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TEXTS ADOPTED

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**P8\_TA(2014)0022**

**Persecution of human rights defenders in Azerbaijan**

**European Parliament resolution of 18 September 2014 on the 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 of 18 April 2012 containing its recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Azerbaijan Association Agreement<sup>1</sup> and of 13 June 2013 on the case of Ilgar Mammadov<sup>2</sup>,
- having regard to the Joint Communication of 15 May 2012 from the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on ‘Delivering on a new European Neighbourhood Policy’ (JOIN(2012)0014),
- having regard to the Commission’s 2013 ENP progress report on Azerbaijan of 27 March 2014 (SWD(2014)0070),
- having regard to the EU-Azerbaijan ENP Action Plan,
- having regard to the statement of 2 August 2014 by the spokespersons of the VP/HR and of the Commissioner for Enlargement and European Neighbourhood Policy, Stefan Füle, on the arrest of Leyla Yunus,
- having regard to the statement of 6 August 2014 by the spokesperson of the VP/HR on the arrest of Rasul Jafarov,
- having regard to the EU statement of 14 August 2014 on the situation of human rights and civil society in Azerbaijan,

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<sup>1</sup> OJ C 258 E, 7.9.2013, p. 36.

<sup>2</sup> Texts adopted, P7\_TA(2013)0285.

- having regard to the statement made on 8 September 2014 in Baku by Commissioner Füle regarding the crucial role played by civil society in the Eastern Partnership and his announcement of a new EU support programme for civil society in Azerbaijan, providing EUR 3 million in 2014-2015,
  - having regard to the statement of 1 August 2014 by the Secretary-General of the Council of Europe, Thorbjørn Jagland, concerning the arrest of Leyla Yunus, director of the Institute for Peace and Democracy in Azerbaijan,
  - having regard to the Baku Declaration adopted by the OSCE Parliamentary Assembly at its annual session from 28 June to 2 July 2014, in which concern is expressed at the misuse of administrative procedures and legislation to detain, imprison, intimidate or otherwise silence human rights defenders and critics in numerous OSCE participating states,
  - having regard to the Partnership and Cooperation Agreement between the EC and Azerbaijan, which entered into force in 1999, and to the ongoing negotiations between the two parties for a new agreement to replace the existing one,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas in the last few years the general human rights climate in Azerbaijan has been deteriorating, with a major escalation of government repression, pressure and intimidation directed at NGOs, civil society activists, journalists and human rights defenders taking place in recent months;
  - B. whereas since late July the government has targeted some of the country's most prominent human rights defenders, imprisoning them on apparently politically motivated charges, with particular reference to the cases of Leyla Yunus, the well-known director of the Institute for Peace and Democracy, and her husband, the historian Arif Yunus, and Rasul Jafarov, chair of Azerbaijan's Human Rights Club;
  - C. whereas the chair of Azerbaijan's Legal Education Society, Intigam Aliyev, a human rights lawyer who has defended more than 200 cases before the European Court of Human Rights in the areas of infringement of freedom of speech, the right to a fair trial and electoral law in Azerbaijan, was arrested on 8 August 2014 and subjected to three month's detention on criminal charges, an incident which confirms the growing tendency to silence and prosecute prominent human rights defenders in the country;
  - D. whereas it has been reported that Leyla Yunus has been subjected to acts of violence in prison committed by her cellmate, and that no measures have been taken to punish the cellmate or to ensure the protection of Ms Yunus; whereas although Ms Yunus' health has deteriorated in prison, suitable medical care has not been provided;
  - E. whereas on 26 May 2014 Anar Mammadli, chair of the Election Monitoring and Democracy Studies Centre (EMDS), and Bashir Suleymanli, director of the same centre, were sentenced to prison terms of, respectively, 5 years and 6 months and 3 years and 6 months, on charges ranging from tax evasion to illegal entrepreneurship;
  - F. whereas concurrently with the above, 8 activists of the non-governmental youth movement NIDA were convicted on charges of hooliganism, drug possession and possession of explosives, as well as intent to cause public disorder and, in addition, the

social media activists Omar Mammadov, Abdul Abilov and Elsever Murselli were sentenced to between 5 and 5.5 years' imprisonment on charges of drug possession, none of them having access to a lawyer of their own choosing and all complaining of ill-treatment in police custody;

