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Opposition to Nomination of Matthew Bryza to Serve as U.S. Ambassador to Azerbaijan

Failure to Meaningfully Respond to Azerbaijan's Videotaped Destruction of 1,300 Year-Old Armenian Cemetery Which Has Become Shooting Range:

As Deputy Assistant Secretary of State, Mr. Bryza did not make any public statements on the December 2005 video-taped destruction of a 7th Century Armenian cemetery by the Azerbaijani military in the Djulfa¹ region of Azerbaijan until he was forced to by a reporter's question in Armenia three months after the fact on March 8, 2006.

In response to a question, he described the destruction as a "tragedy," noting that, "it's awful what happened in Djulfa,"² but then deflected calls for an official U.S. response by stating that "It's not really up to the United States to take steps to stop it. I mean, this is happening in a foreign country."³

Despite international protests, Mr. Bryza did not send a U.S. Embassy delegation to visit the site or take any other action to follow up on this deliberate act of cultural and religious desecration, according to his responses to Senate inquiries during his confirmation hearing. The demolition did not even make it into the State Department's Report on International Religious Freedom, although those reports routinely document the desecration of cemeteries and it has now reportedly become an Azeri shooting range.

¹ Destruction of 7th Century Armenian church by Azerbaijan military; http://www.djulfa.com/?page_id=15. A video of the demolition is available

<http://www.djulfa.com/film/>. <http://www.archaeology.org/online/features/djulfa/>.

² [Http://armenia.usembassy.gov/root/pdfs/news030307.pdf](http://armenia.usembassy.gov/root/pdfs/news030307.pdf)

³ [Http://armenia.usembassy.gov/root/pdfs/news030307.pdf](http://armenia.usembassy.gov/root/pdfs/news030307.pdf)

During his confirmation process, he did not commit to investigating the demolition, although he was asked to do so by Senator Boxer.⁴ Instead, he only stated that he would “visit Djulfa” and publicly and privately stress the importance of “safeguard[ing] Armenian religious and cultural sites in Azerbaijan.” In response to Senator Menendez’s follow up question, Mr. Bryza pointed to his visits to Armenian cultural sites in Nagorno Karabagh, **which were not at risk**, as proof that he takes protecting cultural sites seriously.⁵

Close Relations With Azerbaijani Leaders and Conflict of Interest

In response to questions at the hearing that he was too close to Azerbaijani government officials, Mr. Bryza stated that he had equally close relations with Armenian and Azerbaijani government officials and that both attended his August 2007 wedding in Turkey. He did not reveal, however, that Azerbaijani Foreign Minister Elmar Mammadyarov not only attended his wedding, but was one of only three men to serve in his wedding party, along with two close friends,⁶ although Mr. Bryza, at the time, was mediating a deadly conflict between Armenia and Azerbaijan in his professional capacity as the U.S. Minsk Group Co Chair.

Moreover, his wife Zeyno Baran is a member of the editorial board of an Azerbaijani government institution, the journal *Azerbaijan Focus: Journal of International Affairs*.⁷ According to its website, *Azerbaijan Focus* “is a publication of the Center for Strategic Studies under the President of the Republic of Azerbaijan.”⁸ The Center for Strategic Studies was founded on November 12, 2007 by the Decree of the President of the Republic of Azerbaijan, Mr. Ilham Aliyev.⁹

Ms. Baran serves on the editorial board along with several Azerbaijani government officials including Elmar Mammadyarov, Minister of Foreign Affairs of the Republic of Azerbaijan, the Chairman of the Editorial Board Ramiz Mehdiyev, Head of the Administration of the President of the Republic of Azerbaijan, and Hafiz Pashayev, Deputy Minister of Foreign Affairs of the Republic of Azerbaijan.

