



Plenary sitting

B8-0063/2019

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))

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on behalf of the ALDE 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 Azerbaijan, in particular those concerning the human rights situation and the rule of law,
 - having regard to its recommendation of 4 July 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the negotiations on the EU-Azerbaijan Comprehensive Agreement,
 - having regard to the a Partnership and Cooperation Agreement (PCA) between the EU and Azerbaijan, which took effect in 1999, the creation of the Eastern Partnership (EaP) and Azerbaijan’s participation in the Euronest Parliamentary Assembly (PA),
 - having regard to the mandate adopted on 14 November 2016 for the European Commission and the VP/HR to negotiate, on behalf of the EU and its Member States, a comprehensive agreement with the Republic of Azerbaijan and the launch of the negotiations on the abovementioned agreement on 7 February 2017,
 - having regard to the statements by the Human Rights Commissioner of the Council of Europe, Dunja Mijatović, of 7 January 2019, and by the Human Rights Committee of the Council of Europe International NGO (INGO) Conference of 7 January 2019, on the case of blogger Mehman Huseynov,
 - having regard to the statement of the VP/HR on the sentencing of Mehman Huseynov in Azerbaijan of 7 March 2017,
 - having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline,
 - having regard to Rules 135(5) and 124(4) of its Rules of Procedure,
- A. whereas on 26 December 2018 a new criminal charge was brought against the jailed anti-corruption blogger Mehman Huseynov, Chairman of the Institute for Reporters’ Freedom and Safety (IRFS), on accusations of violence against prison officials in ‘Prison No 14’; whereas these charges were initially made under Article 315.2 of the Criminal Code of Azerbaijan (“resistance or application of violence towards a representative of authority – application of violence, posing a threat to life or health”), and later changed to Article 317.2 (“application of violence not dangerous to life or health of employees of criminal - executive establishments or investigator isolators”); whereas Mr Huseynov’s lawyer was not allowed to visit him after the accusations of attacking a prison guard were tabled and Mr Huseynov was placed in solitary confinement;

- B. whereas these new charges against Mehman Huseynov could extend his prison sentence for up to 7 years and come when he has just two months left of his current prison sentence, which he is serving since March 2017, following a conviction for defamation under Part 2 of Article 147 of the Criminal Code of Azerbaijan, after he had publicly criticised his country's officials for corruption and accused the police of torture;
- C. whereas as a consequence of these new charges, Mehman Huseynov initiated a hunger strike in protest; whereas, despite him having now re-started the intake of liquid food, his health condition remains worrying;
- D. whereas a number of journalists and supporters protested against the additional charges against Mehman Huseynov on 4 and 6 January, but have been consequentially summoned to court hearings and subjected to administrative arrests and/or fines;
- E. whereas, according to the Eastern partnership Civil Society Forum, this is already the fifth recent case where a political prisoner is facing new proceedings while in prison just before the end of the current term;
- F. whereas the 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 journalists are currently serving prison terms in Azerbaijan;
- G. whereas several independent media websites and portals remain inaccessible inside the country, including Azadliq Radio (Radio Free Europe/ Radio Liberty Azerbaijan Service) and its international service, Radio Free Europe Radio Liberty, Azadliq newspaper (independent of Azadliq Radio), Meydan TV, and Azerbaijan Saadi (Azerbaijan Hour), among others;
- H. whereas amendments introduced to the Code of Civil and Administrative Procedure and the Bar Act in late 2017 prohibit practicing lawyers, who are not members of the Bar Association, from appearing in court;
- I. whereas numerous lawyers have been disbarred in 2018, including Khalid Bagirov, Elchin Namazov, Farhad Mehdiyev, Aslan Ismayilov, Muzaffar Bakhishov, Alain Hasanov and Yalchin Imanov; whereas Sadigiv is facing a disciplinary inspection; whereas licenses of Fakhraddin Megdiyev, Asabali Mustafayev and Nemat Karimli were suspended for one year; in order to prevent them from representing political prisoners;
- J. whereas investigative journalist Khadija Ismayilova is facing new criminal charges; whereas in December 2018, the Baku Economic and Administrative Court ordered Ismayilova to pay a fine of over 23.000 EUR for an alleged income tax evasion case by

Radio Free Europe where she worked as an editor and never held a position of a legal representative; whereas her lawyer, Yalchin Imanov, is among those who were disbarred from the Azerbaijani bar association and thus she is left without a legal representative;

