

## **P7\_TA-PROV(2013)0285**

### **Azerbaijan: Case of Ilgar Mammadov**

#### **European Parliament resolution of 13 June 2013 on Azerbaijan: the case of Ilgar Mammadov (2013/2668(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on the situation in Azerbaijan, in particular those concerning human rights and the rule of law,
  - having regard to the joint statement of 9 February 2013 by Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton and Commissioner Štefan Füle on the arrests of Tofiq Yaqublu, newspaper columnist and deputy chair of the Musavat opposition party, and Ilgar Mammadov, leader and presidential candidate of the Republican Alternative (REAL) party,
  - having regard to the joint statement of 7 June 2013 by the respective spokespersons of Catherine Ashton and Commissioner Füle on curbs on freedom of expression in Azerbaijan,
  - having regard to the statement of 3 May 2013 by the Secretary-General of the Council of Europe, Thorbjørn Jagland, concerning new charges brought against Mr Mammadov,
  - having regard to the statement of 18 March 2013 by the Congress of Local and Regional Authorities of the Council of Europe,
  - having regard to the joint statement issued by 52 Azerbaijani civil society organisations requesting the release of Mr Mammadov and Mr Yaqublu,
  - 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 an EU-Azerbaijan association agreement and Azerbaijan's participation in the Euronest Parliamentary Assembly,
  - having regard to the ongoing negotiations between the EU and Azerbaijan on an association agreement,
  - having regard to its resolution of 11 December 2012 on a Digital Freedom Strategy in EU Foreign Policy<sup>1</sup>,
  - having regard to the 2012 ENP country progress report on Azerbaijan, dated 20 March 2013,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas Mr Mammadov, leader of the opposition REAL movement and director of the Council of Europe's Baku School of Political Studies, and Mr Yaqublu, deputy chair of the

---

<sup>1</sup> Texts adopted, P7\_TA(2012)0470.

Musavat opposition party, were arrested by Azerbaijani authorities on 4 February 2013 and have been unlawfully detained since then; whereas Mr Mammadov is accused of inciting riots in the town of Ismaili after he visited the town;

- B. whereas his initial pre-trial detention has been extended twice in an apparent attempt to keep him behind bars pending the forthcoming elections; whereas according to recent reports Ilgar Mammadov has been placed in a punishment cell, raising concerns that he is being singled out;
- C. whereas the overall human rights situation in Azerbaijan has deteriorated continuously over the last few years despite the adoption of the ENP Action Plan, with growing pressure on, and intimidation of, NGOs and independent media, engendering a widespread sense of fear among opposition forces, human rights defenders and youth and social network activists and leading to self-censorship among journalists;
- D. whereas before his arrest Mr Mammadov had been confirmed as the REAL opposition party's candidate for the Azerbaijani presidential elections scheduled for October 2013;
- E. whereas human rights defenders and civil society representatives consider Mr Mammadov's arrest to be illegal and politically motivated, and an attempt to intimidate the opposition;
- F. whereas the Commission, the Parliamentary Assembly of the Council of Europe and Member State governments have expressed grave concern about this case;
- G. whereas the EU has expressed its grave concerns about the use of selective justice for political purposes;
- H. whereas the Council of Europe representative in Baku was not admitted to the initial court hearing in February 2013 and whereas, in addition, a group of Council of Europe ambassadors who recently visited Azerbaijan were not allowed to see Mr Mammadov;
- I. whereas freedom of the press and media, both online and offline, is a crucial aspect of a democratic and open society, as well as being fundamental in safeguarding human rights and the rule of law;
- J. whereas journalists, bloggers, activists and other independent thinkers continue to experience serious limitations on their freedom of expression in Azerbaijan, facing prosecution on bogus charges, harassment, intimidation and physical attacks;
- K. whereas demonstrations have effectively been banned in central Baku since 2006, and whereas harsh new fines and longer periods of administrative detention for those who organise or participate in unauthorised public gatherings were recently introduced;
- L. whereas Azerbaijani authorities recently requested the downgrading of the mission of the Organisation for Security and Cooperation in Europe (OSCE) in Baku to the status of a 'project coordination office', which is seen as an attempt to limit the OSCE's anticipated criticism of the presidential elections scheduled for October 2013;
- M. whereas, contrary to the commitments made, Azerbaijan's parliament, the Milli Mejlis, has adopted amendments to the Criminal Code that provide for up to three years' imprisonment

for defamation posted online, an act that constitutes a further hindrance to the necessary conditions for independent and non-biased media in Azerbaijan;

