

Khadija Ismayil's Final Words (Full Text) – 31.08.2015

Dear court attendants, the court committee, which has turned into the observers of this hearing, and those who have taken the seats of the people who are genuinely interested in attending the hearing:

I am not sure what your intention is in holding this express court, but I think the repression machine is about to collapse. Surely, we can see this as a result of the collapse in the oil market, but there are other reasons as well. One of these reasons is us!

Many are familiar with the ability of Azerbaijan's law-enforcement system to invent crimes. But for years the honest citizens of this country, its honest journalists (and I am not talking about the ones who have been kissing up to the prosecutor, of course), and its human rights defenders have been exposing the shame of our judicial system. They have forced the repression machine to cover its disgraceful acts with even more shame. The more lies that were exposed, the more they were forced to tell more lies. The prosecutor's office and the court employees had to resort to more dishonesty to cover their lies.

From the onset, this hearing proved that the "envelope salaries" of tax and prosecutor's office employees do not fulfill their needs, and in an exchange for illegal privileges they are unable to even prepare a proper slander case.

Yes, if you were unaware of it, slander and defamation also take a lot of talent. All of their efforts -- like breaking people's wills, taking advantage of people's illiteracy, psychological states, or fear and forcing them to testify against me in order to have a criminal case -- didn't work. In addition, during the whole investigation process, we saw that the statements these people gave were either given under pressure or signed without them having actually read their statements. One of the witnesses was offered a bribe. Shame on you! What kind of a state is this?! Even your cheap tricks did not work in building a criminal case against me. But I won't repeat what my lawyers have already clearly proven to you in court.

Many facts were revealed when the tax inspectors were questioned here:

1. They said they had not seen a single document with my signature on it;
2. They confirmed that they only saw the documents they were shown by the prosecution;
3. They also confirmed they did not see documents on the computer of Yahya Mirzayev, who was in charge of the management of the office and was acting as power attorney. They also said they never reviewed any documents on external hard drives;
4. They confirmed they had made assumptions based not on the documents they claimed proved violations but on some nonexisting documents.

I also tested how desperate the prosecutor was myself. I told them that my friendship (yes, this is the only way to describe my relationship) with Tural Mustafayev began with Mustafayev asking for advice after he was beaten at a Jamil Hasanli (2013 presidential candidate) rally in Sabirabad. The prosecutor allegedly investigated the dates. He, of course, wanted to find evidence. But it was not difficult to figure out that on the day of our meeting with Mustafayev, we were at the office of Azadliq Radiosu. The prosecutor already had access to the geolocation of Mustafayev's phone. Even I had access to this information.

But to see this, you had to work and spend time looking at documents. But obviously the prosecutor's employees were too busy to do this. Surely they need time instead to spend the money they get for slander and all the forgery they do. This is why I think the president should investigate the effectiveness of his repression machine and the money spent from there. Mr. President, you should know that they do not fulfill your expectations.

As witnesses testified, the prosecutor realized that all the lies were coming out and refused the documents to be examined in court. It was clear that those who ordered this arrest deceived them.

The selected statements the prosecution sent to the media was their way to report their duty, but it failed again. The poor-quality scam only forced the court to break more laws. I am certain Ramella (the presiding judge) and court management have already complained to their client -- the presidential administration -- that this poorly prepared case put them in a very tough spot. I am certain when I say this. I know.

Now, I would also like to talk about the charges against me.

It is not a coincidence these charges were brought against me. After all, I have talked and written in detail about these very same crimes myself.

I won't talk at length about the charge based on Article 125. I was not the only one writing about growing suicide rates as a result of credit debt, police violence, and poverty. If Tural Mustafayev's attempt at suicide, as he testified in court, was not because of breaking up with his fiancée but due to his inability to find a job, then [President] Ilham Aliyev should be sitting here with me in the defendant's seat. Because Mustafayev complained he could not find a job even at pro-government media outlets.

Surely, as Mustafayev said himself, all of this is nothing more than slander. And to force him to be part of this slander, the Ministry of National Security and the Baku city prosecutor had their sleeves rolled up -- the same Ministry of National Security which was in charge of installing a hidden camera in my apartment in 2011 and responsible for blackmailing me in 2012; the same city prosecutor's office that tried to cover the very same crime as hard as they could and this is why I sued them. You have probably seen the movie *If Not This, Then That*.

