



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

11.6.2013

B7-0297/2013

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: case of Ilgar Mammadov
(2013/2668(RSP))

Róza Gräfin von Thun und Hohenstein, Cristian Dan Preda, Bernd Posselt, Tunne Kelam, Roberta Angelilli, Jarosław Leszek Wałęsa, Eija-Riitta Korhola, Monica Luisa Macovei, Philippe Boulland, Jean Roatta, Sergio Paolo Francesco Silvestris, Giovanni La Via, Eduard Kukan, Sari Essayah, Krzysztof Lisek, Bogusław Sonik,
on behalf of the PPE Group

**European Parliament resolution on Azerbaijan: 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,
- having regard to the joint statement by the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, and Commissioner Štefan Füle on 9 February 2012 on recent events in Azerbaijan;
- having regard to the Partnership and Cooperation Agreement between the EU and Azerbaijan, which entered into force in 1999, and to the ongoing negotiations between the two parties on a new association agreement to replace the previous one,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
 - a. whereas the protests broke out in Ismayilli, Azerbaijan on 23 January 2013 and the protesters demanded the resignation of the local governor, Nizami Alekberov, setting fire to his residence, cars, and to a local motel, whereas the police dispersed the protests using tear gas and water cannons;
 - b. whereas Ilgar Mammadov, the leader of the opposition REAL movement and the Director of the Baku School of Political Studies of the Council of Europe, together with Tofiq Yaqublu, the deputy chairman of the opposition party Musavat, were arrested on 4 February 4 2012 and face criminal charges related to the alleged organization of mass disorders in Ismayilli;
 - c. whereas on 8 April 2013 the Nasimi District Court of Baku rejected Ilgar Mammadov's petition to be released from pre-trial detention on bail; whereas both politicians are kept in jail and face high charges if found guilty and on 15 May his pre-trial detention has been extended by 3 thunmonths;
 - d. whereas the EU has been expressing its deep concerns about using selective justice for political purposes;
 - e. whereas Ilgar Mammadov is a candidate on behalf of the opposition REAL movement in the presidential elections in Azerbaijan that will take place on 16 October 2013;
 - f. whereas the Parliament of Azerbaijan, Milli Mejlis, contrary to the commitments, adopted amendments to the Criminal Code that provide for up to three years imprisonment for defamation posted online, and act that further hinder the conditions for independent and non-biased media in the country;

- g. whereas Azerbaijan is to assume the Chairmanship of the Council of Europe's Committee of Ministers in May 2014;
- h. whereas the Joint Declaration of the Eastern Partnership Summit held in Warsaw on 29-30 September 2011, states that 'the Eastern Partnership is based on a community of values and principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law' and that 'all countries participating in the Eastern Partnership are committed to these values through the relevant international instruments' and are committed to 'further work towards fully independent judiciary';
- i. whereas the Summit of the Eastern Partnership planned for November 2013 in Vilnius shall give new momentum to joint efforts for promoting democratic and economic reforms in the Eastern European states, including Azerbaijan, by concluding the negotiations and formalisation of the new bilateral Association Agreements;
1. calls on the EU to assist and further support the Republic of Azerbaijan in the efforts to consolidate democracy, rule of law, reforms of the judiciary and law enforcement systems with a special attention to the protection of human rights;
 2. is concerned about the prosecution of the political leaders and activists of the opposition in Azerbaijan which bears marks of the politically motivated action to intimidate the opposition and to disqualify them from upcoming election processes, in this regard reminds that the key aspect of democracy implies a possibility for a peaceful change of the government based on the elections results that are conducted in a free and fair manner reflecting the expression of the will of the people, the protection of the political opponents, and that cases involving the prosecution of the opposition politicians by the authorities lead to the wide perception of the 'selective justice';
 3. calls on Azerbaijani authorities for immediate release of Ilgar Mammadov, the leader of the opposition REAL movement and the Director of the Baku School of Political Studies of the Council of Europe, together with Tofiq Yaqublu, the deputy chairman of the opposition party Musavat from prison and calls on Azerbaijani authorities to ensure a speedy, fair, transparent and independent investigation of the charges;
 4. calls on Azerbaijan to refrain from further limiting the media freedom in the country, condemns any intimidation, arrests, detentions, and prosecutions of opposition parties leaders, members, activists, journalists solely for expressing their views and exercise their fundamental rights and freedoms;
 5. urges Azerbaijan to ensure that all legal proceedings are free, based on facts, without any restrictions, improper influences, pressures or threats and meet international standards, including the right to the presumption of innocence and that charges are not based on vague and imprecise laws, which are misused;
 6. calls in the this regard on the Government of Azerbaijan to invite the European Commission and the EEAS to monitor the judicial cases and proceedings where the political figures of the opposition are involved so that the independence of judiciary, fairness, transparency, impartiality is not put into question;

instructs its President to forward this resolution to the VP/HR, the EEAS, the

Council, the Commission, the President, Government and Parliament of the Republic of Azerbaijan, the Council of Europe and the OSCE.