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DRAFT REPORT

on a European Parliament recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the negotiations on the EU-Azerbaijan Comprehensive Agreement
(2017/2056(INI))

Committee on Foreign Affairs

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PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION

to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the negotiations on the EU-Azerbaijan Comprehensive Agreement (2017/2056(INI))

The European Parliament,

- having regard to Articles 2, 3 and 8 and to Title V, in particular Articles 21, 22 and 36, of the Treaty on European Union (TEU), as well as to Part Five of the Treaty on the Functioning of the European Union (TFEU),
 - having regard to the launch on 7 February 2017 of negotiations between the European Union and Azerbaijan on a new comprehensive agreement,
 - having regard to the Council's adoption on 7 November 2016 of the negotiating directives for this agreement,
 - having regard to the Euronest Parliamentary Assembly Bureau message to the Heads of State or Government of 30 October 2017,
 - having regard to the Joint Declaration of the Brussels Eastern Partnership Summit of 24 November 2017,
 - having regard to its resolution of 15 June 2017 on the case of Azerbaijani journalist Afgan Mukhtarli¹, and to other resolutions on Azerbaijan, in particular those concerning the human rights situation and the rule of law,
 - having regard to the resolution of 11 October 2017 of the Parliamentary Assembly of the Council of Europe on the functioning of democratic institutions in Azerbaijan,
 - having regard to the notification on 25 October 2017 by the Committee of Ministers of the Council of Europe of the launch of infringement proceedings due to the Azerbaijani authorities' continued refusal to implement the *Ilgar Mammadov v. Azerbaijan* judgment from the European Court of Human Rights (ECHR),
 - having regard to Rules 108(4) and 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A8-0000/2018),
1. Recommends the following to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

General principles, core values and commitment to conflict resolution

- (a) to ensure that the deepening of relations between the EU and Azerbaijan is

¹ Texts adopted, P8_TA(2017)0267.

undertaken on the basis of mutually agreed ambitions and the upholding of the core values and principles of democracy, the rule of law, good governance, respect for human rights and fundamental freedoms, in the interest of both parties and especially their citizens;

- (b) to remind the Azerbaijani authorities about the European Parliament's position as expressed in its resolution of 15 November 2017 on the Eastern Partnership, which unambiguously states that no comprehensive agreement will be ratified with a country that does not respect EU values, in particular with regard to the non-implementation of decisions by the European Court of Human Rights and the harassment, intimidation and persecution of human rights defenders, NGOs and journalists; to ensure that significant steps are taken as regards the release of political prisoners and prisoners of conscience in Azerbaijan before any new EU-Azerbaijan agreement; to ensure a dedicated suspension mechanism related to human rights and fundamental freedoms is included in the new agreement;
- (c) to remind the Azerbaijani authorities about the European Parliament position expressed in the same resolution according to which the ratification of new agreements between the EU and each of the parties to the Nagorno Karabakh conflict must be made conditional on meaningful commitments to and substantial progress towards solving the conflict, such as maintaining the ceasefire and supporting the implementation of the OSCE 2009 Basic Principles and the efforts of the OSCE Minsk Group Co-Chairs;
- (d) to ensure that the future agreement with Azerbaijan is ambitious, comprehensive and forward-looking, delivering tangible and concrete benefits not only for large companies but also for SMEs and for the citizens of the EU and of Azerbaijan;
- (e) to ensure, in so far as the above conditions are fulfilled, speedy and steady progress in the negotiations with the objective of signing this new agreement before the next Eastern Partnership Summit in 2019;
- (f) to actively communicate about the aims of the new agreement to improve public awareness, both in Azerbaijan and in the EU, about the expected opportunities and benefits that would arise from its conclusion, thereby countering all disinformation campaigns;

Political dialogue and regional cooperation

- (g) to provide for regular and in-depth dialogue, notably on political reforms aimed at bolstering institutions, such as the judiciary in order to make them more democratic and independent, on upholding of human rights, and on fostering a strong civil society and ensuring its involvement in the reform process;
- (h) to establish specific measures aimed at implementing the recommendations by the OSCE/ODHIR and the Council of Europe's Venice Commission with a view to ensuring progress towards elections and referenda that allow for a free and fair expression of Azerbaijani citizens' views and aspirations;
- (i) to aim for provisions that enhance cooperation in promoting peace and

international justice and in particular for Azerbaijan to sign and ratify the Rome Statute of the International Criminal Court (ICC); to also seek strong cooperation measures in countering the proliferation of weapons of mass destruction as well as tackling illicit trade in small arms and light weapons;