- G. whereas many more journalists, human rights defenders and activists are facing legal charges brought against them in Azerbaijan, including Hasan Huseynli, head of the Intelligent Citizen Enlightenment Centre Public Union, sentenced to 6 years' imprisonment on 14 July 2014, and Rauf Mirkadirov, an investigative journalist with the leading Russian-language newspaper 'Zerkalo', held on pre-trial detention on charges of treason; whereas the Institute for Reporters' Freedom and Safety (IRFS), a leading media rights NGO in the country headed by the well-known and internationally recognised human rights defender Emin Huseynov, had its offices raided by the police on 8 August 2014; whereas another recently arrested figure is the prominent opposition journalist Seymur Haziyeu, charged with criminal hooliganism and held in 2 months' pre-trial custody;
- H. whereas these cases are following in the wake of dozens of others affecting political activists, rights defenders, journalists, bloggers and social media activists, whom the authorities have imprisoned in the past two years on similarly trumped-up charges, including hooliganism, drug possession, tax evasion, and even treason; whereas the recent wave of arrests has had a severe ripple effect, compelling a number of well-known activists to flee the country or go into hiding;
- I. whereas the independent Azerbaijani newspaper 'Azadliq' was forced to suspend publishing due to alleged financial problems, having previously had to face official pressure, apparently in connection to its reporting on corruption;
- J. whereas the European Court of Human Rights (ECHR) has issued numerous rulings in cases of breaches of human rights in Azerbaijan, the latest being on 22 May 2014 in the case of Ilgar Mammadov, chair of the Republican Alternative Civic Movement (REAL); whereas despite it being ruled that his detention was politically motivated, the authorities refused to release him;
- K. whereas there has been an effective ban on peaceful protesters demonstrating in central Baku since 2006, and new harsh fines and longer periods of administrative detention were recently introduced for those who organise or participate in unauthorised public gatherings
- L. whereas the Azerbaijani authorities have not taken into account the opinions of the Council of Europe's European Commission for Democracy through Law (the Venice Commission) on the laws relating to freedom of association, political parties and protection from defamation; whereas, furthermore, they have not given due consideration to the findings of the Council of Europe's Commissioner for Human Rights in his visits to the country;
- M. whereas in February 2014 President Aliyev signed further amendments to the NGO Law, which now provides the authorities with additional powers for the temporary suspension or permanent banning of national and foreign NGOs in Azerbaijan, and introduces new offences punishable by fines, which have now been increased to AZN 2 500 – 3 000 (around EUR 2 600 – 3 100) for NGOs and AZN 1 000 – 2 000 (around EUR 1 000 – 2 000) for directors of national and foreign NGOs;

- N. whereas the Oil Workers' Rights Protection Organisation Public Union located in Baku has had its bank account frozen along with that of its leader, Gahramanova Mirvari Uzeyir, following a decision of 8 July 2014 of the Baku City Nasimi District Court;
- O. whereas Azerbaijan is a member of the Council of Europe and a signatory to the European Convention on Human Rights;
- P. whereas on 14 May 2014 Azerbaijan took over as chair of the Committee of Ministers of the Council of Europe;
1. Stresses that full respect for human rights, democratic principles, fundamental freedoms and the rule of law lies at the heart of the framework for cooperation within the EaP, and of the commitments made by Azerbaijan within the Council of Europe and the OSCE;
  2. Condemns in the strongest possible terms the arrest and detention of Leyla Yunus, Arif Yunus, Rasul Jafarov, Intigam Aliyev and Hasan Huseyni, and demands their immediate and unconditional release as well as the withdrawal of all charges against them; demands an immediate and thorough investigation into the assault on Ilqar Nasibov, and calls for all those responsible to be brought to justice;
  3. Calls on the authorities in Azerbaijan to guarantee the physical and psychological integrity of Leyla Yunus, Arif Yunusov and all human rights defenders in Azerbaijan, and to ensure the urgent provision of suitable medical care, including medication and hospitalisation;
  4. 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;
  5. Calls on the Azerbaijani authorities to cease their harassment and intimidation of civil society organisations, opposition politicians and independent journalists and to refrain from interfering in or undermining their valuable work for the development of democracy in Azerbaijan; also calls on them to ensure that all detainees, including journalists and political and civil society activists, enjoy their full rights to due process, in particular access to a lawyer of their choosing, access to their families, and other fair trial norms;
  6. Deplores the actions taken by the Azerbaijani Government to curb contacts between civil society and youth activists and intellectuals from Armenia and Azerbaijan, since these contacts are of major importance for bridging the long-standing hostility between the two countries; in this regard, recalls the important work done in this area by Leyla Yunus and her husband Arif;
  7. Urges the Government of Azerbaijan to invite and fully cooperate with the Council of Europe's Venice Commission and Commissioner and the UN special procedures, with regard to human rights defenders, the rights of freedom of association and peaceful assembly and freedom of expression and arbitrary detention, with the aim of amending its legislation and adapting its practices in line with the conclusions of the experts;
  8. Calls on the Azerbaijani authorities to undertake, without further delay, the human rights reforms that are long overdue, including the many outstanding accession commitments Azerbaijan undertook when joining the Council of Europe, and to comply with the