⁴ http://www.anca.org/assets/pdf/misc/Boxer_BryzaResponses.pdf

⁵ http://www.anca.org/assets/pdf/misc/Menendez_BryzaResponses2.pdf

⁶ <http://www.zaman.com.tr/haber.do?haberno=579663> or <http://asbarez.com/83710/bryza%E2%80%99s-%E2%80%98groomsman%E2%80%99-was-mammadyarov-conflict-or-convenience/> or <http://www.aze.az/eng.php?id=10025>

⁷ <http://sam.gov.az/en/journals/azerbaijan-focus/editorial-board>

⁸ <http://sam.gov.az/en/journals/azerbaijan-focus>

⁹ <http://sam.gov.az/en/about/purpose>

In addition to serving in on a board of an Azerbaijani government institution, there are unanswered questions about funding to her employer. Ms. Baran, has been the Director of the Center for Eurasian Policy at the Hudson Institute, and, in this professional capacity, advocated for U.S. policy positions affecting the geographic region that Mr. Bryza has overseen as a State Department employee, and that he would have purview over if confirmed as Ambassador to Azerbaijan. Although Mr. Bryza has stated that Ms. Baran has been on leave without pay from the Hudson Institute since June 1, 2009, there are numerous instances, where Ms. Baran has been listed as an active employee of the Hudson Institute since that date, including as recently as August 20, 2010.¹⁰

Since their marriage Mr. Bryza has served as both the Deputy Assistant Secretary of State for European and Eurasian Affairs, and as the U.S. Minsk Group Co Chair in charge of negotiating a peaceful settlement to the Nagorno Karabagh dispute between Azerbaijan, Armenia and Nagorno Karabagh. Both the ongoing negotiations and prospects for the eventual outcome of this conflict directly impact Azerbaijani, Turkish, and Caspian energy corporate interests.

Ms. Baran's employer, the Hudson Institute, a registered 501(c) (3) organization, has, according to publicly available records¹¹ received funding and/or other support from energy corporations, including the ExxonMobil Foundation and the American Gas Foundation, whose income are linked to the conduct of U.S. diplomacy in Azerbaijan and the surrounding Caspian region.

In a letter to the Hudson Institute dated June 3, 2010, the Armenian National Committee of America requested "a listing of all financial resources, including direct payments and in-kind contributions, provided to the Hudson Institute (a registered 501(c)(3) organization), its directors, officers, employees, agents, or affiliates over the past five years from: 1) Foundations or other non-profit entities that have primarily Turkish or Azerbaijani government funding sources; 2) The governments of Turkey or Azerbaijan; 3) Private individuals, corporations, foundations, entities, or other sources from Turkey or Azerbaijan, or; 4) U.S.

¹⁰

<http://webcache.googleusercontent.com/search?q=cache:mBqHj39WvrlJ:drqluss.podhoster.com/index.php%3Fsid%3D2088+podhoster+zeyno+baran&cd=1&hl=en&ct=clnk&gl=us>

<http://www.meforum.org/2682/islamization-of-turkey>

<http://asbarez.com/85063/bryzas-response-to-confirmation-inquiries-again-mislead-senators/>

¹¹ 2002 Hudson Institute Annual Report; last year to show detailed list of funders;

http://www.sourcewatch.org/index.php?title=Hudson_Institute

corporations with financial interests in Turkey or Azerbaijan." In media accounts, the Hudson Institute has denied receiving funds from either the Azerbaijani or Turkish governments, but they have not addressed possible funds from Azerbaijani businesses or foundations or corporations with an interest in Azerbaijan, nor have they responded to the ANCA's letter.

What is known, however, is that the Hudson Institution's Center for Eurasian Policy, on December 10, 2007, hosted a conference, titled "The Azerbaijan-Turkey- US Relationship and its Importance for Eurasia,"¹² that was, according to its published "*Event Summary and Conclusions*," partially financed by a foreign entity, the "Azerbaijan-Turkey Business Association," with direct financial interests in Turkey and Azerbaijan. The majority of speakers at this conference, held at the Mayflower Hotel in Washington, DC, were government officials from Azerbaijani and Turkish governments.

U.S. Ethics Policy:

The U.S. Office of Government Ethics writes that, "the American people have a right to expect that all employees will place loyalty to the Constitution, laws, regulations, and ethical principles above private gain." Accordingly, all federal government employees "shall endeavor to avoid any actions creating the **appearance** that they are violating the law or the ethical standards . . ." 5 *CFR* § 2635.101 (emphasis added).