- (j) to provide for close cooperation in foreign and security matters to ensure as much convergence as possible, in particular as regards responses to global threats, conflict prevention, crisis management and regional cooperation;
- (k) to ensure that high priority is given to dialogue between Azerbaijan and Armenia and to an enhanced EU participation in peacefully solving the Nagorno Karabakh conflict in line with the OSCE 2009 Basic Principles and notably with the support of the OSCE Minsk Group Co-Chairs, promoting all initiatives conducive to peace-building such as high-level talks, genuine confidence-building measures and exchanges between Armenian and Azerbaijani civil society;
- (l) to put in place specific provisions to support the authorities' important efforts in aiding the large number of refugees and internally displaced persons and to support civilians living in conflict areas within Azerbaijan's internationally recognised borders; to contribute in particular to upholding their right to return to their homes and property and to be awarded compensation in line with the rulings of the ECHR;

The rule of law, respect for human rights and fundamental freedoms

- (m) to provide support for reform of the judiciary aimed at ensuring its independence from the executive and at strengthening the rule of law, as well as developing a strong framework for the protection of human rights and gender equality;

The are no reform of judiciary at all, the are no independent judiciary system at all. Please put attention to the analysis of the law violations at the trials on political prisoners . See here:

http://ipdthinktank.org/trials_en.html

All judges passed sentence by political order

See:

http://ipdthinktank.org/judge_eng.html

The parliament of Azerbaijan on November 3, 2017 adopted amendments to the law "On advocates and advocacy", and actually liquidated the institution of representation. According to the changes, the legal representative of an individual in the court can only be the member of Bar Association, or his close relative. Previously, a representative of an individual could have been any capable citizen of the country.

More Information see :

<http://www.contact.az/ext/news/2017/11/free/Social/en/66503.htm>

On November 7, 2017 70 Azerbaijani lawyers who are not members of the Bar and dealing with the protection of the rights of citizens in the courts sent an appeal to the President of Azerbaijan Ilham Aliyev and Justice Minister Fikret Mammadov. The authors of the appeal asked to cancel the amendments proposed by the Supreme Court to the Civil Procedure Code and other laws, according to which only their close relatives and members of the Bar Association can protect the rights of citizens in legal disputes. In order for this bill to become law, the document was to be signed by the president of the country.

See : <http://www.contact.az/ext/news/2017/11/free/Social/en/66625.htm>

But the appeal of lawyers is ignored by president Ilham Aliev

The population of Azerbaijan in 2017 is about 10 million people. Rights of citizens since January 2018 will be entitled to protect only members of the Bar Association, whose number in November 2017 is about 930 people. The number of lawyers, who have courage and civil position to protect the rights of political prisoners is rapidly decreasing, in November 2017 - no more than 8-9 people.

- (n) to put in place specific provisions to support Azerbaijan in fighting corruption, money laundering and tax evasion;
- (o) to allow for increased cooperation in the fight against terrorism, organised crime and cybercrime, the prevention of radicalisation and cross-border crime;

It is important to stop forced radicalization of peaceful believers. 90 peaceful believers are political prisoners. They (**Taleh Bagirov, Abbas Huseynov, Jabbar Jabbarov and others**) have horrible tortures after arrests (4 men died in the first day of arrest 26 November 2015), during the investigation and after trial in special Gobustan prison. The lawyer Yalchin Imanov appealed to the court about the facts of torture in Gobustan prison regarding his client Abbas Huseynov, lawyer Imanov also told the media about torture in Gobustan prison against Abbas Huseynov and other activists of the movement "Muslim Unity".

The appeal of lawyer was ignored and the Presidium of the Bar Association on November 20, 2017 decided to suspend the powers of lawyer Yalchin Imanov

See: http://ipdthinktank.org/Abbas_Guseynov_rng.html

http://ipdthinktank.org/Justice_Ministry_eng.html

- (p) to include provisions related to the protection of human rights and fundamental freedoms aimed at ending political prosecutions and abductions, the targeting of political dissidents, independent journalists, human rights defenders, NGO

representatives and members of some minority groups including the LGBTQ community; to set up a reinforced forum for a human rights dialogue between the EU and Azerbaijan to encourage and support in particular the implementation of comprehensive reforms of the judiciary, all in line with EU standards;

