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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on freedom of expression in Azerbaijan

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on behalf of the PPE Group

European Parliament resolution on freedom of expression in Azerbaijan

The European Parliament,

- having regard to its previous resolutions on Azerbaijan and in particular the ones of 9 June 2005, 27 October 2005 and of 16 February 2006,
 - having regard to its resolution of 15 November 2007 on Strengthening the European Neighbourhood Policy,
 - having regard to its resolution of 17 January 2008 on a more effective EU policy for the South Caucasus,
 - having regard to its resolution of 19 February 2009 on the review of the European Neighbourhood and Partnership Instrument,
 - 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
 - having regard to Rule 122 of its Rules of Procedure,
- A. whereas Azerbaijan is actively participating in the European Neighbourhood Policy and the Eastern Partnership and is committed to respecting democracy, human rights and the rule of law that are core values of these two initiatives,
- B. whereas in September 2009 the Council decided to enhance the 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 present Partnership and Cooperation Agreements due to expire soon,
- C. whereas the decree signed by President Ilham Aliyev on 28 December 2007 freed 119 prisoners including five journalists,
- D. whereas the conditions for free and independent reporting deteriorated in past years due to the frequent physical attacks on journalists and the harassment of independent and opposition media in Azerbaijan and the criminalisation and prosecution of a number of journalists.
- E. whereas the Azerbaijan's National Television decided not to renew the local FM radio licences of a number of international broadcasters, thereby terminating their broadcasts on national frequencies.
- F. whereas on 11 November 2009 Baku's Sabail region court sentenced the bloggers Emin Milli to 2.5 years and Adnan Hajizade to 2 years of imprisonment on charges of hooliganism and inflicting minor bodily harm,

- G. whereas the two above mentioned bloggers had used online social networking tools and other internet fora to share their political views,
- H. whereas Emin Milli and Adnan Hajizade were arrested on 8 July 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; whereas, according to the defence, during the trial the court refused without any explanation to consider photographs showing the injuries sustained by the two bloggers and to consider video evidence from mobile phones and a security camera,
- I. whereas charges against the two activists appear to be politically motivated and fabricated to curtail their right to freedom of expression and to be a response to their criticism of the Azerbaijani authorities,
- J. whereas the media climate has deteriorated during the last years in spite of the adoption of the European Neighbourhood Policy Action Plan with the temporary closure of independent TV and radio broadcasters, the evictions from their offices of leading opposition newspapers and 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 journalists;
1. Regrets the Azerbaijani authorities' decision not 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. Considers that the termination of these stations' broadcasting on FM frequencies removes important, objective and valuable independent sources of public service quality information and restricts media plurality in Azerbaijan;
 2. Is concerned about the deterioration of media freedom in Azerbaijan, deplores the practice of prosecution of opposition journalists on the basis of other criminal charges in cases such as that of Eynulla Fatullayev and calls on Azerbaijani authorities to immediately release the imprisoned journalists;
 3. Calls on 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 in this regard the urgency of ensuring the safety of media workers; calls for the swift decriminalisation of defamation and insult as those could create obstacles for exercising the right to freedom of expression and information and might lead to self-censorship;
 4. 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 criminal charges and after court hearings in which the prosecution witnesses became notorious for their faulty memories; calls for the immediate release of Mr Milli and Mr Hajizade and a new, fully open trial conforming to all relevant international standards;
 5. 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 fresh [Regular Report to the OSCE Council](#) of the OSCE's Representative on Freedom of the Media, as well as the deep concerns expressed by international and Azerbaijani NGOs such as the Committee to Protect Journalists, Reporters Without Borders, International Pen and Human Rights Watch or the Institute for Reporters Freedom and Safety;

6. 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) held on 6 February 2009; calls on the Azerbaijani government to fully implement the UPR recommendations, including by ratifying the Rome Statute of the International Criminal Court, decriminalising defamation and libel to eliminate unnecessary pressures on journalists, ensuring the full respect of freedom of expression and media freedom as well as the access to broadcast media, investigating and prosecuting perpetrators of crimes and harassment against journalists and human rights defenders, effectively implementing the right of peaceful assembly and freedom of association, improving prison conditions and protecting the rights of vulnerable groups, including ethnic minorities, migrants, asylum seekers and internally displaced persons;
7. Welcomes the Azerbaijani government's project "Support for Justice Reforms in Azerbaijan", meant to improve the independence of the judiciary, and looks forward to its implementation, in particular concerning the establishment and functioning of the Academy of Justice and the regional justice departments as well as support for reforms in the penitentiary system;
8. Notes the outcome of the nationwide referendum in March 2009 on amendments to the Azerbaijani constitution, including the removal of the limit on the number of terms that the president can serve and expresses concern about the implications of this referendum on the constitutional order and on the level of democracy in Azerbaijan;
9. Notes the 23 December 2009 local elections and calls on Azerbaijani authorities to guarantee that these elections are free, fair and in line with international standards and acknowledges the importance of the electoral process in the state-building process through continued democratic reforms at local level, consolidation of the civil society and the overall political system;
10. Welcomes the establishment of the new sub-committees under the EU-Azerbaijan Cooperation Committee, which will strengthen the institutional framework that will allow for discussion in the field of Justice, Freedom and Security and concerning respect for human rights and democracy, as well as employment and social affairs, public health, education and youth, culture, information society and audio-visual policy, science and technology;
11. Instructs its President to forward this resolution to the Council and the Commission and to the President and the Parliament of Azerbaijan.