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Plenary sitting

16.9.2014

B8-0091/2014

MOTION FOR A RESOLUTION

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

pursuant to Rule 135 of the Rules of Procedure

on Persecution of human rights defenders in Azerbaijan
(2014/2832(RSP))

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on behalf of the ALDE Group

B8-0091/2014

**European Parliament resolution on Persecution of human rights defenders in Azerbaijan
(2014/2832(RSP))**

The European Parliament,

- having regard to its previous resolutions on the situation in Azerbaijan, in particular those concerning human rights and the rule of law,
- having regard to the statement of 8 September 2014 of European Commissioner for Enlargement and European Neighbourhood Policy, Štefan Füle in Baku on the crucial role played by civil society in the Eastern Partnership,
- having regard to the statements of spokespersons of Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton of July 17, August 2nd and August 8th 2014 regarding arrests of prominent civil society actors in Azerbaijan,
- having regard to the statement of 1 August 2014 of Secretary-General of the Council of Europe, Thorbjørn Jagland, concerning the arrest of Leyla Yunus, director of the Institute for Peace and Democracy in Azerbaijan
- having regard to the statement of 1 August 2014 of Isabel Santos, the Chair of the OSCE Parliamentary Assembly's Committee on Democracy, Human Rights and Humanitarian Questions concerning the crackdown on civil society in Azerbaijan,
- having regard to the Baku Declaration adopted by the OSCE Parliamentary Assembly at its annual session between 28 June and 2 July 2014 where concern is expressed at the misuse of administrative procedures and legislation to detain, imprison, intimidate or otherwise silence human rights defenders and critics in numerous OSCE participating States,
- having regard to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially Article 1, Article 5 and Article 12.2 on the freedom to participate in non-profit organizations and the state's responsibility to protect individuals from violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of his or her rights,
- having regard to the established relationship between the EU and Azerbaijan, which took effect in 1999, as represented by the implementation of the European Neighbourhood Policy (ENP) Action Plan, the creation of the Eastern Partnership (EaP), the negotiations on an EU-Azerbaijan association agreement and Azerbaijan's participation in the Euronest Parliamentary Assembly,

- having regard to the ongoing negotiations between the EU and Azerbaijan on an association agreement,
 - having regard to the 2013 ENP country progress report on Azerbaijan, dated 27 March 2014,
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas the overall human rights situation in Azerbaijan has deteriorated continuously over the last few years despite the adoption of the ENP Action Plan, with growing pressure on, and intimidation of, NGOs and independent media, engendering a widespread sense of fear among opposition forces, human rights defenders and youth and social network activists and leading to self-censorship among journalists,
 - B. whereas in Azerbaijan several civil society activists have been arrested since mid-July in an unprecedented aggressive crackdown on civil society, many others have had their bank accounts frozen, including mainstream NGOs that aren't working on politically sensitive issues, and others are under travel bans to leave the country,
 - C. whereas in the course of one week in early August, several of Azerbaijan's most prominent human rights defenders were confined in pre-trial detention for a period of three months,
 - D. whereas Hasan Huseynli, head of "Intelligent Citizen" Enlightenment Center Public Union in Azerbaijan, was sentenced to a lengthy prison term by the Ganja Court on 14 July 2014 on alleged charges of 'hooliganism',
 - E. whereas Leyla Yunus, the director of the Institute for Peace and Democracy in Azerbaijan, and her husband, Arif Yunus, were arrested on 30 July 2014 on charges of treason, tax evasion and other financial crimes and sentenced to pre-trial detention,
 - F. whereas activist Rasul Jafarov, coordinator of the Art for Democracy campaign and the head of Human Rights Club was subjected to official harassment, banned from traveling abroad and his bank account was frozen,
 - G. whereas on the morning of 8 August 2014, human rights defender Intigam Aliyev head of the human rights organization, Legal Education Society, was summoned for interrogation and charged with tax evasion, illegal enterprise, abuse of official power and sent to pre-trial detention,
 - H. whereas on 21 August 2014, Ilqar Nasibov, a human rights defender and journalist working for the Resource Centre for Development of Democracy and NGOs in Nakhchivan City was found seriously wounded and his office destroyed,

- I. whereas he was released prematurely from hospital and while a preliminary police investigation was initiated no decision on whether to open a criminal case has yet been adopted despite the serious injuries he sustained,
- J. whereas the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), expresses its deep concern about the above-mentioned events, and fears that Mr. Nasibov was attacked as a result of his human rights activities,
- K. whereas the independent Azerbaijani newspaper “Azadliq” was forced to suspend publishing due to alleged financial problems as it had previously faced official pressure apparently in connection to its reporting on corruption,
- L. whereas Mr Anar Mammadli, Chairperson of the Election Monitoring and Democracy Studies Centre (EMDS), and Mr Bashir Suleymanli, Director of EMDS, were sentenced to respectively 5 years and 6 months imprisonment and 3 years and 6 months on 26 May 2014 mainly on charges of illegal entrepreneurship;
- M. whereas, at the same time, 8 activists of the non-governmental youth movement NIDA, were convicted on charges of hooliganism, drug possession and possession of explosives, as well as intent to cause public disorder, and another NIDA activist, Mr Ömar Mammadov, was sentenced to 5 years imprisonment on charges of drug possession with the aim of selling it on 4 July 2014,
- N. whereas many more journalists and activists are facing legal charges brought against them in Azerbaijan,
- O. whereas Mr Ilgar Mammadov and Mr Tofiq Yaqublu remain in detention and Mr Ilgar Mammadov was arrested after he had been confirmed as the REAL opposition party’s candidate for the presidential election of 9 October 2013, as stated in points A and D of European Parliament resolution from 13 June 2013,
- P. whereas, the European Court of Human Rights considered that Mr Ilgar Mammadov, had been arrested and detained without any evidence to reasonably suspect him of having committed the offence with which he was charged, namely that of having organised actions leading to public disorder;
- Q. whereas the intimidation, arrest, detention or prosecution of opposition party leaders or members, activists, journalists or bloggers because they have exercised their fundamental rights and freedoms such as freedom of thought, freedom of expression and freedom of assembly and organization constitutes a violation of their civic and political rights,
- R. whereas Leyla Yunus and Rasul Jafarov, before they were themselves arrested, led a group of prominent human rights defenders and experts in Azerbaijan that produced a list of nearly one hundred Azerbaijanis who qualify under the definition adopted by the Council of Europe in 2012 as “political prisoners”

