



TEXTS ADOPTED

P8_TA(2019)0033

Azerbaijan, notably the case of Mehman Huseynov

European Parliament resolution of 17 January 2019 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, in particular those of 15 June 2017 on the case of Azerbaijani journalist Afgan Mukhtarli¹, of 10 September 2015 on Azerbaijan² and of 18 September 2014 on the persecution of human rights defenders in Azerbaijan³,
- 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 Agreement⁴,
- having regard to its previous resolutions on the European Neighbourhood Policy, in particular its recommendation of 15 November 2017 to the Council, the Commission and the EEAS on the Eastern Partnership, in the run-up to the November 2017 Summit⁵,
- having regard to its resolution of 13 September 2017 on corruption and human rights in third countries⁶,
- having regard to the 15th EU-Azerbaijan Parliamentary Cooperation Committee (PCC) meeting, held in Baku from 7 to 8 May 2018,
- having regard to the EU-Azerbaijan Partnership and Cooperation Agreement of 1996 and to the Council's adoption on 14 November 2016 of a mandate for the Commission and the VP/HR to negotiate a comprehensive agreement with Azerbaijan, and the launch of the negotiations on the abovementioned agreement on 7 February 2017,

¹ OJ C 331, 18.9.2018, p. 105.

² OJ C 316, 22.9.2017, p. 207.

³ OJ C 234, 28.6.2016, p. 2.

⁴ Texts adopted, P8_TA(2018)0294.

⁵ OJ C 356, 4.10.2018, p. 130.

⁶ OJ C 337, 20.9.2018, p. 82.

- having regard to the VP/HR’s statement of 7 March 2017 on the sentencing of Mehman Huseynov in Azerbaijan,
 - having regard to the EU Human Rights Guidelines on Freedom of Expression Online and Offline,
 - having regard to the latest report of the Working Group on Arbitrary Detention on its mission to Azerbaijan to the United Nations Human Rights Council¹,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Mehman Huseynov, an anti-corruption blogger and director of the Institute for Reporters’ Freedom and Safety (IRFS), is serving a two-year prison sentence following his conviction on 3 March 2017 for publically complaining about his experiences of ill-treatment and torture by the police, as well as for criticising government officials through exposure of their unexplained wealth;
 - B. whereas Mr Huseynov, who is due to be released in March 2019, is facing a possible additional prison sentence of 5 to 7 years on charges of ‘application of violence not dangerous to life or health to employees of criminal - executive establishments or investigator isolators’ under Article 317.2;
 - C. whereas Mr Huseynov is accused of attacking a prison guard to avoid a routine check on 26 December 2018; whereas, following the alleged attack, he was placed in solitary confinement without the right to see his lawyer; whereas on 28 December Mr Huseynov started a hunger strike to protest against these attempts to extend his sentence and the potential new charges; whereas on 30 December the blogger’s health condition deteriorated and he fainted; whereas, at the insistence of his relatives, he stopped the dry hunger strike and began to take liquids; whereas on 11 January 2019 the EU Delegation to Azerbaijan was able to visit him and it was confirmed that he was receiving medical assistance;
 - D. whereas this is not an isolated case, with other instances of the authorities pressing new charges against political prisoners whose current prison sentences are shortly coming to an end; whereas, according to the Eastern Partnership Civil Society Forum, this is the fifth such case in recent months;
 - E. 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 Mr Huseynov, namely Mete Turksoy, Afghan Sadigov, Nurlan Gahramanli, Elimkhan Aghayev, Sakhavat Nabiyeu, Ismayil Islamoghlu, Goshgar Ahmadov, Yashar Khaspoladov, Farid Abdinov, Elchin Rahimzade, Orkhan Mammadov, Bakhtiyar Mammadli, Fatima Movlamli, Matanat Mahmurzayeva and Parvin Abishova; whereas all of the accused were found guilty under Article 513.2 (violation of the rules for holding rallies, pickets and demonstrations) of the Code of Administrative Offences;
 - F. whereas the media environment and freedom of expression in Azerbaijan have not shown any substantial progress; whereas Azerbaijan is ranked 163rd among 180

¹ Report A/HRC/36/37/Add.1 of 2.8.2017.

