



Provisional edition

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Official report of debates

Opening of the sitting No. 7

Debate under urgent procedure: International obligations concerning the repatriation of children from war and conflict zones

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Good morning, ladies and gentlemen.

The sitting is open.

The first item of business this morning is a debate under urgent procedure on international obligations concerning the repatriation of children from war and conflict zones: Document 15055 presented by Mr Stefan SCHENNACH on behalf of the Committee on Social Affairs, Health and Sustainable Development. Following Mr Stefan SCHENNACH's opening statement, there will be a statement from Ms Dunja MIJATOVIĆ who is the Council of Europe Commissioner for Human Rights. I look forward to hearing from you in due course.

But first, Mr Stefan SCHENNACH, the rapporteur, you have 13 minutes in total which you may divide between presentation of the report and your reply to the debate.

The floor is yours.

Mr Stefan SCHENNACH (Austria, SOC, Rapporteur): Thank you, Mr President, thank you very much.

Thank you also to Dunja MIJATOVIĆ for giving us the honour of being with us for this really urgent topic.

What is more urgent than helping children who die every day? Every day, we hear from the camps that children are dying, and I ask you now to try to follow this debate solely from a child's point of view. No child in the world is responsible for who their parents are; no child in the world is responsible for the environment in which they were born. And in this case, it is doubly important that we bear in mind that we are in a very difficult situation here, solely from the point of view of the wellbeing of children.

For whatever reason, young women from Europe, for example, have set out to marry in the territory of the so-called IS and have children. These children are not guilty and many of these mothers come from almost all our member states. Therefore, the member states also have a responsibility towards children who actually

In this report:

1. Speeches in English, French, German and Italian are reported in full in English.
2. Speeches in other languages are summarised from the interpretation and indicated by an asterisk (*).
3. Speeches in German and Italian are available in full on the Assembly's website.
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have a mother from one of our member states. Some countries have already assumed this responsibility. I would like to highlight Kosovo. Kosovo has said: "Bring back all mothers with their children!" That's 110. The Russian Federation has taken back over 120 and Kazakhstan over 500.

However, in some European countries, there are procedures that take longer. But there is no time; the children are dying. There is no drinking water, no medical pursuit. There exists a danger that these children will, once again, become victims in a conflict zone.

One of the Council of Europe's conventions says that we must do everything possible to prevent statelessness and that we must do everything possible to avert the danger of subsequent radicalisation. So, we now have different withdrawals, also in other European countries. For example, in France, Austria, the Netherlands, but also in Belgium, Denmark or Sweden, we have special problems regarding the fact that some people have a double nationality, that is, different citizenships.

All of this needs to be investigated and, if young people have been involved in criminal activities, they have the right to a fair and due process of law, including under a country's juvenile justice code.

After all, there is protection against new radicalisation and terrorism. We must also bear this in mind: children whom we allow to grow up in such an environment can very quickly become victims of radicalisation. What is important in the withdrawal process is that we integrate these children, many of them are traumatized and medical help is also necessary in many cases. We have to take all this into account and, of course, correct identification is also important.

In Camp al-Hawl, which is currently under Kurdish control, together with the democratic forces of Syria, there are more than 60 000 people, half of whom are under the age of 12. We have to get these children out, we have to integrate them, we have to protect them and we have to hope that there is a possibility here too; as was the case with two Austrian children, for example, where the grandparents said, "we want our grandchildren back". In the case of Germany, too, I followed this very closely when a farmer wanted his daughter's grandchildren back and fought for them.

We should try not to separate mothers and children from each other. It is not always easy, it must be examined. Every involvement must be investigated and also the affiliation to a state must be investigated.

The Kurdish authorities have now set up a special commission for this purpose, which is working together. At international level, the Red Cross has sounded the alarm, UNICEF has sounded the alarm, the World Health Organization has sounded the alarm. A few days ago, various NGOs such as Terre des Hommes issued an urgent appeal; and, Mr President, what is more important and urgent than the lives of children?

And that is why this debate was timely, because it is currently under discussion.

Of course, the role of the media must also be respected in order to avoid any prejudgments. We will not get positive headlines, but it is the responsibility of conventions and resolutions. Here alone, we have already adopted five resolutions in this regard, and the implementation of conventions and resolutions is important in this case. And, last but not least, Dunja MIJATOVIĆ has also already made a very clear statement and she will now make it directly and personally.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Stefan SCHENNACH, you have 5 minutes remaining.