You must also remember the famous character of that movie -- the wife of the brother. Assuming the bride and the groom were spending their first night together, she tried peeking through the keyhole. Inside, Server makes Meshedi Ibad withdraw; he is holding a gun. In the meantime, the wife of the brother does not call anyone for help because she is actually seeing what she is imagining but not what is happening in reality. So those plotting against me are acting like the wife of the brother. They are so enthusiastic that they don't know they are going to fall once the door opens.

The government of Azerbaijan tried really hard and did all it could to accuse me of incitement to attempt suicide. But I came out stronger. They peeked into my personal life, but I didn't break. They blackmailed me, but I did not bow. Now I won't break under a 15- or even a 25-year sentence. They could have silenced me like they have silenced Elmar Huseynov, Rafiq Tagi, or Rasim Aliyev. But I was careful. I always had someone with me. I was never alone. There were people who were in charge of protection. This is why there are plenty of witnesses who can tell you about my friendship with Tural Mustafayev but also other people.

The prosecutor did not investigate SMS exchanges and messages exchanged on Facebook. Illegally. If these Facebook messages and SMS exchanges were sought to help the investigation, then why were they not read during the hearing? Why were they not investigated? Because if they did present the Facebook exchanges then it would be obvious that Mustafayev did not give them screen shots of messages exchanged on Facebook, that some of the message exchanges were taken out of context and the rest were completely fabricated. It would show that Mustafayev was not fired from Meydan TV as investigation claimed. He signed a letter of resignation himself on February 28, 2014. Unlike what the prosecutor is claiming, which is that Mustafayev left Meydan TV after our relationship was terminated.

When I thought of the imagination that the prosecutor's office had, I could not believe it. The power of their imagination was a real surprise to me. One day, the women in my cell were

watching a movie with Izzet Bagirov and Mehriban Khanlarova. I was reading a book. As they were watching the movie, I heard by now all-too-familiar phrases from the screenplay. It felt like this as I was reading the criminal case against me. Yes, this, too, was thievery, just like the movie.

So yet again, they couldn't think of something else. They stole it from the movie.

Now let's look at other charges brought against me by the glorious law enforcement.

Article 213: Evading Taxes

To accuse the person who investigated the presidential family's stolen money stored in offshore accounts, their abuse of state deals and contracts with offshore companies and groups and of evading taxes was very funny. My students, my colleagues, and I were writing about offshore realities, cases of tax evasion, companies on islands in their own names and companies in Azerbaijan under the names of others evading taxes.

And so here I am, facing the criminal charge of tax evasion. I have paid taxes on every single penny earned. But the charge has nothing to do with my personal accounting. They are saying it was the taxation at my place of employment, the radio's country representative, that I am responsible for. And that these accounting reports had to be carried out not according to what it says in the law but according to how they think this accounting should have been done.

Throughout the trial we repeated over and over our statements such as "Azerbaijan representative does not mean Baku bureau," "I was never in charge of the representative but the bureau," "The Radio never sold anything nor was it ever involved in profiting from anything," "I did not have an accounting responsibility." But they decided to continue saying "the yoghurt is black." I guess they were ordered to do so, and so they had to act this way. But at least they could have respected our intelligence, even if just a little. They should not have confronted us with this poor quality scam.

Article 179: Embezzlement And Misappropriation

Even our slanderous prosecutor couldn't bring himself to accusing me of misappropriation. So instead he chose to accuse me of embezzlement. My colleagues and I have written extensively about both embezzlement and misappropriation. Whether it was revealing facts about an asphalt road that cost 60 million manats per kilometer [even if the actual cost was around 6 to 7 million]; the flag square worth 30 million, the costly Eurovision preparations, Crystal Hall, and so on.

But unlike the prosecutor, our reporting and writing was always based on concrete facts and documents and not on assumptions. In fact, unlike the charge against me, the hero of my stories, Ilham Aliyev really squandered the state budget and his family members were direct beneficiaries. This was proved in my work with company documents and copies of orders.

But in my case, the prosecutor and tax officers not only were unable to show any document proving my responsibilities but also not one agreement or order for payment signed by me. They could have faked it but after an attempt to fake a signature was revealed during Intigam Aliyev's hearing, they didn't have the courage.

Article 308: Abuse Of Power

The prosecutor also failed to prove how I abused my power. I am more successful in this business of finding proof than is the notorious prosecutor's staff. For instance, in one of my investigative pieces about gold mines, I attached a document showing that it was on the president's direct order that the management of these mines was given to a company associated with one of the president's companies.

