

**Azerbaijan: freedom of expression**

**European Parliament resolution of 17 December 2009 on Azerbaijan: freedom of expression**

*The European Parliament,*

- having regard to its previous resolutions on Azerbaijan and, in particular, those of 9 June 2005<sup>1</sup> and 27 October 2005<sup>2</sup>,
  - having regard to its resolution of 15 November 2007 on strengthening the European Neighbourhood Policy<sup>3</sup>,
  - having regard to its resolution of 17 January 2008 on a more effective EU policy for the South Caucasus: from promises to actions<sup>4</sup>,
  - having regard to the EU statement of 22 January 2009 on freedom of the media in Azerbaijan and the EU Presidency statement of 12 November 2009,
  - having regard to the statement by the Secretary General of the Council of Europe of 12 November 2009 on freedom of expression in Azerbaijan,
  - having regard to the statements of the OSCE Representative on Freedom of the Media on the deteriorating media situation in Azerbaijan, including his statements of 22 May 2007, 11 April 2008, 17 July 2008, 30 December 2008, 21 April 2009, 10 September 2009, 14 October 2009 and 11 November 2009,
  - having regard to the EU's statement in the OSCE Permanent Council of 9 July 2009 of its full support for the work of the OSCE Representative on Freedom of the Media in relation to Azerbaijan, and to the statement of the EU Presidency of 12 November 2009 on the conviction of the youth activists and bloggers Emin Milli and Adnan Hajizade,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas Azerbaijan is actively participating in the European Neighbourhood Policy (ENP) and the Eastern Partnership and is committed to respecting democracy, human rights and the rule of law, which are core values of these two initiatives,
- B. whereas, in September 2009, the Council decided to enhance relations between the EU and the three countries of the South Caucasus and invited the Commission to prepare draft negotiating directives for new agreements replacing the existing Partnership and Cooperation Agreements, which are due to expire soon,

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<sup>1</sup> OJ C 124 E, 25.5.2006, p. 569.

<sup>2</sup> OJ C 272 E, 9.11.2006, p. 567.

<sup>3</sup> OJ C 282 E, 6.11.2008, p. 443.

<sup>4</sup> OJ C 41 E, 19.2.2009, p. 53.

- C. whereas the decree signed by President Ilham Aliyev on 28 December 2007 freed 119 prisoners, including five journalists,
- D. whereas there is a well-documented record of recent sentencing, harassment and intimidation of media professionals in Azerbaijan, including as described in the recent Background Report on Respect for Media Freedom to the Committee on Culture, Science and Education of the Parliamentary Assembly of the Council of Europe and reports by Amnesty International and Reporters sans Frontières,
- E. whereas the media climate has deteriorated in recent years – in spite of the adoption of the ENP Action Plan – with the temporary closure of independent TV and radio broadcasting organisations, the eviction of leading opposition newspapers from their offices, numerous court cases against members of the media, and physical attacks on journalists that have caused a widespread sense of fear and self-censorship among them; whereas, in December 2008, the BBC, Radio Free Europe/Radio Liberty and other foreign media were barred from broadcasting on FM radio frequencies,
- F. whereas the bloggers Emin Milli and Adnan Hajizade were arrested on 8 July 2009 after being attacked by two men in a restaurant in the capital, Baku, where, according to witnesses interviewed by Amnesty International, they were assaulted while dining with other activists,
- G. whereas the two bloggers had used online networking tools, including YouTube, Facebook and Twitter, to disseminate information about the political situation in Azerbaijan, criticising the country's government; whereas, on 11 November 2009, Baku's Sabail regional court sentenced Emin Milli to two-and-a-half years' and Adnan Hajizade to two years' imprisonment on charges of hooliganism and inflicting minor bodily harm,
- H. whereas the charges against the two activists appear to have been politically motivated,
1. Deplores the sentencing, on 11 November 2009, of the bloggers Emin Milli and Adnan Hajizade to harsh prison terms on the basis of highly unlikely charges and an unfair trial; calls for the immediate release of Mr Milli and Mr Hajizade and for a new, fully open and fair trial on the basis of an unbiased police investigation and in accordance with all relevant international standards;
  2. Is concerned about the deterioration of media freedom in Azerbaijan, deplores the practice of arresting, prosecuting and convicting opposition journalists on various criminal charges, as demonstrated in the case of Eynulla Fatullayev, and calls on the Azerbaijani authorities to release the imprisoned journalists immediately;
  3. Recalls the March 2005 statement by President Ilham Aliyev, in which he asserted that the rights of every journalist were protected and should be defended by the state;
  4. Calls on the Azerbaijani authorities to address the lack of police investigation into cases of violence and harassment against journalists and the fact that many crimes have so far gone unpunished; stresses that the safety of media workers must be improved as a matter of urgency; welcomes proposed amendments to the criminal-law provisions on defamation and libel – as these provisions could create obstacles to exercising the rights of freedom of expression and information and might lead to self-censorship – and calls for their swift adoption;