- (q) to ensure a review of legislation and a halting of measures that seek to curtail civil society's legitimate activities notably as regards their registration requirements, foreign funding and grants registration, undue criminal investigations, raids of their offices, freezing of their accounts and persecution of their leaders;
- (r) to ensure, before the conclusion of the negotiations, that Azerbaijan takes significant steps as regards the release of political prisoners and prisoners of conscience which, in 2017, exceeded 150 persons, including, among the most emblematic cases, Ilgar Mammadov, Afgan Mukhtarli, Mehman Huseynov, Ilkin Rustamzada, Seymur Hazi, Rashad Ramazanov, Elchin Ismayilli, Giyas Ibrahimov, Beyram Mammadov, Asif Yusufli, Fuad Gahramanli and Aziz Orujov, the lifting of their travel bans once released, including those of Khadija Ismayilova and Intigam Aliyev; to secure the release and improvement of the situation of these individuals via the judiciary and the application of the rule of law;

Institute for Peace and Democracy together with the Center for the Protection of Political Prisoners prepared the last list of political prisoners to December 10, 2017 -161 political prisoners. See:

<http://ipdthinktank.org/List%20of%20prisoners%2010%20DECEMBER%202017.pdf>

Among this 161 persons in prison there are 12 bloggers and journalists, 8 members of opposition parties, 90 peaceful believers. The are political prisoners, who stay in prison more than 10 years, there are men, who sat more than 20 years....

- (s) to seek, before the conclusion of the negotiations, that Azerbaijan commits to investigations into all cases of mistreatment of political prisoners and prisoners of conscience, notably in the case of the late Mehman Galandarov, who died in custody 28 April 2017;

But tortures continuing in Azerbaijan

Horrible tortures against prisoners are in special prison of Ministry of National Security/MNS, today MNS is State Security Service (SSS). Arif Yunusov was tortured in this special prison during August-September 2015 during the nights. Till today (24 January 2018) he has big problems with health, as a result of tortures.

More horrible information about death after tortures came in May-July 2017 from Terter region

On May 7, 2017 the Prosecutor General, Ministry of Defense, Ministry of Internal Affairs and State Security Service issued a joint statement on revealing a group of military personnel

and civilians that have been compromising military secrets to the intelligence and special units of the Armenian Armed Forces (for mere satisfaction of «material interests»). Authorities opened a criminal case with article 274 (state treason) of the Criminal Code of Azerbaijan and launched a special investigative group with the members of the above-mentioned agencies.

On May 7 the wave of arrests affecting not just the military but also civilian residents of the villages in close proximity of the frontline, targeted mainly Tartar region. On May 7-8 media reported 47 arrests within one day, yet they did not specify names of the detainees.

On May 16 we already started receiving information about individuals tortured to death. As of May 24 Institute for Peace and Democracy was provided information about death of 5 people killed without investigation or trial:

1. Mehman Telman ogly Huseynov, born in 1987, was arrested on May 7 in his own house in Jamilli village of Tartar region. On May 16 his body was brought to his wife who is now raising her two little children alone. The family was not allowed to bury Mehman Huseynov in the cemetery as he was “an enemy and a traitor”. Huseynov was buried outside of the cemetery of Agkand village without observing traditions and saying prayers.

2. Sahavat Binnatov was arrested on May 7 in his house in the village Jamilli of Tartar region. On May 17 the body of beaten to death Binnatov was returned to the family, also banned from burying him in the village cemetery. The place of burial is unknown.

3. Colonel Saleh Charif oglu Gafarov was arrested on May 4 in his own apartment in the village Kutkashen Gabala district. The policemen of the Gabala Police Department literally burst into the house and took away S.Gafarov without presenting any warrant for arrest. On May 14 his body was brought to the village Kutkashen. The members of the family were not even allowed to see the face of the deceased. Dug in the cemetery, which was surrounded by soldiers who did not allow relatives to the body of the colonel.

4. Elchin Guliyev, resident of Tartar region was arrested on May 10-11. His body too was returned to the family on May 18 with the same explanation that he was spying for Armenia.

5. Lieutenant Tamkin Nizamioglu, born in 1993, was arrested on May 12. His body was returned to his native village Darkand in Ordubad region (Nakhchivan) in the sealed coffin. His family was not allowed to see the body or to bury him. The members of special services themselves performed the burial and only after that announced the family about the death of their relative.

