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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Azerbaijan: freedom of expression

Leonidas Donskis, Marietje Schaake, Frédérique Ries, Marielle De Sarnez
on behalf of the ALDE Group

European Parliament resolution on Azerbaijan: freedom of expression

The European Parliament,

- having regard to its previous resolutions on Azerbaijan and on human rights and freedom of the press, in particular its resolution of 6 July 2006 on freedom of expression on the Internet,
 - having regard to Article 19 of the UN Convention on Civil and Political Rights and Article 10 of the European Convention on Human Rights,
 - having regard to the Partnership and Cooperation Agreement with Azerbaijan, which entered into force on 1 July 1999 and in which respect for democracy, the principles of international law and human rights are enshrined,
 - having regard to EU Country Strategy Paper for Azerbaijan for the period 2007-2013,
 - having regard to the statement of 19 November 2009 by the Presidency of the European Union to the OSCE Permanent Council on the conviction of two Azerbaijani youth organisation members,
 - having regard to the statement by the Secretary General of the Council of Europe on 12 November 2009 on freedom of expression in Azerbaijan,
 - having regard to Rule 122 of its Rules of Procedure,
 - having regard to the statements by Carl Bildt before the Committee on Foreign Affairs in the European Parliament on July 21st 2009 outlining the special attention and concern that the Swedish Presidency is affording the case of Emin Milli and Adnan Hajizada,
- A. whereas on 8 July 2009 two civil society activists, citizen journalists, and youth movement leaders who used social networks online in their activities, Adnan Hajizada and Emin Milli (Abdullayev), were charged with 'hooliganism' after an incident in a restaurant in Baku; whereas on 21 August the charges were broadened to include the charge of grievous bodily harm;
- B. whereas on 11 November 2009 Adnan Hajizada and Emin Milli were sentenced to two and two and a half years imprisonment respectively;
- C. whereas serious concerns exist as to the transparency of the investigation, as to the manner in which the court hearings were carried out and as to the legal charges that were brought; whereas the Presidency of the European Union has expressed concern that this investigation and the following hearings were in contradiction to international as well as with corresponding national Azerbaijani legal standards and fundamental

and human rights;

- D. whereas earlier this year the Azerbaijani authorities made an attempt to pass amendments whereby local and international NGOs and civil society would be legally restricted, causing great concern in the European and international communities;
 - E. whereas individual restrictions on democratic pluralism, peaceful political activism and free speech serve as a repression of political opposition and civil society as a whole, undermining fundamental democratic values;
 - F. whereas in recent years and months there has been an increase in sentencing without due process and of harassment and intimidation of civil society, and particularly youth organisations, in Azerbaijan;
 - G. whereas there is a well documented record of recent sentencing, harassment and intimidation of media professionals in Azerbaijan, including as described in a recent Background Report on Respect for Media Freedom to the Committee on Culture of the Parliamentary Assembly of the Council of Europe;
 - H. whereas through its membership of the OSCE and the Council of Europe, as well as in the context of its relationship with the European Union, Azerbaijan has committed itself to the principles of democracy, good governance and the respect for the rule of law and human rights;
1. Strongly condemns the lack of a thorough and impartial investigation and due process in the case of Adnan Hajizada and Emin Milli and deplores the fact that the legal proceedings fell short of fair trial standards;
 2. Expresses its concern that the two activists were targeted for their criticism of the authorities and that this action should be seen in light of wider repression of civil society in Azerbaijan, undermining fundamental democratic values;
 3. Urges Azerbaijan to review the sentences handed down to Adnan Hajizada and Emin Milli by means of an appeals trial conducted according to internationally acknowledged legal standards, in a fair and transparent manner and open to international observation;
 4. Recalls the 2005 statement by President Ilham Aliyev in which he stated that the rights of every journalist are protected and should be guarded by the state; reiterates that no journalist, peaceful activist or commentator should be targeted as a result of his/her exercising of the right to freedom of expression;
 5. Urges the authorities to pay special attention to the safety and freedom of civil society activists - particularly those active in non-governmental youth organizations as well as journalists and the media - to take immediate steps to allow individuals to engage in peaceful, democratic activities, to allow such activities to be organised freely and without government interference and to protect journalists following a wave of violence against media representatives;

6. Insists that all trials of civil society actors and (citizen) journalists charged with criminal offences be conducted in accordance with international fair trial standards and that prompt and impartial investigations be carried out into all cases of assault, harassment and intimidation of journalists and media professionals in Azerbaijan, under international observation;
7. Calls for an end to restrictions on and obstacles to freedom of democratic organisation, freedom of expression, including freedom of the media, and free expression on the internet;
8. Welcomes the proposed establishment of a Subcommittee on Justice, Freedom and Security in the context of the EU partnership and cooperation agreement with Azerbaijan;
9. Urges the EU and its Member States to step up support to for political and legal reforms in Azerbaijan aimed at increased convergence with the values and principles promoted by the OSCE and the EU as well as by the Council of Europe;
10. Urges the EU and its Member States to step up efforts to support Azerbaijan's fragile democracy and human rights track record and to intensify the involvement of the European Parliament in discussions with the High Representative, the Council and Commission on the development of relations between the EU and Azerbaijan;
11. Reminds the authorities in Azerbaijan that adherence to democratic values and the rule of law is a requirement for its partnership and relations with the EU;
12. Encourages intense scrutiny of NGOs and partner organisations with which the EU cooperates, with the aim of ensuring that these are genuine organisations that are independent of government authorities and that respect pluralism and democratic values;
13. Urges the President of the European Parliament, the Council, the EU High Representative and the Commission to condemn formally cases such as that of Adnan Hajizada and Emin Milli, that are prosecuted without due process, thus undermining fundamental rights and European values;
14. Welcomes the organisation of a conference on freedom of organisation and expression in Baku, facilitated by the EU in cooperation with local partners;
15. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the President, Government and Parliament of the Republic of Azerbaijan, and the Parliamentary Assemblies of the OSCE and the Council of Europe.