Federal employees are also prohibited from participating personally and substantially in a particular government matter that will affect his/her own financial interests, as well as the financial interests of his/her spouse. 5 *CFR* § 2635.402. Furthermore, "[w]here an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter," the employee must first receive clearance to continue work on the matter. 5 *CFR* § 2635.502.

¹² Policy Conference sponsored by Hudson Institute;
http://www.hudson.org/index.cfm?fuseaction=hudson_upcoming_events&id=449

Misleading and Conflicting Responses to Senate Inquiries:

There are some blatant inconsistencies in Mr. Bryza's responses concerning his wife's work. For instance, in his written response to Senator Menendez question #1, Mr. Bryza said that Ms. Baran "has conducted no conferences, briefings, studies, or other official work related to the South Caucasus," since January 2009,¹³ but we have learned that she has worked on the Caucasus since January 2009 on several occasions,¹⁴ including at a June 15, 2010 Washington, DC conference, where she spoke about the Caucasus just a few weeks before he provided this response.¹⁵ Another striking example conflicting with this claim is a June-August 2009 article on Azerbaijan, which Ms. Baran published in an Azerbaijani government journal, *Azerbaijan Focus*.¹⁶

Moreover, at the hearing, Mr. Bryza claimed, "We [he and Zeyno Baran] have also made a choice, made a decision ten years ago – we've been together a while – to separate our professional and personal lives."¹⁷ But their joint presentations at several conferences over the past 10 years, including at conferences sponsored by energy corporations or Azerbaijani businesses contradict this statement.¹⁸ In addition, in the acknowledgments section of her book on Turkey, which was just published after Mr. Bryza's confirmation hearing, Ms. Baran writes, "Most importantly, my husband, Matthew Bryza, contributed tremendously, helping me think through my arguments and extensively editing each chapter."¹⁹

Failure to Seriously Confront Drumbeat of War in Georgia and Azerbaijan:

Just days after Azerbaijan's June 18, 2010 attack on Nagorno Karabagh, Azerbaijan's Foreign Minister Mammadaryov, who has special relations with Mr. Bryza, having served as one of only three men in his wedding party, said that the attack was a "message to the entire world that such incidents will repeat unless Armenia liberates Azerbaijani lands."²⁰

¹³ http://www.anca.org/assets/pdf/misc/Menendez_BryzaResponses.pdf

¹⁴ <http://asbarez.com/85063/bryzas-response-to-confirmation-inquiries-again-mislead-senators/>

¹⁵ <http://www.ncsj.org/Board-agenda.pdf>

¹⁶ http://sam.gov.az/sites/default/files/publications/azerbaijan_focus_1_en.pdf

¹⁷ Video of confirmation hearing can be viewed at http://www.anca.org/press_releases/press_releases.php?prid=1913 Relevant excerpt is at minute 9:59.

¹⁸ <http://asbarez.com/83834/are-bryza%E2%80%99s-professional-and-private-lives-really-separate/>

¹⁹ www.hooverpress.org/client/client_pages/9780817911447_xvii.pdf

²⁰ <http://www.news.az/articles/17954>

Azerbaijan repeated its attack on Karabagh less than three months later on August 31, 2010. Azerbaijan has repeatedly threatened to destabilize the region by attacking Armenia and Nagorno Karabagh, with President Aliyev insisting that “the war is not over” and that “only the first stage of the war is over,”²¹ while his Defense Minister threatens that war is “inevitable.”²²

At the hearing, Mr. Bryza admitted that on June 18 Azerbaijan crossed the line of contact and Armenians responded, but in his written responses to Senator Boxer he backtracked and blamed Armenians equally for past line of contact violations and claimed that he did not know what instigated the June 18 fighting. He still continues to refuse to condemn Azerbaijan for its belligerent attacks and rhetoric.

Sending someone like Mr. Bryza, who has failed to forcefully confront Azerbaijani aggression and who has such close ties with the very Minister, he will be tasked to reign in, would be a mistake, especially at such a volatile time.

