



TEXTS ADOPTED

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Azerbaijan

European Parliament resolution of 10 September 2015 on Azerbaijan (2015/2840(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, as represented by the implementation of the European Neighbourhood Policy (ENP) Action Plan, the creation of the Eastern Partnership (EaP), the negotiations on the EU-Azerbaijan association agreement and Azerbaijan's participation in the Euronest Parliamentary Assembly,
- having regard to the 2014 ENP country progress report on Azerbaijan of 25 March 2015 (SWD(2015)0064),
- having regard to the EU-Azerbaijan ENP Action Plan,
- having regard to the remarks of 22 July 2015 by the President of the European Council, Donald Tusk, following his meeting with the President of Azerbaijan, Ilham Aliyev,
- having regard to the visit to Baku of the EU Special Representative on Human Rights, Stavros Lambrinidis, from 23 to 26 February 2015,
- having regard to the statement of 8 September 2015 by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, condemning the ongoing crackdown on civil society and independent voices in Azerbaijan,
- 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 EU statement of 19 August 2015 on human rights in Azerbaijan at OSCE Special Permanent Council meeting No 1064 in Vienna,

- having regard to the recent statements by the Secretary-General of the Council of Europe, Thorbjørn Jagland, on the case of Khadija Ismayilova, the cases of Leyla Yunus, director of the Institute for Peace and Democracy in Azerbaijan, and her husband, Arif Yunus, and the murder of the Azerbaijani journalist Rasim Aliyev,
 - having regard to the Helsinki Declaration adopted by the OSCE Parliamentary Assembly at its annual session between 5 July and 9 July 2015, which ‘condemns the continued persecution and imprisonment on politically motivated charges of journalists and human rights defenders in several OSCE participating States and expresses its concern at the continued misuse of tax and administrative legislation to justify these acts’,
 - having regard to the resolution of 23 June 2015 of the Parliamentary Assembly of the Council of Europe on the functioning of democratic institutions in Azerbaijan,
 - having regard to the opinion of 15 December 2014 of the Council of Europe’s Venice Commission stating that the recent amendments to the law on non-governmental organisations ‘further restrict the operation of NGOs in Azerbaijan’,
 - 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 Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the overall human rights situation in Azerbaijan has deteriorated continuously over the last few years, with growing intimidation and repression and intensification of the practice of criminal prosecution of NGO leaders, human rights defenders, journalists and other civil society representatives;
- B. whereas the award-winning investigative journalist for RFE/RL Khadija Ismayilova was sentenced to seven and a half years in prison on alleged charges of misappropriation, embezzlement and tax evasion after publishing several stories of corruption concerning the President’s family; whereas human rights defenders Leyla and Arif Yunus were sentenced to eight and a half and seven years’ imprisonment respectively on charges including fraud and tax evasion in a trial that fell far short of international standards; whereas the well-known human rights activist Rasul Jafarov and the highly respected human rights lawyer Intigam Aliyev were sentenced on similar charges, following trials marred by due process violations, and are currently serving prison sentences of six years and three months and seven and a half years respectively; whereas numerous other prominent Azerbaijani civil society figures remain imprisoned, including Anar Mammadli, Rauf Mirkadirov, Ömar Mammadov, Tofiq Yaqublu, Ilgar Mammadov, Nijat Aliyev, Araz Guliyev, Parviz Hashimli, Seymur Hezi, Hilal Mammadov and Taleh Khasmammadov, and whereas the health of some of these prisoners is steadily deteriorating;
- C. whereas Leyla Yunus and Rasul Jafarov, before they were themselves arrested, led a group of prominent Azerbaijani human rights defenders and experts that produced a list of nearly one hundred Azerbaijanis who qualify as political prisoners under the definition adopted by the Council of Europe in 2012;