It's now a huge pleasure to welcome Ms Dunja MIJATOVIĆ, Council of Europe Commissioner for Human Rights, to make a statement.

Would you like to take the podium?

The floor is yours.

Ms Dunja MIJATOVIĆ (Commissioner for Human Rights): Mr Chairman,

Mr Rapporteur,

Excellencies,

Ladies and gentlemen, allow me first to thank the Parliamentary Assembly for giving me the opportunity to address its plenary on this very important issue.

I would also like to congratulate Mr Stefan SCHENNACH for this report, which perfectly highlights the core human rights issues at stake and the emergency of the situation.

Everything that you stated in the last five minutes is something that we've been observing and looking at for quite some time. I can also confirm that the issue that you will be debating this morning is highly sensitive.

I also know that the return of these European citizens to their home countries sparks fear and raises legitimate security concerns. This is something that we should accept and also be aware of. But children stranded in the camps of Northern Syria are not responsible for their parents' decision to join these groups. Letting the children of suspected ISIS fighters die there will not heal the wounded souls of the victims of terrorism, nor will it bring more security in Europe or anywhere else.

Letting the children of suspected ISIS fighters die there will not heal their souls. Because what we are talking about today is nothing less than saving the lives of these children.

In May last year I called on Council of Europe member states to urgently repatriate their underage nationals stranded in the camp of al-Hol in Northern Syria, and to consider repatriating their mothers as well so as to safeguard the children's best interest. At the time of that statement, the camp hosted more than 73,000 people, 90% of them were women and children, many of whom were not older than six years. Since then, according to the World Health Organisation, the population has slightly decreased but the proportion of women and children has increased. The living conditions have reportedly further deteriorated. Malnutrition, infected wounds, severe burns and acute diarrhoea continue to cause the death of children on a daily basis.

In the last eight months I have discussed this delicate issue with a wide range of interlocutors: legal experts, children's ombudsmen, civil society representatives, security and intelligence people. These discussions have reinforced my deep conviction that repatriating these children is the only way forward. Clearly this is from a human rights perspective, which is the part I'm mandated to bring to your attention. But interestingly, many in the intelligence and security community also support it, repatriation, to better exercise any necessary control or implement disengagement or rehabilitation measures.

Things are moving forward and I welcome the fact that a number of countries have undertaken to repatriate their nationals, in particular children. We've already heard from Mr Stefan SCHENNACH about several that really did some very significant steps in order to change this very problematic situation.

As your Commissioner, I do expect that there is an understanding and also moves in order to help children that are dying on a daily basis.

This shows that although it is clearly not an easy task it is also not impossible if there is a will present.

As described in Mr Stefan SCHENNACH's report, more and more voices are calling for the repatriation of children, from the UN Assistant Secretary General to senior members of the judiciary and associations of victims of terrorism.

Ladies and gentlemen, today PACE has an opportunity to join these voices, and I strongly encourage you to take it.

Thank you very much

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you very much indeed for your illuminating address and the contribution to the debate.

We now move to the speaker's list. I call first Baroness Doreen MASSEY from the United Kingdom on behalf of the Socialist Group. Baroness Doreen MASSEY, the floor is yours.

Baroness Doreen MASSEY (United Kingdom, SOC): Thank you, Mr President and colleagues.

It's a great pleasure to follow the Commissioner for Human Rights and I thank Mr Stefan SCHENNACH on behalf of the Socialists, Democrats and Greens Group for producing and presenting this very important report.

We are faced with an urgent issue: the safety of children in the context of repatriation in conflict situations. The definition of child, we must not forget, is under 18, but these children are mainly under 12: they are very very young.

The UN Convention on the Rights of the Child states clearly that the welfare of the child is important. Reports and recommendations of this committee and from the Assembly as a whole have always supported this.

It's not the fault of children, as the rapporteur said, that they are in unacceptable and dangerous circumstances. We've had this issue come up before, for example in the report of Ms Sevinj FATALIYEVA last year on children in conflict.

We know that in camps of migrants, children may become separated from parents, they may face inhumane conditions, they risk trafficking, access to legal services and so on. They may suffer abuse.

Protective conventions, declarations, laws, and recommendations are important in giving nations and individuals strength and credibility and suggesting action. And it's action, specific action, that we need, now, urgently.