As Deputy Assistant Secretary of State, Mr. Bryza, despite extensive contacts and long-standing relationships with the President and other leaders of the Republic of Georgia, proved unable to constrain the Georgian government from taking steps that eventually led to open warfare between Georgian and Russian forces.

Just a month after Azerbaijan attacked Nagorno Karabagh in the worst ceasefire violation in over a decade, U.S. Representative Chris Smith,²³ during an April 18, 2008 Helsinki Commission hearing, questioned Mr. Bryza about potential consequences if Azerbaijan attacked Nagorno Karabagh. Mr. Bryza sidestepped Congressman Smith’s question, choosing instead to speak in broad terms about U.S. mediation efforts: "In terms of penalty, I wouldn't want to speculate on that because all the various scenarios are so unpredictable. What I can say is that any resumption of armed hostility in and around Karabagh would be tragic - tragic for everybody. Absolute disaster. Who the heck knows what the outcome would be of the fighting..."

A few months later, Georgia, a country that Mr. Bryza also oversaw as Deputy Assistant Secretary, apparently miscalculating U.S. intentions, took steps that resulted in open warfare with Russia. His conduct on this matter has been the

²¹ <http://www.president.az/articles/561?locale=en>

²² http://www.upi.com/Top_News/International/2010/02/25/Azerbaijan-threatens-end-to-cease-fire/UPI-25821267105427/

²³ United States Congressman Chris Smith questioning Matthew Bryza; <http://il.youtube.com/watch?v=hGEbAUTJOls&feature=related>

subject of considerable attention by major media outlets, including the Wall Street Journal²⁴ New York Times, Foreign Policy,²⁵ Harper's,²⁶ and others.

Reporters Without Borders Opposition to Nomination

In an Op Ed published in the *Washington Times* on August 11, 2010, Reporters Without Borders Secretary General Jean-Francois Julliard and Washington Director Clothilde Le Coz expressed concerns that the confirmation of Mr. Bryza as Ambassador to Azerbaijan would undermine the promotion of human rights and press freedom in Azerbaijan, because of Mr. Bryza's close ties to the regime and relation to a case involving the persecution of a reporter.²⁷ They noted that an Azerbaijani writer who wrote an article alleging that an Azerbaijani Minister paid for part of Mr. Bryza's wedding was sued by the Azerbaijani Minister, persecuted and had numerous attempts on his life before he had to flee the country to France. They wrote, "we think that because he has been involved in a complaint and suit against a newspaper, his credibility within Azerbaijani civil society and his stated commitment to press freedom can easily be questioned. . . . As Mr. Aliyev continues to crack down on the press and freedom of speech, a nominee who can easily be identified as a strong supporter of the Azerbaijani government might indeed undermine the U.S. government's stated goal of improving democracy and human rights in the country."

Mr. Bryza denies that the Azerbaijani Minister paid for part of his wedding, but the controversy continues, since the *Azadliq* newspaper which published the article has appealed the case to the European Court of Human Rights, which is currently reviewing the case.²⁸

False Prioritization of Territorial Integrity Over Self-Determination in the Karabagh Conflict:

Although the Bush and Obama Administrations have emphasized that a solution to the Karabagh conflict must be based on the principles of self determination and

²⁴ US Diplomat Plays Key Role in Georgian Conflict; <http://online.wsj.com/article/SB121885135947146439.html>

²⁵ Diplomat's Georgia Ties Complicate Process; http://thecable.foreignpolicy.com/posts/2009/06/12/bush_administrations_georgia_ties_complicate_possible_baku_appointment

²⁶ Diplomat friend of Azeri Dictator; <http://harpers.org/archive/2009/06/hbc-90005203>

²⁷ <http://www.washingtontimes.com/news/2010/aug/11/emissary-entanglements/>

²⁸ <http://www.irfs.az/content/view/3139/lang,en/>

territorial integrity,²⁹ Mr. Bryza has incorrectly prioritized territorial integrity over self-determination, including during questioning for this nomination. This false hierarchy runs counter to U.S. international legal obligations (*Helsinki Final Act*, *U.N. Charter*, *International Covenant on Civil and Political Rights*, etc.), America's traditional support for democratic self-governance, and President Obama's campaign pledge to work toward a "lasting and durable settlement of the Nagorno Karabagh conflict that is agreeable to all parties, and based upon America's founding commitment to the principles of democracy and self determination."³⁰

