



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

16.9.2014

B8-0093/2014

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 135 of the Rules of Procedure

on Persecution of human rights defenders in Azerbaijan
(2014/2832(RSP))

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on behalf of the S&D Group

B8-0093/2014

European Parliament resolution on Persecution of human rights defenders in Azerbaijan (2014/2832(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 statement from the spokespersons of the EU External Action Service on 6 August concerning the arrest of Mr Jafarov and of Ms Leyla Yunus
 - Having regard to the statement from the EU Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle on 9 December 2013, concerning the need to improve respect for fundamental rights and bring election legislation into line,
 - having regard to the established relationship between the EU and Azerbaijan which entered into force in 1999, and 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 the message delivered by European Commission President Barroso to President Aliyev, during his visit to Azerbaijan on 14 June 2014, concerning the vital role of the civil society in defending fundamental freedoms, especially during times of conflict
- having regard to Rules 135(2) of its Rules of Procedure

A. Whereas Rasul Jafarov, a founder of the Human Rights Club (HRC), engaged in the defense of the rights of political prisoners since 2006 and an active participant in "Sing for Democracy" and "Art for Democracy", a campaign that employs all forms of artistic expression to promote democracy and human rights in Azerbaijan, was arrested on 2 August and at the same day, Baku court sentenced him to three months pre-trial detention, on charges of tax evasion , illegal business and "abuse of authority".

B. Whereas Rasul Jafarov is facing criminal charges for his work as a human rights defender. He has been deprived of freedom in connection with his attempts to exercise his right to freedom of expression and association.

C. Whereas on July 30, 2014, the Prosecutor's office employees arrested Ms. Leyla Yunus, Director of the Institute of Peace and Democracy (IPD) and a member of OMCT General Assembly, who was charged with "treason", "large-scale fraud", "forgery", "tax evasion", and "illegal business", and sentenced to three months pre-trial detention

D. Whereas it has been reported that Ms. Leyla Yunus has been subject to acts of violence in prison committed by her cellmate, and that no measure has been taken to punish the cellmate or to ensure the protection of Leyla Yunus. Whereas although the health of Ms Leyla Yunus has deteriorated while in detention, adequate medical care has not been provided.

E. Whereas on August 21, Ilqar Nasibov, a human rights defender and a journalist working for the Resource Centre for the Development of Democracy and NGOs in Nakhchivan was found brutally beaten with a severe concussion, broken cheekbones, nose and ribs and loss of sight in one eye. Whereas no decision on whether to open a criminal case has yet been adopted.

F. Whereas, on December 17, 2013, the Azeri Parliament adopted a set of amendments of the Law on NGOs, Grants and Taxation, aiming at seriously restricting NGO work, and on February 3, 2014, the Azeri President signed further amendments to the NGO Law, which now provides the authorities with additional powers for temporary suspension and permanent banning of national and foreign NGOs in Azerbaijan, and introduces new offences punishable by fines.

G. Whereas the overall human rights situation in Azerbaijan has constantly deteriorated over the last few years in spite of the adoption of the European Neighbourhood Policy Action Plan, with growing pressure on and intimidation of NGOs and independent media that have caused a widespread sense of fear among opposition forces and human rights defenders as well as youth and social network activists and have led to self-censorship among journalists;

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

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 arbitrary detention and judicial harassment of Mr. Rasul Jafarov, of Ms. Leyla Yunus, as well as of all other detained human rights defenders, which merely aim at sanctioning their human rights activities, and expresses a deep concern for the fate of their colleagues who are yet free but under criminal investigation and calls for the immediate and unconditional release as well as for the end of their prosecution.

3. Calls upon the authorities in Azerbaijan to guarantee in all circumstances the physical and psychological integrity of Ms. Leyla Yunus, Mr. Arif Yunusov and all the human rights defenders in Azerbaijan and to provide urgently adequate medical care including medication and hospitalisation

4. Deplores the actions taken by the Azerbaijani government to curb contacts between the civil society, youth groups activists as well as intellectuals from Armenia and Azerbaijan, which are of extreme importance for bridging the long hostility between the two countries; in this regards, reminds of the important work done in this area by Ms. Leyla Yunus and her husband, Arif;

5. Urges Azerbaijani authorities to ensure a speedy, fair, transparent and independent investigation of the charges against human rights defenders;

6. Reiterates its call on the Azerbaijani government to take concrete steps to improve the human

rights situation in the country as a matter of urgent priority, including immediately and unconditionally releasing all political prisoners and ceasing politically motivated arrests.

7. Reminds and calls on the authorities in Azerbaijan to stand by the Council of Europe standards to which they are party. Furthermore, urges them to reassess their policy towards independent civil society with a view to facilitating an open and inclusive national discourse encouraging active citizenship in line with international standards.

8. 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;

9. Condemns any intimidation, violence, arrests, detentions, and prosecutions of opposition parties leaders, members, activists, journalists, bloggers solely for expressing their views and exercise their fundamental rights and freedoms, according to international standards;

10. Condemns the repression of NGOs working in the field of human rights and democracy building, by legislation that increasingly restricts their registration and funding, and by arresting, intimidating those working in these NGOs.

11. Underlines its call on the Azerbaijani authorities to unequivocally respect freedom of the press and media, both online and offline, and to ensure freedom after expression;

12. Calls on Azerbaijani authorities to reform the defamation legislation by ensuring that the defamation is dealt with through proportionate fines and not imprisonment;

13. Calls on the authorities to ensure a full respect of the right of the freedom of assembly for the Azerbaijani population;

14. 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;

15. Urges the Azeri authorities to conform the national NGO legislation to the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, as well as international and regional instruments, including the European Convention on Human Rights.

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

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

18. 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.