- K. whereas young activists Giyas Ibrahimov, Bayram Mammadov and Ilkin *Rustamzadeh* continue to serve long prison sentences of 10, 10, and 8 years respectively on trumped-up charges;
- L. whereas Azerbaijan is a member of the Council of Europe, and has, therefore, committed to the respect for democratic principles, human rights and the rule of law;
- M. whereas in April 2018 an independent investigation into corruption allegations focused on Azerbaijan concluded ‘strong suspicions’ that several members of the Council of Europe’s parliamentary assembly (PACE) were bribed to soften the body’s criticism of the serious human rights violations in Azerbaijan;
- N. whereas in 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. Demands the immediate and unconditional release of Mehman Huseynov and urges the Azerbaijani government to drop all new charges against him; expresses concern over his health and demands that the authorities provide him with urgent professional medical care;
 2. Calls for an end to Azerbaijan’s crackdown on dissent and calls for the immediate and unconditional release from jail of all political prisoners, including journalists, human rights defenders and other civil society activists, including Afgan Mukhtarli, Ilkin Rustamzadeh, Rashad Ramazanov, Seymour Hazi, Giyas Ibrahimov, Mehman Huseynov, Bayram Mammadov, Ilgar Mammadov, Araz Guliyev, Tofiq Hasanli, Ilgiz Qahramanov, Afgan Sadygov and others, including, but not limited to, those covered by the relevant judgments of the European Court of Human Rights (ECHR), and calls for all charges against them to be dropped, and for the full restoration of their political and civil rights, also extended to previously imprisoned and since released political prisoners such as Intigam Aliyev, Khadija Ismayilova and others;
 3. Expresses concern over the new criminal charges brought against Khadija Ismayilova and calls for an end to the continuous harassment and intimidation against her, which is detrimental to freedom of expression in the country;
 4. Is particularly alarmed about the human rights defenders’ reports on cases of physical violence and torture while in custody;

5. Urges the Azerbaijani authorities to ensure that independent civil society groups and activists can operate without undue hindrance or fear of persecution, including by repealing the laws restricting civil society activities, unfreezing bank accounts of non-governmental groups and their leaders, and allowing access to foreign funding;
6. Demands that the independence of judiciary is guaranteed and protection of lawyers from disbarment is enhanced; strongly condemns the practice of disbarring lawyers in order to prevent them from representing political prisoners;
7. Urges the government of Azerbaijan to fully comply with all ECHR rulings, 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, the rights of freedom of association and peaceful assembly, freedom of expression and arbitrary detention, with the aim of amending its legislation and adapting its practices in full conformity with the conclusions of the experts;
8. 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; urges Azerbaijan to restore access to independent media websites and portals, including Azadliq Radio (Radio Free Europe/ Radio Liberty Azerbaijan Service) and its international service, Radio Free Europe Radio Liberty, Azadliq newspaper (independent of Azadliq Radio), Meydan TV, and Azerbaijan Saadi (Azerbaijan Hour), among others;
9. Expresses concern over the situation of LGBTI people in Azerbaijan and calls on the Azerbaijani government to stop obstructing and intimidating human rights defenders working for LGBTI people;
10. Expresses concern over allegations involving several members of the Council of Europe's parliamentary assembly (PACE) and denounces attempts by Azerbaijan to influence European decision-makers through illicit means in order to hinder criticism of serious human rights violations in Azerbaijan;
11. Notes the new partnership agreement between the European Union and Azerbaijan; stresses that democratic reforms, the rule of law, good governance, and the respect for human rights and fundamental freedoms must be at the core of the new agreement; reminds that it will closely monitor the situation throughout the negotiations on a new agreement prior to deciding on whether to give its consent or not; emphasises that the current human rights situation in Azerbaijan does not warrant deepening of EU-Azerbaijan cooperation;

12. Calls on the Council, the Commission and the VP/HR to make the release of Mehman Huseynov and other political prisoners in Azerbaijan central in the continued EU-Azerbaijan Human Rights Dialogue as well as in the negotiations on a new agreement, and urges the VP/HR and EEAS officials to publicly and privately express their concern about the human rights situation in Azerbaijan to the Azerbaijani authorities;
13. Urges the EU and Member States' delegations in Azerbaijan to continue to support civil society and respect for human rights;
14. Instructs its President to forward this resolution to the Council, the European External Action Service, the Commission, the President, Government and Parliament of the Republic of Azerbaijan, the Council of Europe, and the OSCE.