Amidst all these crimes, on May 22, the delegation of European Parliament led by the member of the European People’s Party of Germany David McAllister met with President Ilham Aliyev

<http://www.contact.az/ext/news/2017/5/subsc/politics%20news/ru/62475.htm>
and
<http://www.contact.az/ext/news/2017/5/subsc/politics%20news/en/62475.htm>

European Union is preparing to sign a new Comprehensive Agreement with Azerbaijan.

But the tortures and deaths continuing.

Soldier of service for a fixed period Dayndur Nuru oglu Azizli, born in 1995, was drafted to the army in 2016. On May 12, 2017 he was arrested in Terter region. On July 20, police brought the coffin containing his body to his parents. Relatives managed to open the coffin and see the body of D. Azizli. His face was mutilated after brutal tortures.

Families of six arrested men received information about the murders of relatives, but their corpses were not given out to families, and either the police or the military were buried.

During May-July, 2017, more than a hundred servicemen and civilians were arrested on charges of espionage. The detainees were not provided with lawyers, there were no trials in which the accused were charged and a decision was taken on remand in custody. From the very first hours of detention, all the suspects were subjected to brutal torture. How many people died after torture, we do not know. The total number of detainees is also unknown. A number of detainees could not stand torture and confessed to treason. Their trial is likely to take place in 2018. But it will be closed

See:

http://ipdthinktank.org/Killing_orders_eng.html#Layer2

http://ipdthinktank.org/Killing_orders_eng.html

It is very important to demand the investigations of this deaths.

- (t) to underline the importance of a free and independent media, both off and on-line and to ensure a strengthened EU support for free and pluralistic media in Azerbaijan, with editorial independence and in line with EU standards, and pointing out that a reinforced attention to press and media freedom could take the form of a regional initiative encompassing all the Eastern Partnership countries;

The are no independent newspapers or TV at all.

Trade and economic cooperation

- (u) to include fair and ambitious trade and investment provisions, in so far as is compatible with Azerbaijan's non-WTO-member status, that are fully in line with EU standards, notably sanitary, phytosanitary and environmental, and that ensure the protection of intellectual property rights including geographical indicators;
- (v) to put in place robust measures that would ensure rapid progress towards improving the business and investment climate in Azerbaijan notably as regards taxation, the management of public finances and of public procurement, in order to allow for more transparency, better governance and accountability, equal access and fair competition;

Energy and other areas of cooperation

- (w) to allow for increased cooperation in the energy sector in line with the EU's and Azerbaijan's strategic energy partnership;
- (x) to also support the diversification of Azerbaijan's energy mix, promoting non-carbon energy sources and preparing for the post-carbon age; to note the important dimension given to climate change and to the impact on local communities in the pending decision by the European Investment Bank on the funding of the Trans-Anatolian Gas Pipeline (TANAP);
- (y) to put in place ambitious provisions on environmental protection and climate change reduction as part of the new agreement, including through a mainstreaming of these policies as part of other sector policies;
- (z) to provide new perspectives for enhanced cooperation in non-energy related areas in order to diversify the Azerbaijani economy, boost job creation and allow for more people-to-people contacts both at a regional and European level, in particular in the fields of education, health, transport and tourism;
- (aa) to enhance cooperation with regard to youth and student exchanges and the development of new scholarship programmes and training courses, as well as a facilitated participation in the ERASMUS+ program which will ensure the development of skills and enable Azerbaijani people to become acquainted with the EU and vice-versa;
- (ab) to also promote economic growth via transport and connectivity; to extend the Trans-European Transport Network (TEN-T) to Eastern Partners;

Institutional provisions

- (ac) to ensure that the agreement has a robust parliamentary dimension, strengthening the current provisions and mechanisms of cooperation to enable increased input into and scrutiny of its implementation, notably through the establishment of an upgraded interparliamentary structure;
 - (ad) to send to Parliament, with no more delay, all relevant documents related to these negotiations, in particular the negotiating directives that were adopted on 7 November 2016, in line with Article 218(10) TFEU, according to which the 'European Parliament shall be immediately and fully informed at all stages of the procedure'; to also provide Parliament with negotiating texts and minutes of each negotiating round; to remind the Council that, due to the infringement of Article 218(10) TFEU in the past, the European Court of Justice has already annulled Council decisions on the signing and conclusion of several agreements; to bear in mind that Parliament's consent on new agreements may also be withheld in the future, until the Council fulfils its legal obligations;
2. Instructs its President to forward this recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and to the President, Government and Parliament of the Republic of Azerbaijan.