- D. whereas journalists and civil society leaders are being subjected to continuous intimidation and harassment, among them Emin Milli, Director of Meydan TV, who has received death threats and members of whose family have been arrested on trumped-up charges, as well as journalists working with Meydan TV in Azerbaijan; whereas the founder of the Institute for Reporters' Freedom and Safety (IRFS) and human rights defender, Emin Huseynov, has sought refuge in Switzerland after facing trumped-up charges and has had his Azerbaijani citizenship revoked;
- E. whereas many more journalists and civil society activists are faced with legal proceedings, travel bans and restrictions on their freedom of movement in relation to their human rights activities; whereas the Azerbaijani government is also clamping down on independent groups through restrictive new laws regulating NGOs; whereas because of these laws many groups have been effectively forced to shut down after their bank accounts were frozen or their sources of funding blocked following the government's refusal to authorise new grants from foreign donor organisations;
- F. whereas peaceful protesters have been effectively banned from demonstrating in central Baku since 2006, and new, harsh fines and longer periods of administrative detention for those who organise or participate in unauthorised public gatherings have recently been introduced;
- G. whereas the chair of the IRFS, the journalist Rasim Aliyev, died in a Baku hospital after being severely beaten, following continuous threats and intimidation in the aftermath of his criticisms of President Aliyev via social media;
- H. whereas Azerbaijan is one of the founding members of the Eastern Partnership; whereas the EU and Eastern European leaders have on numerous occasions reaffirmed that the Eastern Partnership is based on a community of values and on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law; whereas Azerbaijan aspires to step up and deepen its relations with the EU, aiming at a strategic partnership;
- I. whereas in 2014 the EU was unable to disburse 11 of its 13 grants to NGOs because of the restrictive legislation, and continues to encounter severe limitations on its ability to fund independent civil society groups and activists in Azerbaijan; whereas many of the EU grantees are either in prison – e.g. the human rights lawyer Intigam Aliyev – or have fled the country and closed their operations;
- J. whereas the OSCE office in Baku was closed on 4 July 2015 following the Azerbaijani authorities' decision to terminate the Memorandum of Understanding between the Government of Azerbaijan and the OSCE;
- K. whereas Freedom House considers Azerbaijan to be 'not free', rating its press as 'not free' and its internet as 'partially free'; whereas Azerbaijan has suffered the greatest decline in democratic governance in all of Eurasia over the past ten years;
- L. whereas in November 2015 Azerbaijan will hold parliamentary elections; whereas the European Parliament declined to send an Election Observation Mission, as the assessment was that the background for holding free and fair elections does not exist and limitations on the freedoms of expression, assembly and association in the country make it impossible to create a level playing field for candidates and to organise a genuinely competitive vote;

- M. whereas sectoral cooperation is mutually beneficial, especially in the energy sector; whereas Azerbaijan has the potential to become one of the EU's major commercial partners;
1. Expresses its serious concern over the continuing deterioration of the human rights situation in the country, and recalls that the EU attaches special importance to human rights and fundamental freedoms in the context of bilateral cooperation, as key elements of the Eastern Partnership and also as foundational pillars of international organisations such as the Council of Europe and the OCSE, of both of which Azerbaijan is a member;
 2. Calls for the immediate and unconditional release from jail of all political prisoners, human rights defenders, journalists and other civil society activists, including Khadija Ismayilova, Leyla Yunus and Arif Yunus, Anar Mammadli, Rasul Jafarov, Intigam Aliyev, Rauf Mirkadirov, Ömar Mammadov, Tofiq Yaqublu, Nijat Aliyev, Araz Guliyev, Parviz Hashimli, Seymour Hezi, Hilal Mammadov, Taleh Khasmammadov and Ilgar Mammadov, in line with the judgment 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;
 3. Strongly condemns the unprecedented repression against civil society in Azerbaijan; reiterates 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 alleged use of fabricated charges against political figures, activists and journalists; urges 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, in particular access to a lawyer of their choosing and access to their families, and are covered by other fair trial norms;
 4. Welcomes the possibility granted by the Azerbaijani authorities to a European medical team to visit Leyla and Arif Yunus, and calls for their release, also for humanitarian reasons; draws attention to the conditions of imprisonment of Leyla and Arif Yunus and Intigam Aliyev, which have led to the serious deterioration of their health with possibly life-threatening consequences; calls on the Azerbaijani authorities to allow a European medical team to examine Intigam Aliyev and to ensure that all prisoners receive proper healthcare when needed;
 5. Calls for a prompt investigation into the death of the journalist and IRFS chair Rasim Aliyev; notes with concern the allegations put forward by a group of journalists that Mr Aliyev died because he had not received appropriate assistance from the doctors assigned to him in the hospital;
 6. Reminds the authorities in Azerbaijan that the wellbeing of the population, which entails respect for rights and freedoms, is an essential component of sustainable economic growth;
 7. Calls upon Azerbaijan to respect and implement its commitments undertaken as a member of the Council of Europe; reiterates its call on the Azerbaijani authorities to comply with all rulings of the European Court of Human Rights (ECHR) concerning Azerbaijan; calls for the ruling of 16 June 2015 and all other ECHR rulings to be complied with;

