



EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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11.6.2013

B7-0289/2013

## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 122 of the Rules of Procedure

on Azerbaijan: The Case of Ilgar Mammadov  
(2013/2668(RSP))

**Véronique De Keyser, Liisa Jaakonsaari, Ana Gomes, Lidia Joanna Geringer de Oedenberg, Joanna Senyszyn, Libor Rouček, Mojca Kleva Kekuš, Emine Bozkurt,**  
on behalf of the S&D Group

**B7-0289/2013**

**European Parliament resolution on Azerbaijan: The Case of Ilgar Mammadov (2013/2668(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the situation in Azerbaijan, in particular those concerning human rights and rule of law
- having regard to the joint statement of 9 February 2013 by EU High Representative Catherine Ashton and Commissioner Štefan Füle on the arrests of Mr. Tofig Yagublu, newspaper columnist and deputy chairman of opposition party “Musavat” and Mr. Ilgar Mammadov, leader and Presidential candidate of the Republican Alternative (REAL) party
- having regard to the joint statement of 7 June 2013 by the spokespersons of Catherine Ashton and Štefan Füle on curbs on freedom of expression in Azerbaijan
- having regard to the statement of the Secretary General of the Council of Europe Thorbjørn Jagland of 3 May 2013, concerning new charges brought against Ilgar Mammadov.
- having regard to the statement of The Congress of Local and Regional Authorities of Council of Europe, on 18 March 2013.
- having regard to the established relationship between the EU and Azerbaijan represented by the implementation of the ENP Action Plan, the creation of the Eastern Partnership, the development of the Association Agreement alongside participation from Azerbaijan in the EURONEST Parliamentary Assembly,
- having regard to Rules 122(5) of its Rules of Procedure,

A. Whereas Ilgar Mammadov, co-Chair of the REAL (Republican Alternative) movement and Director of the Council of Europe School for Political Studies in Baku, was arrested and unlawfully detained by Azerbaijani authorities since February 4, 2013; being accused of inciting riots in the town of Ismaili after he visited the town.

B. Whereas before his arrest Ilgar Mammadov has been announced as the candidate of the opposition REAL to stand against incumbent President Iham Aliev in Presidential elections, scheduled for October 2013, but REAL brought the announcement forward when he was arrested.

C. Whereas the Mammadov's arrest is considered by human rights defenders and civil society representatives as illegal and politically motivated, and an attempt to intimidate the opposition.

D. Whereas his initial pre-trial detention has been extended twice in an apparent attempt to keep him behind bars pending the elections;

E. Whereas the Council of Europe representative in Baku was not admitted to the initial court hearing in February, and in addition, a group of Council of Europe ambassadors who recently visited Azerbaijan was not allowed to visit Ilgar Mammadov

F. Whereas journalists, bloggers, activists and other independent thinkers continue to experience serious limitations to their freedom of expression in Azerbaijan;

G. whereas Azerbaijan is of currently engaged in consultations with the Venice Commission of the Council of Europe on the reform of the defamation legislation , which is also required in order to execute two judgments of the European Court of Human Rights against Azerbaijan; whereas, however, new amendments were adopted by the Azerbaijani Parliament aimed at facilitating the application of defamation provisions to online expression;

H. whereas peaceful protesters have been effectively banned from demonstrating in central Baku since 2006, and recently new, harsh fines and longer periods of administrative detention for those who organise or participate in unauthorised public gatherings were introduced;

I. Whereas Azerbaijan is a member of the Council of Europe and will take over its rotating chairmanship in 2014 as well as a party to the European Convention on Human Rights (ECHR)

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 and the European Union are engaged in the negotiations of the Association Agreement and the furthering of cooperation initiatives grounded in the framework of the Eastern Partnership;

L. Whereas Azerbaijan has adopted new laws widening the definition of criminal libel, tightening regulations governing the funding of nongovernmental organizations, and introducing dramatically more severe penalties for offences related to public assemblies

M. Whereas Azerbaijan has taken 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 and the Universal Declaration of Human Rights.

N. Whereas 2013 was an important election year for Azerbaijan, and the country has committed to improve the general environment for democratic elections

1. Stresses that full respect for human rights, fundamental freedoms and the rule of law are at the heart of the framework for cooperation within the Eastern Partnership as well as the commitments of Azerbaijan in the framework of the Council of Europe and the OSCE;

2. Strongly condemns the detention of Ilgar Mammadov and calls for the immediate and unconditional release

3. Expresses its concerns and disappointment at the new charges brought against Ilgar Mammadov and urges Azerbaijani authorities to ensure a speedy, fair, transparent and independent investigation of the charges.

4. Calls on Azerbaijani authorities to release all persons who are in detention because of the views they hold and express, including journalists, human rights defenders and other civil society activists held on politically-motivated charges; notes that this should be accompanied by measures to enhance the independent and impartial review of the relevant cases by the judiciary;

5. Urges the Azerbaijani authorities to end the practice of selective criminal prosecution and imprisonment of journalists, human rights defenders and others

who criticize the government and ensure that everyone detained, including journalists, political and civil society activists, enjoy full due process rights, in particular access to a lawyer of their choosing, access to their families, and other fair trial norms and protection from ill-treatment;

6. Calls on Azerbaijani authorities to reform the defamation legislation by ensuring that the defamation is dealt with through proportionate fines and not imprisonment; in this respect, calls on the President Ilham Aliyev not to sign into law amendments aimed at facilitating the application of defamation provisions to online expression;

7. Notes the announcement by the authorities of the publication of a list of locations where demonstrations will be authorised; calls on the authorities to ensure that these include adequate locations in the centre of Baku and other cities, as a first step towards a better enjoyment of the right to freedom of assembly by the Azerbaijani population;

8. Reaffirms its position that the Association Agreement between the EU and Azerbaijan currently being negotiated must include clauses and benchmarks which refer to the protection and promotion of human rights, especially with regard to freedom of the media and the right to freedom of expression, association and assembly, which reflect the principles and rights enshrined in the Constitution of Azerbaijan and commitments made by Azerbaijan in the framework of the Council of Europe and the OSCE;

9. Calls on the Azerbaijani authorities to bring the legislation on elections, freedom of assembly, freedom of association and media freedom into line with international standards and ensure its full implementation;

10. Calls on the Commission to strictly apply the ‘more for more’ principle, with a specific focus on inclusive, free and fair elections, independent judiciary, democratic reforms, fundamental rights and freedoms, and to clearly lay down the consequences of lagging behind reforms:

11. Urges the Azerbaijani authorities to step up its efforts to reform all aspects of the judicial system: prosecution, trial, sentencing, detention and appeals;

12 . Expresses serious concern over reports from human rights defenders and

domestic and international non-governmental organisations (NGOs) about the alleged use of fabricated charges against politicians, activists and journalists.

13. Calls on President Barroso to speak out on the EU's human rights concerns vis a vis Azerbaijan during the upcoming visit of President Aliyev to Brussels;

14. Calls on the EEAS to pay close attention to human rights concerns in the forthcoming election cycle, showing support to human rights defenders by attending events organised by civil society and speaking out on their behalf; observing court trials and providing support to media freedom, including demanding that viable transmission of independent radio and television is ensured during the election campaigning period.

15. Calls on the Azerbaijani authorities to comply with all rulings of the European Court on Human Rights concerning Azerbaijan.

16. Instructs its President to forward this resolution to the EEAS, European Council, European Commission, the governments and parliaments of the Republic of Azerbaijan, the Council of Europe, the OSCE and the UN Human Rights Council