

## **P6\_TA(2005)0243**

### **Azerbaijan**

#### **European Parliament resolution on Azerbaijan**

*The European Parliament,*

- having regard to its previous resolutions on Azerbaijan and the South Caucasus and, in particular, its recommendation of 26 February 2004 to the Council on EU policy towards the South Caucasus<sup>1</sup>,
- having regard to its resolution of 20 November 2003 on 'Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours'<sup>2</sup>,
- having regard to the Partnership and Cooperation Agreement with Azerbaijan, which entered into force on 1 July 1999 and in which respect for democracy, the principles of international law and human rights are enshrined,
- having regard to the Commission's Country Report on Azerbaijan of 2 March 2005,
- having regard to the Conclusions of the EU General Affairs and External Relations Council of 25 and 26 April 2005 and the EU Presidency Declaration of 24 May 2005 on the events in Baku,
- having regard to the joint recommendations of the Venice Commission and the OSCE/ODIHR of 1 June 2005 on the electoral law and the electoral administration in Azerbaijan and the OSCE report of 4 February 2005 on trial monitoring in Azerbaijan,
- having regard to the recommendations of the 6th meeting of the EU-Azerbaijan Parliamentary Cooperation Committee, which was held in Baku on 18-19 April 2005,
- having regard to Azerbaijan's inclusion in the European neighbourhood policy and the decision to implement Action Plans for the three countries of the South Caucasus,
- having regard to Azerbaijan's membership of the Council of Europe, to the European Convention on Human Rights and to the many resolutions by the Parliamentary Assembly of the Council of Europe on the situation in Azerbaijan,
- having regard to the International Covenant on Civil and Political Rights, and in particular Articles 19 and 21 thereof, which guarantee the right to freedom of expression and peaceful assembly,
- having regard to the EU Presidency's statement of 19 May 2005 on Azerbaijan, welcoming President Ilham Aliyev's decree on improving the practice of elections in Azerbaijan,

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<sup>1</sup> OJ C 98 E, 23.4.2004, p. 193.

<sup>2</sup> OJ C 87 E, 7.4.2004, p. 506.

- having regard to Article 115(5) of its Rules of Procedure,
- A. whereas opposition parties were refused permission by the Mayor of Baku to hold a rally in Baku on 21 May 2005, contradicting the spirit of the 12 May 2005 presidential decree which ordered the local administration to authorise political rallies and find appropriate venues for them,
- B. whereas an attempt by the opposition to hold the rally on 21 May 2005 in Baku met with violence and police brutality against journalists and individuals taking part in the rally, of whom a number were detained for several days,
- C. whereas, on 31 May 2005, the Azerbaijani authorities detained dozens of youth activists for distributing leaflets,
- D. whereas a new demonstration by the opposition took place without incident in Baku on 4 June 2005 after an agreement had been reached with the authorities,
- E. whereas EU representatives have expressed their concern about the detention of protesters and opposition leaders while exercising their freedom of assembly, an essential freedom in any democratic society being the freedom to express one's political opinions,
- F. whereas this is not the first time the authorities have used excessive force to suppress the opposition; in October 2003, following disturbances surrounding the widely criticised presidential elections, seven members of the opposition were arrested and given five-year prison sentences, but were later pardoned,
- G. whereas the conclusions of the OSCE on the municipal elections of December 2004 stated that they 'fell short of a number of international standards for democratic elections', although the election day was generally assessed as acceptable and some technical improvements were reported, compared with the previous presidential elections of 2003,
- H. whereas, with a view to the parliamentary elections in November 2005, President Ilham Aliyev issued an Executive Order on 12 May 2005 on 'Improvement of Election Practices in the Republic of Azerbaijan',
- I. whereas the conclusions of the OSCE report on trial monitoring in Azerbaijan show that in some important respects trials fell well short of Azerbaijan's existing legal requirements and its international commitments on human rights and the rule of law,
- J. whereas journalists have experienced a persistent and disturbing decline in the extent of press freedom in the country,
- K. having regard to the generally difficult social and political situation linked to the unresolved Nagorno-Karabakh conflict, which has resulted in a huge refugee and IDP burden on the country,
- 1. Regrets the decision taken by the Mayor of Baku to deny permission for the opposition's rally called for 21 May 2005 to take place, and strongly condemns the disproportionate

use of force by the police against members of the opposition and youth movement activists exercising their rights to freedom of expression and peaceful assembly;

2. Notes that the arrest and detention of opposition activists was politically motivated, welcomes the release of all those arrested and calls for a full investigation into the events, including into the responsibility of the police;
3. Strongly condemns the assassination of the journalist Elmar Huseynov in March of this year, and reiterates its support for pluralism, democracy and the rule of law; calls on the authorities to do everything possible to bring the perpetrators to justice; urges the government to lift the restrictions imposed on the media, to stop the harassment, intimidation and detention of journalists who dare to criticise the government and to protect the personal safety and professional integrity of journalists performing their duties;
4. Urges Azerbaijan to secure the independence of the judiciary and to guarantee the inherent and inalienable fundamental rights of persons under detention; calls on the authorities to take steps to remedy the deficiencies observed in trials and urges the government, in this regard, to implement the Council of Europe recommendations on the treatment of political prisoners following extensive and credible allegations of torture and ill-treatment;
5. Welcomes the decision of the Azerbaijani authorities to pardon the 114 people imprisoned in connection with public disturbances in the direct aftermath of the 2003 presidential elections, including those designated by the Council of Europe as political prisoners, as well as the seven opposition leaders who had been convicted of taking part in the mass protest; takes the view that this might represent a positive step towards the establishment of political pluralism in Azerbaijan and calls for the release of all the remaining political prisoners;
6. Welcomes the presidential decree instructing the executive authorities to ensure the freedom of assembly, the compilation of accurate electoral rolls, that each candidate has equal access to the media, and that citizens are not persecuted for their political beliefs; calls on the authorities to ensure that this decree and further reforms are fully implemented in line with international standards at all levels;
7. Calls on the government to ensure that the forthcoming parliamentary elections in November 2005 will be free and fair and that opposition activists and candidates do not suffer repression in any shape or form;
8. Calls for renewed efforts from all sides in the round-table discussions between the ruling party and the opposition parties, which are aimed at strengthening confidence in the electoral process and minimising the risk of fraud;
9. Calls for a sufficient number of international observers to be deployed in the country for the elections, including a delegation from the European Parliament;
10. Takes the view that the Action Plan for Azerbaijan should be focused on the development of genuine democracy and respect for human rights and the rule of law; urges the

Commission, in this regard, to coordinate its action with the Council of Europe and to make every effort to support and develop the fragile Azerbaijani civil society;

11. Supports the continuing dialogue between the Azerbaijani Government and the OSCE/ODIHR and the Venice Commission of the Council of Europe, and welcomes the report of the ODIHR Needs Assessment Mission in June;
12. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and governments of the Member States, the President, Government and Parliament of the Republic of Azerbaijan, and the Parliamentary Assemblies of the OSCE and the Council of Europe.