



Plenary sitting

B8-0056/2019

15.1.2019

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 Azerbaijan, notably the case of Mehman Huseynov
(2019/2511(RSP))

Rebecca Harms, Heidi Hautala, Barbara Lochbihler, Indrek Tarand
on behalf of the Verts/ALE Group

European Parliament resolution on Azerbaijan, notably the case of Mehman Huseynov (2019/2511(RSP))

The European Parliament,

- Having regard to its previous resolutions on the situation in Azerbaijan with regard, in particular, to the recommendation of 4 July 2018 to the Council, the Commission and the EEAS on the negotiations of the EU-Azerbaijan Association Agreement, to its resolution on the persecution of Human Rights defenders in Azerbaijan of 18 September 2014,
- having regard to its previous resolutions on the European Neighbourhood Policy and in particular to the ones on the Eastern Partnership,
- Having regard to the Partnership and Cooperation Agreement with Azerbaijan of 1996 and to the adoption by the Council on 14 November 2016 of a mandate to the European Commission and the High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) to negotiate a comprehensive agreement with Azerbaijan,
- having regard to the statement of the HR/VP on the sentencing of Mehman Huseynov in Azerbaijan of 7 March 2017,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. Whereas anti-corruption blogger and Chairman of the Institute for Reporters' Freedom and Safety (IRFS) Mehman Huseynov was arrested and sentenced to 2-years in prison in March 2017 on defamation charges, following his statement in front of the courthouse in which he described abuses he had suffered in the police station,

B. whereas Huseynov, who is due to be released in March 2019, has been facing a possible additional 5 to 7-year prison sentence on charges of "using violence to resist a person in authority" under the Article 315.2, which was later changed into the Article 317.2 - "application of violence not dangerous to life or health of employees of criminal - executive establishments or investigator isolators",

C. whereas Huseynov is accused of attacking a prison guard to avoid a routine check on 26 December 2018 and following this he was placed in solitary confinement without the right to see his lawyer; whereas on 26 December Mehman started a hunger strike against these attempts and potential additional charges; whereas on December 30, the blogger's health condition deteriorated sharply, and he fainted and after that, at the insistence of his relatives, he stopped the dry hunger strike and began to take water;

D. whereas on 4 January 2019 the Nizami District Court of Baku ruled on the administrative punishment of those who had taken part in the protest against the new criminal case against

the blogger Mehman Huseynov; whereas all of them were found guilty under Article 513.2 (violation of the rules for holding rallies, pickets and demonstrations) of the Code of Administrative Offenses,

E. whereas media environment and freedom of expression in Azerbaijan has not shown any substantial progress; whereas Azerbaijan is ranked 163rd among 180 countries in the 2018 World Press Freedom Index published by Reporters without Borders; whereas 10 journalist are currently serving prison terms in Azerbaijan,

F. whereas since May 2017, over 20 websites have been blocked in Azerbaijan, including Azadliq Radio (Radio Free Europe/Radio Liberty Azerbaijan Service) and its international service, Radio Free Europe Radio Liberty, Azadliq Newspaper (independent of the Azadliq radio), Meydan TV, Turan TV and Azerbaijan Saadi (Azerbaijan Hour), OCCRP (Organized Crime and Corruption Reporting Unit), abzas.net, obyektiv.tv and others.,

G. whereas on 22 December 2018 investigative journalist Khadija Ismayilova received a court decision to pay AZN 45,145.43 (approximately EUR 23.000) in fines related to the RFE/RL income tax; whereas she has never been legal or financial representative of RFE/RL; whereas Ismaylova's lawyer Yalchin Imanov can no longer represent her client due to the changes introduced to the Code of Civil and Administrative Procedure and the Bar Act in late 2017 that prohibit practicing lawyers who are not members of the Bar Association from appearing in the court,

H. whereas the European Court of Human Rights on 10/01 announced the decision on the complaint that Khadija Ismayilova had filed against the government of Azerbaijan concerning an ineffective investigation into the violation of privacy secrets, initiated in connection with the spread of videos concerning Khadija's personal life finding a violation of the rights of Ismayilova under Articles 8 (respect for personal and family life) and 10 (freedom of expression) of the European Convention on Human Rights,

