



Plenary sitting

B8-0416/2017

13.6.2017

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 the case of Afgan Mukhtarli and situation of media in Azerbaijan
(2017/2722(RSP))

Elena Valenciano, Victor Boștinaru, Soraya Post, Ana Gomes, Kati Piri
on behalf of the S&D Group

B8-0416/2017

**European Parliament resolution on the case of Afgan Mukhtarli and situation of media in Azerbaijan
(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 relationship between the European Union and the Republic of Azerbaijan established in 1999 and developed through the implementation of the European Neighbourhood Policy Action Plan, the creation of the Eastern Partnership, the negotiations on the EU-Azerbaijan association agreement and Azerbaijan's participation in the Euronest Parliamentary Assembly,
- having regard to the decision by the Milli Majlis of the Republic of Azerbaijan of 30 September 2016 repealing its previous decision of 14 September 2015 to terminate its membership and participation in the Euronest Parliamentary Assembly, and resuming its participation in the said Assembly,
- having regard to the mandate of 14 November 2016 for the European Commission and the High Representative for Foreign Affairs and Security Policy to negotiate, on behalf of the EU and its Member States, a comprehensive agreement with the Republic of Azerbaijan and the launch of the negotiations on the abovementioned agreement on 7 February 2017,
- having regard to the statement of the HR/VP on the sentencing of Mehman Huseynov in Azerbaijan of 7 March 2017,
- having regard to the visit of a delegation of its Committee on Foreign Affairs to Azerbaijan on 22nd May 2017,
- having regard to the statements by the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy, Federica Mogherini, and Commissioner Johannes Hahn with regard to the recent detention, imprisonment, sentencing and murders of leading journalists and human rights defenders in Azerbaijan,
- having regard to the statement by the EEAS Spokesperson "on the reported abduction and illegal detention of Azerbaijani nationals residing in Georgia" of 4 June 2017,
- having regard to the Association agreement with Georgia which entered into force on 1 July 2016,
- having regard to the EU Guidelines on Human Rights Defenders, and to the Council conclusions of 23 June 2014 on the tenth anniversary of those guidelines,

- having regard to the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on 9 December 1998,
 - having regard to past statements by the Human Rights Commissioner of the Council of Europe Nils Muiznieks on the persecution of journalists, civil society/HR activists and oppositionists in Azerbaijan,
 - having regard to the statement of the Director of the OSCE Office for Democratic Institutions and Human Rights 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 Rules 135(5) and 123(4) of its Rules of Procedure,
- A. Whereas the overall human rights situation in Azerbaijan has deteriorated continuously and seen one of the worst declines in all of Eurasia over the past 10 years, with growing intimidation, repression including physical assault and torture while in custody of state authorities, and intensification of the practice of criminal prosecution of journalists, NGO leaders, human rights defenders, members of the opposition, and other civil society representatives;
- B. whereas many journalists and civil society activists are faced with criminal and other legal proceedings, pressure and violence directed against them and their family members, travel bans and restrictions on their freedom of movement in relation to their journalistic, civil society and human rights activities;
- C. whereas following the release of several well-known human rights defenders from prison in Azerbaijan over the past two years, the crackdown on independent media and attacks on the freedom of expression have become even more brutal, including continued arrest on newly fabricated criminal charges (e.g. Aziz Orujov), torture (Nijat Amiraslanov) or death in unclear circumstances (Mehman Galandarov) while in state custody, the toughening of punishment under the defamation law for “insulting the dignity and honour of the president”, the continued refusal to recognise and execute judgements of international Human Rights instances such as the European Court of Human Rights (Ilgar Mammadov), court orders for the immediate forcible return of activists having sought medical treatment and protection abroad (Leyla and Arif Yunus), and the increased use of sophisticated technological / IT tools to disrupt and interfere with independent journalism and opposition websites and communications using internet-based platforms, culminating in the unprecedented abduction of Afgan Mukhtarli from Georgian territory;
- D. whereas Afgan Mukhtarli, an exiled Azerbaijani investigative journalist who moved to Tbilisi in 2015 and was in the process of applying for political asylum, disappeared in Tbilisi on 29 May 2017 and resurfaced a few hours later in a Baku prison, is now facing

prosecution for allegedly illegally crossing the border, smuggling and assault on police authorities, and has been sentenced to three months of pre-trial detention,

- E. whereas Afgan Mukhtarli is known for his critical journalistic coverage of the Azerbaijani authorities and went into exile to Georgia to escape reprisals for his work by the Azerbaijani authorities,