The report gives details and graphic examples of the situation children find themselves in in camps and detention centres. We should recommend strong action. We should also monitor the implementation of action at national, local and voluntary sector level.

There are examples of good practice in supporting children to integrate or reintegrate. We should encourage the sharing of such practices. We should support NGOs while working in difficult circumstances for the welfare of children. We should use the media positively to highlight the inhumanity of some situations we found ourselves forced into. We must lobby our own governments to speak out against children being mistreated or made stateless.

I used the word "urgent" several times for a reason. As the rapporteur says, there's a humanitarian crisis in camps and detention centres in Syria and Iraq. And children are at its center. The question of repatriation is urgent and imperative. This PACE has drawn attention to this before, and we know that withdrawing the nationality of the parent must not lead to the deprivation of nationality of their children.

In 2016 we made a resolution only to eradicate the statuses of children.

I have great pleasure in presenting my speech here. I think this report is extremely important. We must all look to our own nations and to ourselves to support action in this regard.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you, Baroness Doreen MASSEY.

The next speaker is Mr Jokin BILDARRATZ from Spain for Alliance of Liberals and Democrats for Europe, please.

Please Mr Jokin BILDARRATZ, the floor is yours.

Mr Jokin BILDARRATZ (Spain, ALDE)*: Thank you, President.

We just had a meeting of the Committee on Migration, Refugees and Displaced Persons, and in that meeting, we met an expert who works for an NGO. I would like to repeat something which that person said, which I think sums up nicely this debate. Ms Lora PAPPÀ, the representative in question, said that it isn't a matter of representation, there is a lack of commitment or determination on the part of member states and that's what the problem is, one of attitude. She told us about a particular case: a young girl who travelled to Greece from Syria, she was an orphan, she'd lost her parents, her brothers and sisters, and thanks to the work of the Greek authorities they were able to locate one of the girl's aunts, in another country whose name I won't mention for the time being. So she spent two years from the age of 16 to 18 with her aunt in that country, but once she reached her 18th birthday she was obliged to go back to Syria without her aunt, as an orphan.

We're talking here about a subject which is cruelly relevant to these children. We're talking about a group of children who are entitled to protection and if this group of children are entitled to protection that means that we, individually and as an institution, are obliged, and I repeat, obliged, to ensure that they get that protection.

The effect for these children of living in dangerous contexts is something which will have short-, medium- and long-term consequences. And we can't turn a blind eye to that. We can't continue to say that they should be kept well away from our countries. Whenever it comes to human rights, we simply can't do that. We'll be talking about the United Nations Convention on the Rights of the Child Article 22. We need to talk about the situation which prevails in so many of these camps where thousands and thousands of children are dying because of the indirect consequences of war: the lack of food, malnutrition, lack of health care, lack of sanitation. The supreme interests of these children should be the overriding concern for all of us. The consequences for these children are enormous in both the short- and the long-term. And we should not forget that.

I would just like to quote something from UNICEF, it says that governments should guarantee safe integration of these children and safe repatriation as a way of preventing statelessness. All efforts must be made to ensure that all documentation be made available to prove they are nationals of the states in question. All of that is part of our responsibility.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Jokin BILDARRATZ.

I must ask speakers to try to stick to time please.

Next speaker is Mr Martin HEBNER from Germany, speaking for the European Conservatives Group and Democratic Alliance.

Mr Martin HEBNER (Germany, EC/DA): Mr President, ladies and gentlemen,

IS fighters have brutally slaughtered people of other faiths in Iraq and Syria for years, and spread terror in the name of the Islamic State. Women have also taken part in this and have clearly committed unconditional murder for their faith in Islam. There were professional killers and terrorists at work. And now, the motion demands that we should take back these tested murderers in our countries.

Ladies and gentlemen, what this motion represents is a Trojan horse. Take a look at the application, look right in. The application clearly states that, not only the children are to be admitted, but, of course, also their parents. Please bear this in mind: with this the children will become nothing more than a return ticket for murderers. This is unacceptable.

And by the way, even the term "children" is used here manipulatively and incorrectly. Why? Because in this case not only children are included, but, if you read the application carefully, quite clearly it says all under 18-year-olds. There we have people who are already completely marked in this case; who have grown up in a climate of hatred, and we should take them back to our countries, to our streets, together with their parents. Ladies and gentlemen, it's important to remember what is happening here.