I. whereas numerous lawyers active in the defence of opposition members and human rights militants have been disbarred in 2018 or face disciplinary measures,

J. whereas Ilgar Mammadov, despite his welcomed release in August 2017, remains condemned to a suspended sentence and faces continued restrictions to his freedoms, including his freedom of movement,

K. whereas independent Azerbaijani journalist Afgan Mukhtrali, who, was abducted in Tbilisi, Georgia in May 2017 by unknown individuals and brought to Azerbaijan, was sentenced in January 2018 by the court in Azerbaijan to six years in prison on bogus charges of illegal border crossing, smuggling and violently resisting a law enforcement official,

L. whereas Azerbaijan authorities continue to target leading and rank-and-file members of opposition parties, including with the sentencing of Azerbaijan Popular Front Party (APFP) Deputy Chairwoman Gozel Bayramli, leading member Orkhan Bakhishli, opposition Musavat party member Alikram Khurshidov, and maintaining Mammad Ibrahim, advisor to the APFP's chairman, in prison on additional charges after the end of his prison term,

M. whereas Azerbaijan is a member of the Council of Europe, therefore committed to the

respect for democratic principles, human rights and the rule of law; whereas the two co-rapporteurs for Azerbaijan of the Parliamentary Assembly of the Council of Europe and the Council of Europe Commissioner for Human Rights Dunja Mijatović have expressed deep concern at the new charges brought against Mehman Husseynov, whereas the same concerns have been expressed by the OSCE Representative on Freedom of the Media,

N. whereas on 7 February 2017 the EU and Azerbaijan launched the negotiations of a new agreement that will follow the principles endorsed in the 2015 review of the European neighbourhood policy and offer a renewed basis for political dialogue and mutually beneficial cooperation between the EU and Azerbaijan,

O. whereas on 11 July 2018 the EU and Azerbaijan finalised the Partnership Priorities that set the joint policy priorities that will guide and enhance the EU-Azerbaijan partnership over the coming years,

1. Calls on the Azerbaijani authorities to drop all additional charges against Mehman Husseynov and to release him without any delay; calls, furthermore, to provide him with all the necessary medical assistance;

2. Welcomes the releases in Azerbaijan of several high-profile human rights defenders, journalists, opposition members and activists over the last years and calls on the authorities to unconditionally release all others in jail for exercising their fundamental rights,; calls, furthermore, on the Azerbaijani authorities to ensure free movement of those that face restrictions including Ilgar Mammadov, Khadija Ismaylova, and other journalists, and allow them to work freely;

3. Calls for the suspension of the criminal investigation against Khadija Ismailova on alleged tax evasion and for dropping all the charges against her, while removing the travel ban;

4. Reminds Azerbaijan of its obligations stemming from the European Convention on Human Rights and calls on the Azeri authorities to fully respect and enforce the rulings of the European Court of Human Rights with regard, in particular, to the ones concerning Ilgar Mammadov and Khadija Ismayilova;

5. Urges the government of Azerbaijan to fully cooperate with and implement the recommendations of the Council of Europe's Venice Commission and Commissioner for Human Rights, the UN special procedures in regard to human rights defenders and to ensure that independent civil society groups and activists can operate freely and without restrictions, including by amending the laws severely restricting the funding of civil society;

6. Calls on Azerbaijan to fully respect freedom of the press and media, both in legislation and in practice and both online and offline, to guarantee freedom of expression in line with international standards and to end censorship of criticism of the government via media outlets;

7. Urges the Azerbaijani authorities to ensure the independence of judiciary by allowing independent practicing lawyers to continue practicing and representing clients under the notarized power of attorney and to put an end to arbitrary disbarment of lawyers;

8. Highlights the importance of the new agreement between the European Union and Azerbaijan; stresses that democratic reforms, the rule of law and the respect for human rights must be at the core of the new agreement; takes the view that before the end of the negotiations of the new agreement all the political prisoners should be released and substantial progress should be made in the field of fundamental rights;

9. Instructs its President to forward this resolution to the Council, the EEAS and the Commission, to the President, the government and the parliament of Georgia, to the President and the parliament of Azerbaijan and to the Council of Europe.