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 blocked and inaccessible inside the country, including Azadliq Radio (Radio Free Europe/Radio Liberty Azerbaijan Service) and its international service, Radio Free Europe Radio Liberty, the newspaper Azadliq (unrelated to Azadliq Radio), Meydan TV and Azerbaijan Saadi (Azerbaijan Hour), among others; whereas in late 2017 and early 2018 scores of Azerbaijani citizens were questioned for posting critical commentary on Facebook, or simply liking a social media status, or clicking 'attend' for political rallies;
- H. whereas in December 2018 the Baku Economic and Administrative Court ordered investigative journalist Khadija Ismayilova to pay a fine of over EUR 23 000 for an alleged income tax evasion case involving 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; whereas on 10 January 2019 the European Court of Human Rights ruled on the complaint filed by Ms Ismayilova against the Government of Azerbaijan in connection with the spreading of videos concerning her personal life, finding that her rights had been violated under Articles 8 (respect for personal and family life) and 10 (freedom of expression) of the European Convention on Human Rights;
- I. whereas amendments introduced in the Code of Civil and Administrative Procedure and the Bar Act in 2017 prohibit practising lawyers who are not members of the Bar Association from appearing in court and representing their clients; whereas this new rule targets numerous lawyers representing opposition members and human rights activists who have been disbarred or who face disciplinary measures;
- J. whereas Azerbaijan is a member of the Council of Europe and has therefore committed to respect 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 (PACE) and the Council of Europe Commissioner for Human Rights have expressed deep concern at the new charges brought against Mr Huseynov; whereas the same concerns have been expressed by the OSCE Representative on Freedom of the Media;
- K. whereas on 11 July 2018 the EU and Azerbaijan finalised their Partnership Priorities, setting the joint policy priorities to guide and enhance the EU-Azerbaijan partnership over the coming years;
 - 1. Calls for the immediate and unconditional release of Mehman Huseynov and urges the Azerbaijani authorities to drop all new charges against him; expresses concern over his health for which the authorities must provide all the necessary professional medical assistance and allow regular access for his family and privileged legal counsel;
 - 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, but not limited to, Afgan Mukhtarli, Ilkin Rustamzadeh, Rashad Ramazanov, Seymur Hazi, Giyas Ibrahimov, Mehman Huseynov, Bayram Mammadov, Araz Guliyev, Tofiq Hasanli, Ilgiz Qahramanov and Afgan Sadygov, and calls for all charges against them to be dropped, and for the full restoration of their political and civil rights;

3. Welcomes the release in Azerbaijan of several high-profile human rights defenders, journalists, opposition members and activists over the last few years; calls on the Azerbaijani authorities to ensure free movement of those that face restrictions, including Ilgar Mammadov, Intigam Alyiev, Khadija Ismaylova, and other journalists, and to allow them to work freely; expresses concern over the new criminal charges brought against Ms Ismaylova and calls for them to be dropped;
4. Reminds Azerbaijan of its obligations stemming from the European Convention on Human Rights and calls on the Azerbaijani authorities to fully respect and enforce the rulings of the European Court of Human Rights;
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, as well as 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 restriction, including by amending the laws severely restricting the funding of civil society;
6. Calls on Azerbaijan to fully guarantee freedom of the press and media, both in legislation and in practice, both online and offline, to guarantee freedom of expression in line with international standards;
7. Urges the Azerbaijani authorities to ensure the *de facto* independence of the Bar Association from the executive; insists that independently practising lawyers be allowed to continue practising and representing their clients under the notarised power of attorney, and calls for an end to the arbitrary disbarment of lawyers representing members of the opposition and human rights activists;
8. Expresses concern over allegations involving several members of the PACE and alleged attempts to influence European decision-makers through illicit means aimed at hindering criticism of serious human rights violations in Azerbaijan;
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 promoting and protecting the rights of LGBTI people;
10. Underlines the importance of the new agreement between the EU and Azerbaijan; stresses that democratic reforms, the rule of law, good governance and respect for human rights and fundamental freedoms must be at the core of the new agreement; stresses that it will closely monitor the situation throughout the negotiations on a new agreement prior to taking the decision on giving its consent to the agreement;
11. Calls on the Council, the Commission and the VP/HR to ensure that the release of Mr Huseynov and all other political prisoners in Azerbaijan remains a priority in EU-Azerbaijan bilateral relations;
12. Urges the EU and Member States' delegations in Azerbaijan to redouble their efforts to support and assist political prisoners, reporters and bloggers, anti-corruption activists, human rights defenders and members of civil society;
13. 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.