Azerbaijan, in particular the case of Rafig Tagi

European Parliament resolution of 15 December 2011 on Azerbaijan, in particular the case of Rafig Tagi

The European Parliament,

– having regard to its previous resolutions on Azerbaijan, in particular those concerning human rights,

– having regard to the conclusions of the Second Eastern Partnership Summit, held on 29-30 September 2011,

– having regard to the Partnership and Cooperation Agreement between the EC and Azerbaijan, which entered into force in 1999,

– having regard to the statement by the spokesperson of the EU High Representative, Catherine Ashton, of 12 October 2011,

– having regard to the conclusions of the EU-Azerbaijan Cooperation Council’s twelfth meeting, held in Brussels on 25 November 2011,

– having regard to Rule 122(5) of its Rules of Procedure,

A. whereas Rafig Tagi, a prominent Azerbaijani writer and journalist, died in Baku on 23 November 2011 from the injuries he had sustained during a brutal knife attack four days earlier;

B. whereas the Azerbaijani Government opened a criminal investigation into the attack;

C. whereas Rafig Tagi had reportedly been receiving death threats in the weeks prior to the attack, believed to be in retaliation for an article, amongst others, published on the Radio Azadiyq (Liberty) website on 10 November 2011, in which he criticised the current Iranian Government;

D. whereas Rafig Tagi served a prison sentence following his conviction in May 2007 on charges of inciting religious hatred, based on an article he had written in the newspaper Sanat, in which he argued that Islamic values were preventing Azerbaijan’s integration into European structures and stunting its democratic progress;

E. whereas a leading Iranian cleric, Grand Ayatollah Fazel Lankarani, issued the fatwa calling for Rafiq Tagi to be killed after Rafig Tagi published the said article; whereas the fatwa also called for Samir Sadagatoglu, the editor of the Sanat newspaper, to be killed;

F. whereas the Iranian authorities never condemned this fatwa, which appears to be an incitement to murder, nor have they clarified that anyone suspected of inciting, planning, carrying out or aiding attacks on Rafig Tagi or Samir Sadagatoglu should be brought to justice;
G. whereas the UN Human Rights Committee, which oversees the implementation of the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party, recently expressed concern about Article 226 of the Iranian Penal Code, which states that ‘committing murder will result in retaliation provided the murdered person did not deserve to die in accordance with Islamic law’; whereas fatwas are used to justify the fact that an individual ‘deserves to die’;

H. whereas the Azerbaijani authorities never clearly condemned the fatwa and public death threats which Rafiq Tagi received during his trial for ‘defamation of religion’ in 2007; whereas even his death has only had minimal coverage on state-controlled TV and the authorities have yet to publicly condemn his murder;

I. whereas the Azerbaijani authorities have a poor record of investigating attacks against journalists, contributing significantly to the climate of fear and impunity which is spreading throughout the media landscape over recent years;

J. whereas Azerbaijan is actively participating in the European Neighbourhood Policy and the Eastern Partnership, is a founding member of Euronest and is committed to respecting democracy, human rights and the rule of law, that are core values of these initiatives;

K. whereas Azerbaijan will take up a non-permanent seat in the United Nations Security Council (UNSC) for the period of 2012-2013, and has committed to uphold the values as expressed in UN Human Rights Charter;

L. whereas Azerbaijan is a member of the Council of Europe and a party to the European Convention on Human Rights (ECHR), as well as a number of other international human rights treaties, including the International Covenant on Civil and Political Rights;

M. whereas Azerbaijan has subscribed to respect human rights as part of core European values in the framework of its membership of the Council of Europe, the OSCE, the ENP Action Plan, and the Joint Declaration on the Prague Eastern Partnership Summit;

1. Strongly condemns the murder of Rafiq Tagi and expresses its concern over the safety of Samir Sadagatoglu; is disappointed with the failure of the Azerbaijani authorities to clearly condemn the murder of Rafiq Tagi and ensure public awareness of the investigation of the circumstances surrounding his death;

2. Welcomes the move by the Azerbaijani Government to set up a special working group to investigate the murder of Rafiq Tagi; calls on the Azerbaijan authorities to ensure that the investigation is thorough and effective, and that perpetrators are prosecuted and brought to justice in a trial which meets international fair trial standards;

3. Calls on the Azerbaijani authorities to do their utmost to protect the life and safety of Samir Sadagatoglu;

4. Draws attention to the fact that the ICCPR provides for freedom of opinion and expression, including criticism of religions and belief systems; stresses that the right to free speech, both offline and online, is foundational to a free and democratic society and to the protection and promotion of other rights; calls on the Azerbaijani authorities to refrain from abusing the criminal law to stifle free debate on religion;
5. Reiterates that unrestricted access to information and communication and uncensored access to the internet (internet freedom) are universal rights and are indispensable for human rights such as free expression and access to information, as well as for ensuring transparency and accountability in public life;

6. Insists that threats and incitement to violence against individuals expressing views deemed ‘offensive’ by some adherents of religions and beliefs systems are totally unacceptable, that those responsible for such threats and incitement must be prosecuted, and that the freedom of expression and safety of the threatened individuals must be fully guaranteed;

7. Urges the Iranian authorities to remove the concept of ‘deserving of death’ from the revised Penal Code currently under discussion in Iran’s parliament; is gravely concerned that the existence of fatwas calling for the killing of an individual could be used as a defence in Iranian courts by individuals accused of murder, on the grounds that the victim ‘deserved to die’; urges the Iranian authorities to ensure that anyone suspected of inciting, planning, committing or aiding murder, whether the killing takes place in Iran or elsewhere, is brought to justice in a trial which fully meets international fair trial standards;

8. Calls on the Iranian authorities to offer all necessary cooperation to the Azerbaijani authorities during the investigation of the murder of Rafig Tagi, and to ensure that Iranian clerics do not call for the murder of anyone, whether in Iran or in any other country;

9. Calls on the Azerbaijani authorities to show their genuine commitment to human rights and comply with their obligations under international law and in the context of Euronest, the Eastern Partnership or any future Association Agreement with the EU, in particular the protection of the right to life and to freedom of expression;

10. Deplores the failure of the Azerbaijani authorities to grant a visa to the rapporteur on political prisoners of the Parliamentary Assembly of the Council of Europe; calls on the Government of Azerbaijan to allow the rapporteur to visit the country in order to investigate the situation of the alleged political prisoners;

11. Instructs its President to forward this resolution to the Governments and Parliaments of the Republic of Azerbaijan and the Islamic Republic of Iran, the EEAS, the Council, the Commission and the UN Human Rights Council.