



TEXTS ADOPTED

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The case of Afgan Mukhtarli and situation of media in Azerbaijan

European Parliament resolution of 15 June 2017 on the case of Azerbaijani journalist Afgan Mukhtarli (2017/2722(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 the established relationship between the EU and Azerbaijan, which took effect in 1999 in the form of a Partnership and Cooperation Agreement (PCA), the creation of the Eastern Partnership (EaP) and Azerbaijan's participation in the Euronest Parliamentary Assembly (PA),
- having regard to the decision adopted by the Milli Majlis of the Republic of Azerbaijan on 30 September 2016 repealing their previous decision of 14 September 2015 to terminate their membership and participation in the Euronest PA, and therefore electing to remain and participate,
- having regard to the mandate adopted on 14 November 2016 for the European Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to negotiate, on behalf of the EU and its Member States, a comprehensive agreement with the Republic of Azerbaijan and to the launch of the negotiations on the abovementioned agreement on 7 February 2017,
- having regard to the visit of the President of Azerbaijan, Ilham Aliyev, to Brussels on 6 February 2017,
- having regard to the recent visit of the delegation of the Committee on Foreign Affairs to Azerbaijan on 22 May 2017,
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance,
- having regard to the Freedom House report entitled 'Freedom in the World 2017', which considers the press in Azerbaijan 'not free' and its internet 'partially free',
- 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-Georgia Association Agreement / Deep and Comprehensive Free Trade Area (AA/DCFTA) which entered into force on 1 July 2016,
 - having regard to past statements by the Human Rights Commissioner of the Council of Europe, Nils Muiznieks, on the persecution of journalists, civil society / human rights activists and members of the opposition in Azerbaijan,
 - having regard to the statement of the Director of the OSCE ODIHR, Michael Georg Link, on the alleged abduction and ill-treatment in custody of Azerbaijani journalist and human rights defender Afgan Mukhtarli of 8 June 2017,
 - having regard to the statement by the Spokesperson of the VP/HR on ‘illegal detention of Azerbaijani nationals residing in Georgia’,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Afgan Mukhtarli, an exiled Azerbaijani investigative journalist who moved to Tbilisi in 2015, disappeared from Tbilisi on 29 May 2017 and resurfaced a few hours later in Baku;
 - B. whereas according to his lawyer, Afgan Mukhtarli was apprehended by unidentified men who were reportedly wearing Georgian criminal police uniforms, pushed into a car, beaten and driven to the Azerbaijani border, where the sum of EUR 10 000 was allegedly planted on his person;
 - C. whereas Afgan Mukhtarli is now facing prosecution for illegally crossing the border, smuggling and violence against police authority; whereas the abovementioned charges could amount to a prison sentence of several years and whereas on 31 May 2017 he was sentenced by a court to three months of pre-trial detention;
 - D. whereas Afgan Mukhtarli has worked for several independent media outlets, including Radio Free Europe / Radio Liberty, and is known for his critical journalistic coverage of the Azerbaijani authorities; whereas he went into exile in Georgia to escape reprisals for his work by the Azerbaijani authorities;
 - E. whereas Georgia is a state party to the European Convention on Human Rights and it is therefore Georgia’s responsibility to guarantee the safety of Azerbaijanis living on its territory and to prevent any forced return to their home country; whereas Azerbaijani citizens have, however, increasingly encountered refusals to prolong their residence permits in Georgia;
 - F. whereas the President of Georgia, Giorgi Margvelashvili, has stated that the abduction of Afgan Mukhtarli constituted ‘a serious challenge for [Georgian] statehood and sovereignty’;
 - G. whereas the Georgian Ministry of the Interior has launched an investigation under Article 143 of the Criminal Code – unlawful imprisonment – into the case of Afgan Mukhtarli and started communication with its Azerbaijani counterparts on this matter;
 - H. whereas the overall human rights situation in Azerbaijan over the last few years remains

a matter of serious concern, with continued intimidation and repression, the practice of persecution, reported torture, travel bans and restrictions on freedom of movement of NGO leaders, human rights defenders, members of the opposition, journalists and other civil society representatives;