Although insisting under verbal questioning during his confirmation hearing that no one principle of the Helsinki Final Act had priority over the others,³¹ in his written responses, Mr. Bryza did prioritize territorial integrity over self determination, defending his prior statement that a resolution to the Karabakh conflict “**must proceed from the principle** of respect for Azerbaijan’s **territorial integrity** and **evolve** into a political compromise that **incorporates other principles** of international law and diplomatic practice.”³²

Failure to Fully Implement U.S. Congressional Appropriations for Nagorno Karabagh:

During Mr. Bryza's tenure as Deputy Assistant Secretary of State and U.S. Co-Chair of the OSCE Minsk Group, the Administration allocated significantly less in U.S. aid to Nagorno Karabagh than was appropriated by Congress. At his confirmation hearing, Mr. Bryza admitted that under his tenure as Deputy Assistant Secretary for Europe, the Administration allocated only \$2 million to Karabagh, although Congress had appropriated up to \$8 million.

²⁹ On July 4, 2010, Secretary of State Clinton stated, “The United States remains committed to a peaceful resolution based upon the Helsinki principles of non-use of force or threat of force, territorial integrity, and the equal rights and self-determination of peoples.” <http://www.state.gov/secretary/rm/2010/07/143961.htm>

³⁰ President Obama’s campaign pledge to the Armenian people;
http://www.anca.org/press_releases/press_releases.php?prid=1365

³¹ Video of confirmation hearing can be viewed at
http://www.anca.org/press_releases/press_releases.php?prid=1913 Relevant excerpt is at minute 33:46. Mr. Bryza said, “Absolutely, Mr. Senator, if confirmed, I would most certainly would not promote that any of these principles are superior to the others.”

³² Matthew Bryza Response to Question #5 from Senator Barbara Boxer’s Second Round of Questions.
http://www.anca.org/assets/pdf/misc/Boxer_BryzaResponses2.pdf

When asked to provide more details, accounting for the State Department's outstanding funds for Nagorno Karabagh and policies toward Nagorno Karabagh, Mr. Bryza failed to respond to Senate inquiries.

False Claim that Armenia Excluded Nagorno Karabagh from the Peace Process:

Mr. Bryza has incorrectly asserted that Nagorno Karabagh's exclusion from the OSCE Minsk Group peace process was the result of Armenia's request to the other parties to the negotiations.³³ This assertion is simply not true. Nagorno Karabagh, which had been a negotiating party for several years and was one of the signatories to the ceasefire, was forced out of the talks under pressure from Baku.

Mr. Bryza failed to answer Senate inquiries asking him to explain this incorrect claim.

Prohibition on U.S. Communications with Nagorno Karabagh's Government:

As the U.S. Co-Chair of the OSCE Minsk Group, Mr. Bryza blocked nearly all civic contacts and communications between the U.S. and Nagorno Karabagh, despite the clear need for greater dialogue in bringing about a fair and lasting settlement of this conflict. Instead of promoting open communication, he helped keep in place a set of outdated and counter-productive restrictions that stood in the way of greater mutual understanding.

Mr. Bryza's pivotal role blocking this dialogue was highlighted by the response of Ambassador-Designate Marie L. Yovanovitch to a question from Senator Barbara Boxer on June of 2008. In her answer to Senator Boxer's question about traveling to Nagorno Karabagh, Ambassador Yovanovitch noted that "U.S. officials may travel to Nagorno-Karabagh with the permission of the U.S. Co-Chair of the OSCE Minsk Group, who has the U.S. lead in mediating the Nagorno-Karabagh conflict."

³³ Mr. Bryza claimed, "As you know until 1998 Karabakhi Armenians were formally part of the negotiations, and it was the former government of Armenia that decided to change that situation."

<http://news.am/en/news/2445.html>