5. Urges the Azerbaijani authorities to pay special attention to the safety and freedom of civil-society activists, particularly those involved in non-governmental youth organisations, 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 the recent wave of violence against media representatives;
6. Deplores the series of negative developments in relation to the media and individual journalists in Azerbaijan listed in the Background Report on Respect for Media Freedom recently prepared for the Committee on Culture, Science and Education of the Parliamentary Assembly of the Council of Europe; notes the new regular report by the OSCE Representative on Freedom of the Media to the OSCE Council, as well as the deep concerns expressed by international NGOs such as the Committee to Protect Journalists, Reporters sans Frontières, International PEN and Human Rights Watch;
7. Urges the Azerbaijani authorities to renew the FM radio licences of a number of international broadcasters, namely the BBC World Service, Voice of America and Radio Free Europe/Radio Liberty; points out that the termination of these stations' broadcasting on FM frequencies removes important, objective and valuable independent sources of quality public-service information and restricts media plurality in Azerbaijan;
8. Calls on the Azerbaijani authorities to demonstrate sufficient progress in meeting the conditions for the upgrading of contractual relations – as stipulated in the Declaration by the European Council of 19-20 March 2009 on the Eastern Partnership – notably in the areas of democracy, the rule of law and human rights;
9. Welcomes the efforts by the Azerbaijani authorities, including the two meetings held in 2009 by Azerbaijan's State Commission for European Integration, to improve the existing mechanisms for protecting human rights and enhance the capacity of democratic institutions in the country and calls on the EU and Azerbaijan to step up their dialogue on human rights issues;
10. Welcomes the Azerbaijani authorities' participation in the review of Azerbaijan at the sixth meeting of the UN Working Group on the Universal Periodic Review (UPR), on 6 February 2009, and calls on the Azerbaijani Government to implement the UPR recommendations in full, including by ratifying the Rome Statute of the International Criminal Court, decriminalising defamation and libel to eliminate unnecessary pressures on journalists; ensuring that freedom of expression and media freedom are fully respected; safeguarding access to broadcast media; investigating and prosecuting those who perpetrate crimes and harass journalists and human rights defenders; effectively implementing the rights of peaceful assembly and freedom of association; improving prison conditions; and protecting the rights of vulnerable groups, including minorities, migrants, asylum-seekers and internally displaced persons;
11. Looks forward to the implementation of the Azerbaijani Government's project 'Support for Justice Reforms in Azerbaijan', intended to improve the independence of the judiciary, in particular in relation to the establishment and functioning of the Academy of Justice and the regional justice departments, and to reforms in the prison system in accordance with international standards;
12. Calls on the Azerbaijani authorities to guarantee that the local elections on 23 December

2009 will be free, fair and in accordance with international standards and acknowledges the importance of the electoral process to state-building, through continued democratic reforms at local level and consolidation of civil society and the overall political system;

13. Welcomes the establishment of the new sub-committees of the EU-Azerbaijan Cooperation Committee, which will strengthen the institutional framework for discussions in the field of justice, freedom and security and on respect for human rights and democracy, as well as employment and social affairs, public health, education and youth, culture, the information society, audio-visual policy, science and technology;
14. Calls for renewed efforts by Azerbaijan to implement in full the ENP Action Plan and on the Commission to continue to assist Azerbaijan in such efforts;
15. Calls on the President of the Republic of Azerbaijan to monitor the work of law-enforcement and state security structures in his country, especially in relation to the media and other human rights issues, as their work and style are deliberately distancing Azerbaijan from the EU;
16. Instructs its President to forward this resolution to the Council, the Commission and the President and Parliament of Azerbaijan.