And what is not mentioned here in the motion at all, not at all, not a single word or a single sentence; the risk we are putting our citizens in, our children and, in this case, our society. You have not mentioned anything at all in this case, not at all, because I have read this once. The penultimate chapter says something about risks. At first I thought there were some risks involved: what about our families and children? Nothing. To them, they are not even worth a thought. There is no consideration whatsoever for them, no consideration at all for our citizens, and that is why this motion is so completely out of the question.

We all agree that – and if we define "children" precisely not, in this case, adolescents – we must take care of children. But please, not including their fanatical parents and, please, not in that case anywhere completely at the expense of our society, our citizens or children in our country.

Incidentally, if you think about it, you increase the dangers that have long been present in our country and in all Western European countries: the potential of recruitment. Please take a look at what has happened here, in cases in recent years: in Paris, London, Barcelona, Berlin, Brussels. If you consider what has happened, in these cases, in the name of Islam and Islamists, and you increase the recruitment potential, then you will also be jointly responsible for what you are doing here, if you agree to this motion.

And I would like to make it clear: please remember, or ask yourself just once, why such attacks by Islamists have not taken place in Warsaw, Prague or Budapest. Why don't you pursue this thought; and then, if you agree to this motion, then you will be responsible for what happens next.

Thank you very much.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Martin HEBNER.

Ms Rósa Björk BRYNJÓLFSDÓTTIR please from Iceland for the Group of the Unified European Left.

Ms Rósa Björk BRYNJÓLFSDÓTTIR (Iceland, UEL): Dear colleagues, President, Commissioner of Human Rights,

I want to congratulate the rapporteur and the secretariat for this timely, necessary and thorough report on an issue that seems to be very complicated but in reality revolves around a simple fact. It is our obligation to preserve and uphold children's rights.

Don't get me wrong, I acknowledge the complexity of the issue, but the complexity regarding the repatriation of children is more or less in the political sphere like we've seen so clearly in the UK, Norway and in Finland, and among right-wing populist political parties in Europe.

We are yet again faced with the effects of nine years of armed conflict and terrorist activities in Syria. As always, most of the victims not active players, are women and children.

I welcome the clear wording and clear message that we see and find in this report, that the Assembly is convinced that actively repatriating, rehabilitating and integrating or reintegrating children in Syria and Iraq whose parents believed to be affiliated to ISIS or Daesh are citizens of the Council of Europe member states.

Like stated so clearly in the report, most of these children are below the age of 12 years old. Not above 18 years as Mr Martin HEBNER stated here before me.

Acting without further delay to repatriate, rehabilitating and reintegrating these children is a human rights obligation and a humanitarian duty. Integrating a child rights perspective into counterterrorism efforts is not only a human rights imperative but would also constitute an essential contribution towards the national security of the countries concerned as stated so early in the report.

I fully agree with the Commissioner of Human Rights that repatriating these children is the only way forward and we should all do so. We all agree on this report and the messages and the clear wording that we find in it.

I thank the rapporteur yet again for this good report.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Ms Rósa Björk BRYNJÓLFSDÓTTIR.

Finally from the political groups, Mr Dimitrios KAIRIDIS from Greece, for the Group of the European People's Party.

The floor is yours.

Mr Dimitrios KAIRIDIS (Greece, EPP/CD): Thank you, Mr Chairman.

I would like to thank the rapporteur and the Commissioner for their input in the debate. Frankly speaking I don't see much of a debate with the exception of the European Conservatives Group and Democratic Alliance. We seem to be all more or less in agreement.

I would like to thank especially my Spanish delegate, the previous speaker, for bringing to your attention the efforts of my home country, Greece, in dealing with the problem. We are proud in Greece for what we have done dealing with the refugee migration crisis, but we are also very proud for the fact that our own indigenous Muslim community gave no DAESH fighter in Syria or Iraq whatsoever.

We are faced with a humanitarian crisis, there is no doubt. In principle we should all be in favor of the repatriation of children from war zones to their country of nationality and to where their family resides. The principle is in no doubt for orphans who have both their parents dead. They do have a right to return to their country of origin. The problem begins when the possible repatriation of children involves possible family reunification when all the members of this family were involved in criminal acts, including committing war crimes and genocide as DAESH fighters of European origin in Syria and Iraq have been accused of or have committed.