- S. whereas amendments to the Law on Grants, the Law on Non-governmental Organisations, and the Code of Administrative Offences were signed into law in February 3, 2014 according to which only NGOs registered by authorities of Azerbaijan may receive foreign funding and required to register their grants in Ministry of Justice,
- T. whereas the amendments introduce big fines on NGOs which fail to register grants with the authorities within a certain period and while at the moment around 1,000 NGOs remain unregistered in Azerbaijan and thus cannot open bank accounts. Consequently, without registration and bank accounts they will be unable to fulfil the reporting requirements introduced by the new amendments,
- U. whereas many independent human rights groups in Azerbaijan have refused to register under the terms of the new amendments,
- V. whereas the Oil-Workers' Rights Protection Organization Public Union located in Baku had its bank account frozen along with the bank account of the union's head, Gahramanova Mirvari Uzeyir, following a Court decision of 8 July 2014 of the Baku City Nasimi District Court,
- W. whereas on 5 August 2014, the court in Baku upheld the petition of the General Prosecutor's office and ruled to freeze the bank accounts of nine national NGOs and one international NGO, including bank accounts of the Legal Education Society, the Media Rights Institute, the Democratic Institutions and Human Rights Public Union, the Public Association for Assistance to Free Economy, Democracy and Human Rights Resource Centre, the Association of Lawyers in Azerbaijan, the Centre for National and International Studies, the Institute for Reporters' Freedom and Safety, and the office of International Research and Exchanges Board (IREX) in Azerbaijan; Other international organizations with local offices have also been put under investigation or forced to close down
- X. whereas Azerbaijan is a member of the Council of Europe and has taken over its rotating chairmanship in 2014, as well as being a party to the European Convention on Human Rights,
- Y. whereas Azerbaijan is actively participating in the ENP and the EaP, is engaged in the negotiations on an association agreement and the furthering of cooperation initiatives grounded in the EaP framework, is a founding member of Euronest and is committed to respecting democracy, human rights and the rule of law, which are core values of these initiatives,
1. Stresses that full respect for human rights, fundamental freedoms and the rule of law is at the heart of the framework for cooperation within the EaP, and of the commitments made by Azerbaijan within the Council of Europe and the OSCE;
 2. Strongly condemns the unprecedented repression against civil society in Azerbaijan and calls for the immediate release of human rights defenders Anar Mammadli, Bashir Suleymanli, Leyla Yunus and her husband Arif Yunus, Rasul Jafarov, Intigam Aliyev and Hasan Huseynli, journalist Rauf Mirkadirov, all NIDA activists including Ömar

Mammadov, as well as Tofiq Yaqublu and Ilgar Mammadov in line with the European Court of Human Rights judgement, and calls for all charges against them to be dropped;

3. Strongly condemns the attack perpetrated on Ilqar Nasibov and calls for an immediate, thorough, transparent investigation into the circumstances of his beating, in order to identify all those responsible, bring them before an independent tribunal, and enforce sanctions as provided by the law;
4. Underlines that the civil society has a vital role to play in defending fundamental freedoms and as such urges Azerbaijan to reassess its policy towards independent civil society with a view to facilitating an open and inclusive national discourse in line with international standards;
5. Urges Azerbaijani authorities to withdraw the amendments to the Law on Grants, the Law on Non-governmental Organisations, and the Code of Administrative Offences, as these amendments undermine Azerbaijan's commitment to the development of the NGO sector and the progress towards full democratization of the country;
6. Calls on Azerbaijani authorities to respect the freedom of the press and media, both online and offline, and to secure freedom of expression in line with international standards and avoid the censorship of criticism directed at the government via media outlets such as the independent newspaper Azadliq;
7. Reaffirms its position that EU support to and cooperation with the Republic of Azerbaijan, including the ongoing negotiations on a Strategic Modernisation Partnership, must be conditional on and include clauses relating to the protection and promotion of human rights, especially with regard to freedom of the media, freedom of expression, freedom of association and freedom of assembly,
8. Stresses that European Parliament consent to the signature of a partnership agreement with Azerbaijan will be conditional upon satisfactory reflection of the above-mentioned requirements, the release of human rights defenders, the withdrawing of legislation restricting the operations of independent civil society and an end to repression and intimidation of NGOs, independent media, opposition forces, human rights defenders, youth and social network activists;
9. Calls on the Commission to review and suspend funding granted to Azerbaijan through the European Neighbourhood Policy Instrument in light of the above mentioned incidents of human rights defenders targeted for documenting human rights violations in Azerbaijan;
10. Calls on the European Commission and EU member states to maintain funding for civil society.
11. Calls on the EU and its member states to offer strong political support to independent organizations and raise the issue directly at the highest level with the government of Azerbaijan to seek an end to these repressive measures;

12. Recalls its position from 24 May 2012 and calls on the Council to consider the possibility of targeted sanctions against those responsible for human rights violations, should these persist
13. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the Governments and Parliament of the Republic of Azerbaijan, the Council of Europe, the OSCE and the UN Human Rights Council.