- N. whereas Azerbaijan is currently engaged in consultations with the Council of Europe's Venice Commission on the reform of the country's defamation legislation, which must be carried out in order to execute two judgments of the European Court of Human Rights against Azerbaijan; whereas, however, the Azerbaijani parliament has adopted new amendments aimed at facilitating the application of defamation provisions to online expression;
- O. whereas Azerbaijan is a member of the Council of Europe and will take over its rotating chairmanship in 2014, as well as being a party to the European Convention on Human Rights;
- P. whereas Azerbaijan is actively participating in the ENP and the EaP, is engaged in the negotiations on an association agreement and the furthering of cooperation initiatives grounded in the EaP framework, is a founding member of Euronest and is committed to respecting democracy, human rights and the rule of law, which are core values of these initiatives;
- Q. whereas Azerbaijan has adopted new laws widening the definition of criminal libel, tightening regulations governing the funding of non-governmental organisations (NGOs) and introducing much severer penalties for offences relating to public assemblies;
- R. whereas Azerbaijan has taken up a non-permanent seat in the United Nations Security Council (UNSC) for the 2012-2013 period, and has committed itself to upholding the values enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights;
- S. whereas 2013 is an important election year for Azerbaijan, which has committed itself to improving the general environment for democratic elections;
  - 1. Stresses that full respect for human rights, fundamental freedoms and the rule of law is 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. Strongly condemns the detention of Mr Mammadov, calls for his immediate and unconditional release and an end to his prosecution, and urges the Azerbaijani authorities to investigate the charges against him in a speedy, fair, transparent and independent manner;
  - 3. Calls for the EU to assist and further support the Republic of Azerbaijan in its efforts to consolidate democracy and the rule of law and to reform the judiciary and law enforcement systems, with a special focus on protecting human rights;
  - 4. Expresses serious concern over reports by human rights defenders and domestic and international NGOs about the alleged use of fabricated charges against politicians, activists and journalists;
  - 5. Condemns any intimidation, arrest, detention or prosecution of opposition party leaders or members, activists, journalists or bloggers solely because they have expressed their views

and exercised their fundamental rights and freedoms in accordance with international standards;

6. Calls on the Azerbaijani authorities unequivocally to respect freedom of the press and media, both online and offline, and to secure freedom of expression;
7. Calls on the Azerbaijani authorities to reform the country's defamation legislation so that defamation is dealt with by means of proportionate fines rather than imprisonment;
8. Calls on the Azerbaijani authorities fully to respect the freedom of assembly of the Azerbaijani population;
9. Supports the ongoing negotiations on an EU-Azerbaijan association agreement and reaffirms its position that such an agreement must include clauses and benchmarks relating to the protection and promotion of human rights, especially with regard to freedom of the media, freedom of expression, freedom of association and freedom of assembly, which reflect the principles and rights enshrined in the Azerbaijani constitution and the commitments made by Azerbaijan within the Council of Europe and the OSCE;
10. Calls on the Azerbaijani authorities to bring the legislation on elections, freedom of assembly, freedom of association and media freedom into line with international standards and to ensure its full implementation;
11. Calls on the European External Action Service (EEAS) strictly to apply the 'more for more' principle, with a specific focus on inclusive, free and fair elections, the independence of the judiciary, democratic reforms and fundamental rights and freedoms, and clearly to lay down the consequences of lagging behind in relation to reforms;
12. Urges the Azerbaijani authorities to step up their efforts to reform all aspects of the judicial system: prosecution, trial, sentencing, detention and appeals;
13. Calls on Commission President José Manuel Barroso to speak out on the EU's human rights concerns vis-à-vis Azerbaijan, as outlined in the last ENP progress report, during President Ilham Aliyev's planned visit to Brussels;
14. Supports the work of the EEAS and calls on the EU Delegation in Baku to continue to pay close attention to human rights concerns during the forthcoming election cycle, showing support for human rights defenders by attending events organised by civil society and speaking out on their behalf, closely monitoring court trials and supporting media freedom, inter alia by demanding the viable transmission of independent radio and television channels during the election campaign;
15. Urges the Azerbaijani authorities to grant the Azerbaijan Human Rights House unconditional authorisation to reopen, and to register the Election Monitoring and Democracy Studies Centre and the Human Rights Club without further delays or administrative burdens;
16. Calls on the Azerbaijani authorities to comply with all rulings of the European Court of Human Rights concerning Azerbaijan;

17. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the Governments and Parliament of the Republic of Azerbaijan, the Council of Europe, the OSCE and the UN Human Rights Council.