European countries are right to be concerned about the risks to the security of their societies posed by the return of DAESH fighters to their home country. These legitimate concerns, however, cannot be allowed to violate the rights of European children to return to their home country. Nor should we allow them to create a legal no man's land where those criminals and suspects of European origin are permanently exiled without access to a proper rule of law legal proceeding.

If the repatriation of children involves the repatriation of parents I see no problem provided parents are prosecuted for crimes committed abroad. We cannot delegate our responsibility for what our citizens did abroad to other countries, including Syria, Iraq and Turkey. Furthermore, later on this afternoon we will discuss the rights and protections of missing refugee and migrant children in Europe. It goes without saying that we should be equally concerned about all children, including our own nationals. Thus, in the name of the law, humanitarianism and our own security interests, we should not hide away from the problem in the hope that it goes away to the detriment of our legal obligations towards our citizens.

Thank you

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you very much.

The rapporteur will reply at the end of the debate, but Mr Stefan SCHENNACH, do you wish to say anything at this stage?

You wish to go on. That's fine.

We will now move to the general list.

From Austria, Mr Reinhold LOPATKA please.

You have the floor.

Mr Reinhold LOPATKA (Austria, EPP/CD): President, Dear colleagues,

First of all I want to thank the colleagues who initiated this discussion.

International obligations means for me that we have national obligations to fulfil the standards of the Convention on the Rights of Children.

Thousands of children of foreign fighters staying in camps, detention centres or orphanages in Syria, Iraq and elsewhere are among the world's most vulnerable children. They live in bad conditions amid constant threats to their health, safety and well-being. They have little family support. While most are stranded with their mothers, many are completely alone.

Each country of course has the sovereign right to protect its national security interests, but we have to have in mind that these youngsters are also victims of their parents' actions.

Having said that, I have the point of view that we have to protect everyone in line with the Convention on the Rights of the Child. This includes all children who are citizens of our countries, who have our nationality, our citizenship.

We should prevent these children from being stateless or becoming stateless. We should support their return and their reintegration in the countries of origin. These children must be treated primarily as victims, not perpetrators. Every decision regarding them, including on repatriation, must take into consideration the best interest of each child. The reintegration as I see it needs a religious education as a key element in the de-radicalization of these children. We should offer them a perspective towards religion that is not linked to violence. I think it's the only way to reach their hearts and reach their minds.

Children returning from conflict affected zones have to be supported by our services of our youth welfare systems. This is very important. It is in the interest of all of us to avoid a wrong development.

These children are our citizens and therefore we have to support them.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Reinhold LOPATKA.

Ms Ada MARRA please from Switzerland.

You have the floor.

Ms Ada MARRA (Switzerland, SOC): Thank you, Mr. Vice President,

Ladies and Gentlemen,

Dear colleagues,

There is one rule that should guide any reflection on the political treatment of children, whatever the area addressed: children are never responsible for their parents' life stories.

It is on this basis that each of our countries should reflect on policies affecting children. I would like to note the excellent quality of this extremely comprehensive report, which considers every angle of a situation that is not simple. For that, thank you.

I would like to emphasize one of its aspects and that is security. Indeed, this is the theme that is most often used by the citizens and governments of our respective countries to prevent them from repatriating even the children of these warring countries. We heard it again this morning in this Chamber.

The report shows that it is exactly the opposite. It is for security reasons that we must bring them back. Safety for these children, but also for our territories.

For children first: like all children in war zones, in any war, they do not live a normal life. Enormous hardship is their daily life and this is well described in the report. Malnutrition, disease, high mortality. Living conditions are extreme in these camps. These are living areas where there is no protection for these children. With great risk of mental and physical abuse. The member states of the Council have all signed the United Nations Convention on the Rights of the Child. It is on the basis of these and other texts that they have a duty to protect their children affected by armed conflict.

Repatriating these children also means greater security for Europe. Thus, while Daesh has lost geographical ground, we still have to win the war of ideas. If we have to fight against the radicalisations that take place first in our own countries, we must also try to break the transmission of hatred in these conflict zones. These children must be physically extracted from this deadly ideology and avoid creating resentment by rejecting them.

Because, like it or not, they are our children with families in our countries. We don't have to export our failures. We need to get these children home. It is a question of ethics, responsibility and safety.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Ms Ada MARRA.

