



Plenary sitting

B8-0066/2019

15.1.2019

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 Azerbaijan, notably the case of Mehman Huseynov
(2019/2518(RSP))

Cristian Dan Preda, Željana Zovko, José Ignacio Salafranca Sánchez-Neyra, Pavel Svoboda, Eduard Kukan, Pavel Svoboda, Thomas Waitz, Agnieszka Kozłowska-Rajewicz, Krzysztof Hetman, Helga Stevens, Elisabetta Gardini, Csaba Sógor, Richard Sulík, Romana Tomc, Luděk Niedermayer, Jordi Solé, Tunne Kelam, Bogusław Sonik, Lorenzo Cesa, Ivana Maletić, Seán Kelly, Sandra Kalniete, Richard Sulík, Marijana Petir, Francisco José Millán Mon, Andrey Kovatchev, Ramón Luis Valcárcel Siso, Francis Zammit Dimech
on behalf of the PPE Group

European Parliament resolution on Azerbaijan, notably the case of Mehman Huseynov (2019/2518(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 established relationship between the EU and Azerbaijan, which took effect in 1999 in the form of a PCA, the creation of the Eastern Partnership (EaP) and Azerbaijan’s participation in the Euronest Parliamentary Assembly,
 - having regard to the decision adopted by the Milli Majlis of the Republic of Azerbaijan from 30th September 2016 repealing their previous decision of 14th September 2015 to terminate their membership and participation in the EURONEST PA and therefore to remain and participate,
 - having regard to the mandate adopted on 14th 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 7th February 2017,
 - having regard to the 15th meeting of the EU - Azerbaijan Parliamentary Cooperation Committee in Baku on 6 - 8 May 2018,
 - having regard to the statement of the VP/HR on the sentencing of Mehman Huseynov in Azerbaijan of 7th March 2017,
 - having regard to Rule 135 and 123 of its Rules of Procedure,
- A. whereas Mehman Huseynov, anti-corruption blogger and director of the Institute for Reporter’s Freedom and Safety (IRFS) is serving a two year prison sentence as of 3 March 2017, for publically complaining about his experiences of ill-treatment and torture by the police as well as of criticisms of government officials, through exposure of their unexplained wealth;
- B. whereas Mehman Huseynov is facing possible new criminal charges brought against him by the staff of the penitentiary facility for allegedly attacking a prison guard to avoid a routine check on 26 December 2018, following which he was placed in solitary confinement, should he be additionally convicted he is facing up to seven more years of incarceration; whereas the new charges are politically motivated and have been brought against Mehman Huseynov only two months before he completes the current jail sentence;
- C. whereas Mehman Huseynov’s lawyer was not allowed to see him; whereas Mehman Huseynov denies the new charges and decided to go on a dry hunger strike as of 26 December of 2018 and is currently in a critical health condition;

- D. whereas it is not an isolated case when the authorities are pressing new charges against political prisoners whose current prison sentences are shortly coming to an end; whereas according to the Eastern partnership Civil Society Forum this is a fifth such case in recent months;
- E. whereas amendments introduced to the Code of Civil and Administrative procedure and the Bar Act in 2017 prohibits practising lawyers, who are not members of the Bar Association to appear in court and represent their clients; whereas this new rule targets numerous lawyers representing opposition members and human rights activists who have been disbarred or face disciplinary measures;
- F. whereas media environment and freedom of expression in Azerbaijan has not shown any substantial progress; whereas Azerbaijan is ranked 163rd among 180 countries in the 2018 World Press Freedom Index published by Reporters without Borders; whereas 10 journalist are currently serving prison terms in Azerbaijan;
- G. whereas Azerbaijan is a member of the Council of Europe, therefore committed to the respect for democratic principles, human rights and the rule of law; whereas the two co-rapporteurs for Azerbaijan of the Parliamentary Assembly of the Council of Europe have expressed deep concern at the new charges brought against Mehman Huseynov, whereas the same concerns have been expressed by the OSCE Representative on Freedom of the Media;
- H. whereas on 11 July 2018 the EU and Azerbaijan finalised the Partnership Priorities that set the joint policy priorities that will guide and enhance the EU-Azerbaijan partnership over the coming years;
1. Demands the immediate and unconditional release of Mehman Huseynov and all new charges against him to be dropped; expresses serious concern with the deterioration of the health of Mr Huseynov as a result of the hunger strike and calls that all necessary medical assistance is provided to him;
 2. Demands from the Azerbaijani authorities an end to repression towards all of their citizens who seek to freely exercise their civil rights, which are guaranteed by Azerbaijan's international obligations and membership in such organisations as Council of Europe and the Organisation of Security and Cooperation in Europe as well as the participation in the European Union's Eastern Partnership;
 3. 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 Rustamzadeh, Rashad Ramazanov, Seymur Hazi, Giyas Ibrahimov, Bayram Mammadov, Araz Guliyev, Tofiq Hasanli, Ilgiz Qahramanov, Afgan Sadygov and others, including but not limited to those covered by the relevant judgments of the European Court of Human Rights (ECtHR), and calls for all charges against them to be dropped, and for the full restoration of their political and civil rights;
 4. 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;

5. Urges the Azerbaijani authorities to ensure the de facto independence of the Bar Association from the executive; demands that independently practising lawyers be allowed to continue practicing and representing their clients under the notarized power of attorney and to put an end to arbitrary disbarment of lawyers who represent members of the opposition and human rights activists;
6. 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;
7. Calls on Azerbaijan to fully 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;
8. Urges the government of Azerbaijan to fully comply with all rulings of the ECtHR, 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 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 the situation throughout the negotiations on a new agreement prior to deciding on giving its consent;
10. Instructs its President to forward this resolution to the VP/HR, the European External Action Service, the Council, the Commission, the President, the Governments and Parliaments of Azerbaijan and Georgia, the Council of Europe, the OSCE and the UN Human Rights Council.