- I. whereas on 17 May 2017 the Baku Court of Appeals ordered that Leyla and Arif Yunus, who have been granted political asylum in the Netherlands, be returned to Azerbaijan for renewed court hearings;
 - J. whereas on 12 May 2017, following a request from the Ministry of Transport, Communications and High Technologies, the Sabail district court upheld the decision to block five online media outlets, including the Azerbaijani Service of Radio Free Europe / Radio Liberty (RFE/RL), Azadliq.info, Meydan TV and the satellite TV channels Turan TV and Azerbaijani Saadi;
 - K. whereas the re-launch of relations between the Milli Majlis of the Republic of Azerbaijan and the European Parliament and Azerbaijan's renewed membership of and participation in the Euronest PA and its activities have proven to be valuable;
 - L. 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 cooperation between the EU and Azerbaijan;
1. Strongly condemns the abduction of Afgan Mukhtarli in Tbilisi and his subsequent arbitrary detention in Baku; considers this a serious violation of human rights and condemns this grave act of breach of law;
 2. Urges the Georgian authorities to ensure a prompt, thorough, transparent and effective investigation into Afgan Mukhtarli's forced disappearance in Georgia and illegal transfer to Azerbaijan and to bring the perpetrators to justice;
 3. Considers it of utmost importance that the Georgian authorities make every effort possible to clarify beyond any doubt all suspicion regarding the involvement of Georgian state agents in the forced disappearance;
 4. Recalls that it is the responsibility of the Georgian authorities to provide protection to all those third-country nationals living in Georgia or requesting political asylum, who face possible severe judicial consequences in their country of origin for human rights or political activities; in this regard, recalls Article 3 of the European Convention on Human Rights, to which Georgia is a party;
 5. Strongly condemns the prosecution of Afgan Mukhtarli following bogus charges and reiterates that he is trailed for his work as an independent journalist;
 6. Calls on the Azerbaijani authorities to immediately and unconditionally drop all charges against and release Afgan Mukhtarli, as well as all those incarcerated as a result of the exercise of their fundamental rights, including freedom of expression; calls, in the case of Afgan Mukhtarli, on the Georgian authorities to take all the necessary steps vis-à-vis the Azerbaijani authorities in order for him to be able to be reunited with his family;
 7. Expresses strong concern that the case of Afgan Mukhtarli is another example of the

Azerbaijani authorities targeting and persecuting critics living in exile and their relatives at home; recalls the previous cases of international arrest warrants requested for Azerbaijani citizens living in exile who are critical of the authorities;

8. Calls for an immediate, full, transparent, credible and impartial investigation into the death of Azerbaijani blogger and activist Mehman Galandarov on 28 April 2017 while in the custody of the Azerbaijani authorities;
9. Calls for the immediate and unconditional release from jail of all political prisoners, including journalists, human rights defenders and other civil society activists, namely Afgan Mukhtarli, Ilkin Rustamzadeh, Rashad Ramazanov, Seymur 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;
10. Calls on the Azerbaijani authorities to discontinue the ongoing persecution of Leyla and Arif Yunus and draws the attention of Interpol to this case as being motivated on political grounds;
11. Reiterates its urgent call on the Azerbaijani authorities to end the practices of selective criminal prosecution and imprisonment of journalists, human rights defenders and others who criticise the government, and to ensure that all persons detained, including journalists and political and civil society activists, enjoy full due process rights and are covered by fair trial norms;
12. 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 severely restricting civil society, unfreezing the bank accounts of non-governmental groups and their leaders, and allowing access to foreign funding;
13. Urges the Government of Azerbaijan to fully comply with all rulings of the ECHR, and to cooperate with and implement the recommendations of the Council of Europe's Venice Commission and Commissioner for Human Rights and 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;
14. Welcomes the release in Azerbaijan of several high-profile human rights defenders, journalists and activists in 2015 and 2016;
15. Underlines the importance of a good political climate between the government, opposition forces and civil society at large;
16. Underlines the importance of the new partnership agreement between the European Union 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; recalls that it will be monitoring the situation closely throughout

the negotiations on a new agreement prior to deciding on whether to give its consent;

17. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the Presidents, Governments and Parliaments of Azerbaijan and Georgia, the Council of Europe, the OSCE and the UN Human Rights Council.