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 arbitrary detention, with the aim of amending its legislation and adapting its practices in full conformity with the conclusions of the experts;
9. Calls on the government of Azerbaijan to immediately end its crackdown on civil society and human rights work, ensuring 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;
10. Deplores the continued actions taken by the Azerbaijani government to curb contacts between civil society groups, youth activists and intellectuals in Armenia and Azerbaijan, which are of extreme importance for bridging the long hostility between the two countries; in this regard, again recalls the important work done in this area by Leyla and Arif Yunus;
11. Calls on the Azerbaijani authorities 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;
12. Is extremely concerned over the situation of LGBTI people in Azerbaijan; strongly condemns political hate speech against LGBTI people coming from the highest levels; calls on the Azerbaijani government to stop obstructing and intimidating human rights defenders working for the rights of LGBTI people;
13. Underlines the importance of serious and mutually respectful dialogue between the EU and the government of Azerbaijan, the opposition forces and civil society;
14. Reiterates that the negotiations for a Strategic Partnership Agreement with Azerbaijan should be immediately put on hold as long the government fails to take concrete steps in advancing respect for universal human rights;
15. Calls on the Council, the Commission and the European External Action Service (EEAS) to strictly apply the 'more for more' principle, with a specific focus on the situation of human rights defenders, in line with the EU Guidelines on Human Rights Defenders, the independence of the judiciary, democratic reforms and fundamental rights and freedoms, and to clearly lay down the consequences of lagging behind on reforms; calls on the Commission to review and suspend temporarily, if needed, all funding not related to human rights, civil society and grassroots level people-to-people cooperation granted to Azerbaijan through the European Neighbourhood Instrument, in light of the abovementioned incidents of human rights defenders being targeted for documenting human rights violations in Azerbaijan; calls on the Commission and the Member States to maintain funding for people-to-people contacts and cooperation in such areas as civil society, education and academia, as well as youth and student exchanges;
16. Calls on the Council, the Commission, and the VP/HR to mount a strong and unified response to the crackdown under way in Azerbaijan, in order to make it clear that the prevailing situation is wholly unacceptable and that it cannot be 'business as usual' until

the government releases all those imprisoned on politically motivated charges and ends the ongoing crackdown against independent civil society groups;

17. Urges the European companies that operate in Azerbaijan to be outspoken in demanding high human rights standards and to adopt high standards of corporate social responsibility, taking into account the impact of their actions on the human rights situation in the country;
18. Regrets that the EU-Azerbaijan human rights dialogue has not made any 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;
19. Calls on the EU authorities to conduct a thorough investigation into the corruption allegations against President Aliyev and members of his family revealed by the work of the investigative journalist Khadija Ismaylova;
20. Calls on the Council to avoid double standards in relation to the EaP countries, and to consider, in this regard, targeted sanctions and visa bans on all politicians, officials and judges involved in the political persecutions;
21. Calls on the Azerbaijani authorities to cooperate with and facilitate visits by representatives of regional organisations such as the Council of Europe and the OCSE; strongly deplores the decision by the Azerbaijani authorities to close the OCSE offices in Baku;
22. Notes that independent election monitors, including the long-term OSCE observation mission and national ones, have documented major breaches of electoral standards in Azerbaijan for all presidential and parliamentary elections since and including the presidential election of October 2003; expresses its serious concern as to whether the conditions are in place for a free and fair vote on 1 November 2015, given that leaders of opposition parties have been imprisoned, media and journalists are not allowed to operate freely and without intimidation, and a climate of fear is prevalent;
23. Calls on the EEAS and the Member States to refrain from election observation activities for the time being. Notes that an ODIHR mission is currently on the ground and it would be of the utmost importance to know its analysis of the situation in the country;
24. Recalls its decision to send a European Parliament delegation to Azerbaijan, and stresses the importance of sending this delegation as soon as possible in order to engage with the Azerbaijani authorities on urgent issues such as human rights and the conflict in Nagorno-Karabakh;
25. 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.