- F. whereas Georgia has committed itself to the highest Human Rights standards in line with its commendable Euro-atlantic reform and integration process; whereas it is a state party to the European Convention on Human Rights with a responsibility to guarantee the safety of citizens of repressive states threatened with persecution in their countries of origin and living on the territory of Georgia, as well as to prevent any forced return of such persons to their countries of origin,
- G. whereas Azerbaijani citizens in need of international protection from forcible return and persecution in Azerbaijan have increasingly encountered refusals to prolong their residence permits in Georgia, and numerous asylum claims by Azerbaijani citizens seeking protection in Georgia have been dismissed,
- H. 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,
- I. whereas the President of Georgia Giorgi Margvelashvili has stated that the abduction of Afgan Mukhtarli constituted “a serious challenge for [Georgian] statehood and sovereignty”, and the Speaker of Parliament Irakli Kobakhidze has stated that the Georgian Parliament would be connected with the process of the ongoing investigation,
1. Strongly condemns to abduction of Afgan Mukhtarli in Georgia, his unlawful forced transfer from the territory of Georgia to Azerbaijan, his indictment on fabricated charges, pre-trial imprisonment and the judicial authorities' rejection of items of proof such as video recordings from the Balaken border control post in Azerbaijan;
 2. 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 Rustamzada, Rashad Ramazanov, Seymur Hazi, Giyas Ibrahimov, Rasim Karimov, Mehman Huseynov, Bayram Mammadov, Ilgar Mammadov 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 and public image, also extended to previously imprisoned and since released political prisoners such as Intigam Aliyev and Khadija Ismayilova and others;
 3. Urgently calls for the release of, and is particularly concerned about, journalists and political prisoners suffering from deteriorating health conditions and deprived of the

required medical care, namely Tofiq Hasanli, Ilkin Rustamidze, Mehmen Huseynov, Faiq Amirli, Giyan Ibrahimov, and others requiring urgent medical care;

4. Calls for an immediate full, transparent, credible and impartial investigation of the death of Azerbaijani blogger and activist Mehman Galandarov on 28 April 2017 while in the custody of Azerbaijani authorities;
5. Reiterates its strong condemnation of continuing unprecedented repression against civil society in Azerbaijan, as well as its deep concern for the fate of the colleagues of those imprisoned who are still free but are under criminal investigation, in the light of reports from human rights defenders and domestic and international NGOs of the continued use of fabricated charges against journalists, political figures and activists; 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, political and civil society activists, enjoy full due process rights and are covered by fair trial norms;
6. Expresses strong concern that the case of Afgan Mukhtarli is yet another example of the Azerbaijani authorities intensifying their targeting, harassing and persecution campaign aimed at critics living in exile, reminds of the previous cases of international arrest warrants requested against Azerbaijani citizens critical of the authorities living in exile; strongly condemns the continuing repression against freedom of expression, in which particularly journalists and the remaining independent news outlets have been targeted, calls on Azerbaijan to respect freedom of the press and media, both in legislation and in practice and both online and offline, to guarantee freedom of expression in line with international standards and to end censorship of criticism of the government via media outlets;
7. 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 bank accounts of non-governmental groups and their leaders, and allowing access to foreign funding;
8. Urges the government of Azerbaijan to fully cooperate with and implement the recommendations of the Council of Europe's Venice Commission and Commissioner for Human Rights, the UN special procedures in regard to human rights defenders, the rights of freedom of association and peaceful assembly, freedom of expression and from arbitrary detention, with the aim of amending its legislation and adapting its practices in full conformity with the conclusions of the experts;

9. 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 the respect for human rights and fundamental freedoms must be at the core of the new agreement; reminds that it will closely monitor these issues when deciding on giving its consent to the new agreement once it has been negotiated,
10. Is concerned that allegations of illegal collusion with the special services of repressive neighbouring states, influence of private interests or organised crime, and lack of full democratic control and accountability of law enforcement authorities of Georgia, specifically as regards the (non-) protection of independent journalists, oppositionists and civil society/HR activities seeking refuge from persecution in the said states, would cast a shadow on the largely successful and commendable Euro-atlantic reform and integration process in Georgia;
11. Welcomes the opening of an investigation in Georgia into Afgan Mukhtarli's abduction, and expresses its expectation that it will fully shed light on the abductors' identities including the alleged involvement of Georgian citizens/officials, insisting that a clear message needs to be conveyed by the Georgian authorities denouncing illegal actions of a neighbouring state on Georgian territory which can never be accepted or tolerated;
12. Urges the Georgian authorities to do their utmost to provide effective protection on their territory for citizens of neighbouring repressive states who are faced with the threat of arrest and persecution in their respective state of origin;
13. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the government and parliament of the Republic of Azerbaijan, the Council of Europe, the OSCE and the UN Human Rights Council.