility concerning corruption" (December 30, 2003), adopted Law "On fight against Corruption" (January 13, 2004), "State Program on fight against corruption in 2004-2006" was confirmed (September 3, 2004). As well Commission on fight with corruption was created by Council of Management of State Service, Center of Fight with Corruption was announced by General Prosecutor but none of these works is over. Despite law came into force since January of 2005, parliament still did not confirm Provisions of Commission, prosecutor's office delays creation of respective department.  
Parliament postponed till uncertain time adoption of documents, that are most important for realization of law on fight with corruption, – laws "On income declarations", "On lobbyism activity".
3. We think that current laws on fight with corruption have serious mistakes. For instance, mass media (it needs to mention that articles on corruption can be read only in opposition and independent papers, TV channels do not want to touch this topic) and NGOs are not involved in fight with corruption, information on incomes of officials is considered state secret and etc. show that even if in case of working of those laws they will not be effective.
4. As we mentioned, Azerbaijan Republic is a country where president has endless authorities. That is why will of president is main term in fight with corruption. But as last presidential elections in Azerbaijan were gerrymandered, current president Ilham Aliyev is deprived of vote of trust of people. And he cannot start fight with corruption even if he wants it. His power supports are corrupted state ruling system and he is elected by "corruption".
5. In order to reduce the level of corruption at least for fifty percent, a part of authorities of executive apparatus of president that is changed to monster, have to be divided among other branches of power.
6. Judicial system, advocacy institute not depending on executive power should be created in country. Property right of people should be recognized by state.
7. Energy and transport sector which have high revenues should be released from monopoly of state, privatized. It belongs to bank sector too. If not so, corruption will always be high in those fields, any transparency and control will have no importance.
8. International organizations as well European Council should demand from Azerbaijani power to observe obligations of fight with corruption, at the same time impose sanctions against briber officials. Practice shows that it is too difficult to affect corrupted state apparatus only by power of people – there is big need for foreign support. Unfortunately we see opposite of this now and

witness joint and dark projects of transnational corporations, democratic Western authorities along with regime of Azerbaijan.

### **Addition**

Extractions from documents diffused by international organizations during report:

1. According to report of World Bank, weight of secret economy in GDP in Azerbaijan is 60,6%.
2. In corruption rating of “Transparency International” organization for 2004 Azerbaijan is in the 140<sup>th</sup> place among 145 countries. Head of organization Peter Eicken said: “Corruption reached very high level in countries rich with oil such as Azerbaijan, Chad, Ecuador, Sudan, Angola, Nigeria. In these countries, revenues coming from oil contracts go to pockets of foreign oil companies, local officials and mediators”. (21 October)
3. According to inquiry held by “Transparency International” organization 86,9% of respondents considered that level of corruption in Azerbaijan is high or highest. (December, 2004).



**RICHARD MAKI**

**Director General of BOSS Shelf**

**Richard Maki is awarded with Prize of “Torn shoe”, founded by Committee, for violating human rights**

**Mr. Maki, respect our laws!**

**Oil Workers Rights Protection Committee presents:**

Analyzed the information (information, applications prepared by members acting in places, information collected from mass media and received from reps of employees) entered the Committee in 2004. Goal of analysis is to explain foreign companies acting in Azerbaijan to respect our laws and citizens. As article 313 (Criminal responsibility against violators of labor legislation) of Azerbaijan Labor Code is not applied against these sirs, violating our laws, they mostly try to use unwritten laws (law of strong ones). As a result of indifference of Ministry of Labor and Social Defense, Labor Inspection, dependence of current trade unions in country and absent of it’s impact mechanism, employees are undefended. And employees are unofficially prohibited by employer to create their trade union.



**Mr. Maki stepped human rights so much that his shoe is torn.**

**Maybe he needs to go back to his homeland?**

**As a result of surveys conducted Oil Workers Rights Protection Committee:**

**announced BOSS Shelf company – the company of the year which violated most of all Azerbaijan Labor Code, Human Rights Declaration, Azerbaijan Constitution, Law on Trade Unions, its president Richard Maki – employer, violating human rights.**

**For violating human rights, Richard Maki is awarded with prize of “Torn shoe” founded by Committee.**