I also proved that the same family appropriated state contracts without any tenders, illegally privatized state banks, and made sure that millions would be transferred on the orders of the president to industrial enterprises that would later be sold for pennies.

Article 192: Illegal Business

Oh, this one is my favorite charges. Do you actually know what illegal business is? Illegal business is when the president, prime minister, or a parliament member engages in personal businesses even though they are not supposed to do so. Together with my colleagues, I was very surprised to see our president's name as the founder of a number of companies registered in the Virgin Islands. When these companies were established he was not a president, but he was still a parliament member and vice president at the State Oil Company (SOCAR).

Although he was then prime minister and later president, he did not give up the ownership of these companies.

Similarly we were also surprised when we saw the name of Mehriban Aliyeva as owner of companies registered in Panama. So what, though? The prosecutor did not share our astonishment. Together with my colleagues I wrote to them about the illegal business of our parliament member.

But where was the prosecutor's department? Why did they never react? Apparently they have told Transparency International that they received no inquiries about these businesses from us. Basically they pretended it never happened, even though it was enough to start a criminal case after the articles were published. That's all right. Let's believe that you had no information about it. Then take this final statement as an official inquiry. And I have all these witnesses that would testify that I did indeed inquire. There are links to my articles.

And finally, the prison sentence awaiting me. Friends ask me what I am expecting in prison. To be honest, I am not thinking about that. Especially when this country is facing so many other troubles. I will just be one out of 500 other prisoners held at Prison No. 4. There I am going to have an opportunity to expose the legends of analogous development, and of the transparency of the penitentiary services. I am one of those people who knows how to turn a problem into an opportunity. It has always been this way. I will build homes from the stones thrown at me. "Isn't it difficult?" people ask.

Everything depends on how you look at things. Those who believe in struggle do not feel the difficulties. Just like Nazim Hikmet once said: "Those who cry in their houses and carry their tears like a heavy chain around their necks should not travel with us!"

My colleagues and I expose corruption and lawlessness. I won't be able to carry out this work while in prison. But the initiative by 100 journalists from around the world getting together to start a global investigative reporting operation made me really happy. Yes, I might be in prison, but the work will continue. Because the work we do is very important. We wrote, informed the community, even if the price for it was arrest and blackmail. But I am still happy that I fulfilled my job.

We, journalists, managed to stand for our people and our state. Corruption, not only enriches some people, it also deprives others from opportunities, education, health services, and sometimes even life.

Our investigation was about international bank fraud in 2011, and the names we exposed all got tangled up in other crimes later. I was very angry when I heard about the fire in May of a building on Azadliq avenue and the tender scandal regarding a company hired to do the facing. Because we wrote about this. If only these companies were stopped on time! But no, how could it be stopped when the other end of this network went high up? Corruption even brought the death of 15 people. Despite us ringing the warning bells in advance – about cheating businessmen and the inflammable building facings.

Time won't stop while I am in prison. Elections, stealing from the state budget, and cheating will continue.

I am certain, real journalists and mindful citizens will continue exposing election fraud. What I ask from my colleagues and Azadliq Radiosu is this: let this year's "Election Train" program be different from previous ones only in having the voice of a different anchor. The rest of the team should work with the same interest and passion despite the difficulties of exposing fraud. Let us not forget, this is our country.

Let us not sacrifice it with our silence. I am here in a good company. I am sharing the same fate as Leyla, Intigam, Anar Mammadli, Ilgar Mammadov, Tofiq Yagublu, Rashadat Akhundov, Ilkin Rustamzade, and religious folks who were arrested for their principles and beliefs, defenders of human rights, and journalists. Don't worry about me.

Lastly, I would like to thank:

- * Colleagues who continued our work and did not leave it unfinished;
- * Activists resisting repression;
- * International organizations defending human rights, for their support and attention;
- * Embassy representatives who followed up the case, even though the violations they saw in this court still will not prevent their ambassadors from shaking hands with a dictator and applauding corruption-infused projects. But still I thank them. At least for not pretending they were not informed;
- * My lawyers for giving all they had not only to me but also all those helpless people who came to me while I was in prison. It is as a result of their help that some mothers were able to reunite with their children.

There are so many silent sacrificial victims who have been jailed as a result of unfairness.

And finally, Miss Ramella, I wish you a pleasant vacation after you read out the sentence. I wish you a day when you go on vacation without an aching and silenced conscience. I hope that the filth to which you have put your signature does not come back to you or your relatives like a boomerang. Although the Law of Inertia does not leave much room for this hope.