judgements against Azerbaijan that have been handed down by the European Court of Human Rights;

9. Calls on the Azerbaijani authorities to lift the ban on public gatherings in central Baku and to cease fining peaceful demonstrators or subjecting them to administrative detention;
10. Reaffirms its position that EU support for and cooperation with the Republic of Azerbaijan, including the ongoing negotiations for a Strategic Modernisation Partnership, must be conditional on and include clauses relating to the protection and promotion of human rights, especially with regard to freedom of the media, ***including guarantees of internet freedom and of uncensored access to information and communication***, freedom of expression, freedom of association and freedom of assembly;
11. Stresses that its consent to the signature of a partnership agreement with Azerbaijan will be conditional on the satisfactory reflection of the above-mentioned requirements, the release of human rights defenders, the withdrawal of legislation restricting the operations of independent civil society, and the cessation of repression and intimidation of NGOs, independent media, opposition forces, human rights defenders, ***minority rights activists*** and youth and social network activists;
12. Calls on the Council, the Commission and the EEAS to strictly apply the ‘more for more’ principle, focusing notably on the situation of human rights defenders (in line with the EU Guidelines on Human Rights Defenders), arbitrary and politically motivated detentions, the independence of the judiciary, democratic reforms and fundamental rights and freedoms; calls in particular for a review of ENI programming, putting an end to all assistance which is not strictly HR/civil society-oriented;
13. Regrets that the fact that the EU-Azerbaijan human rights dialogue has made no substantial progress as regards the human rights situation in the country; calls on the EEAS to step up this dialogue with a view to making it effective and result-oriented, and to report regularly to Parliament;
14. Calls on the Government of Azerbaijan to simplify the current over-complicated and lengthy procedure for registration of NGOs, to introduce substantial legislative amendments in order to repeal the recent measures limiting NGOs’ freedom to accept donations without official registration, and to comply with the Council of Europe’s Recommendation CM/Rec(2007)14 of the Committee of Ministers to member states on the legal status of NGOs in Europe;
15. Calls on the Council and the Member States to urge the International Olympic Committee (IOC) to call on the Azerbaijani authorities to stop the crackdown, and make it clear that it expects them, as hosts of the European Olympic Games to be held next year, to uphold the Olympic Charter’s requirement to respect press freedoms;
16. Calls on the EEAS to fully apply the EU guidelines on Human Rights Defenders and to organise regular meetings at the EU Delegation in Baku with independent human rights organisations, including by coordinating those meetings with EU Member State representations, and to use those meetings to express public support for the work of human rights defenders; urges the EEAS to monitor closely all trials and judicial proceedings against human rights defenders and to report on the matter to Parliament;

17. Recalls its position of 24 May 2012<sup>1</sup>, and calls on the Council to consider the possibility of targeted sanctions against those responsible for human rights violations, should these persist;
18. Instructs its President to forward this resolution to the President, Government and Parliament of the Republic of Azerbaijan, the EEAS, the Council, the Commission and the Council of Europe.

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<sup>1</sup> OJ C 264 E, 13.9.2013, p. 91.