Mr Sergiy VLASENKO please, from Ukraine.

You have the floor.

Mr Sergiy VLASENKO (Ukraine, EPP/CD): Thank you, Mr President.

I would like to start my speech quoting the UN Secretary General, António Guterres, who said that "peace remains the best protection for children's rights". Peace is the best protection of children's rights. It's a real disaster for me personally that now in the 21st century we are talking about children at war, not from the historical perspective, but because of its reality.

And I will give you just one number: 420 million children are living in war or conflict zones all over the world. I would also like to remind you the name of our debate, "International obligations concerning the repatriation of children from war and conflict zones", and I think that it is extremely important to talk about children in Syria, Libya, Iran and other countries. But I would like to remind you that we have war zones in the Council of Europe member states. And I will also would like to give you some numbers, just numbers. As a result of a Russian aggression to Ukraine, 33,145 children were affected by that aggression. Two-hundred and forty young beings were killed. Fifty-six children were missing. One-hundred and ninety young lives were suffered as mine victims, and 240,000 children are IDPs now in Ukraine. In a member state of the Council of Europe. Not in Syria, which is far away from us. Not in Iraq, which is also far away from us. But in a member state of the Council of Europe. As a result of aggression from another member state of the Council of Europe.

I think that we should talk about the reasons, but we are talking about the results. We should talk about the reasons. What should we do with that? I think that the main instrument is to punish an aggressor and to protect peace.

And I will just finish my my speech with the same words of António Guterres: "only peace remains the best protection for children's rights".

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Sergiy VLASENKO.

Mr Simon MOUTQUIN please, from Belgium.

Mr Simon MOUTQUIN (Belgium, SOC): Thank you, Mr. Vice President,

Dear colleagues,

Mr Rapporteur,

We don't procrastinate when it comes to children's lives. We don't think about the child. We do not condemn, we do not regret, we do not deplore: we act. Today, there are 500 children from European countries who are allegedly being held prisoner in camps in Syria. Seventy were born in my country, Belgium. There were seventy-five of them a few months ago; five of them will never return.

The United Nations Human Rights Council and the European Parliament have recently adopted resolutions calling on European states to repatriate without delay the children currently held in camps in north-eastern Syria. Unfortunately, the governments concerned - our governments - are made conspicuous by their inaction. There is, however, an urgency.

These children, as many humanitarian missions have seen, are in need of care. Some have war wounds, many are malnourished, and others have irreparable psychological disorders. In addition, the security situation is extremely worrying. The Turkish intervention against the Kurds in October 2019 reminded us of this. It may soon be too late to repatriate these children.

There are some people in my country, and apparently here too, who are raising the security argument and thinking that these children could pose a threat to Europe. Most of these children are under six years of age; 80% of these children are under six years of age. What kind of democracy, what kind of human being can consider a child under the age of six to be a threat to his or her country?

Belgium, like the other states of the European Union concerned by these children, has a single legal and moral obligation to guarantee the health and safety of these children, in particular, under the International Convention on the Rights of the Child. Moreover, in the best interests of these children, it seems morally and legally justified that their parents, at least their mother, should also be concerned by these supervised repatriations. It goes without saying that they will have to answer for their actions before an independent and transparent justice system.

Failure to act quickly to repatriate these children is tantamount to a virtual death sentence. Failure to act quickly to repatriate these children is extremely serious and unprecedented moral bankruptcy. Letting our citizens leave for war zones is also a failure of our societies. Not giving them the opportunity to come back is a denial of our responsibilities.

Dear Mr Stefan SCHENNACH,

I thank you deeply for this report.

Dear Colleagues,

I encourage you to go back to your parliaments and defend the right and duty to repatriate those children.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you.

Now Mr Marc BERNHARD please, from Germany.

Mr Marc BERNHARD (Germany, EC/DA): Mr President, ladies and gentlemen,

The IS terrorists have deliberately turned against our society and everything we stand for. They despise our values, our laws; our whole way of living. They have voluntarily joined an inhuman terrorist regime, they fight our liberal society with unimaginable violence. They have kidnapped, enslaved and often murdered tens of thousands of people in the most cruel ways.

Although the IS has been defeated in large parts of Syria, its fighters have not suddenly disappeared from the face of the earth or even been purified. On the contrary: they still want to bring violence and death to Europe. And as the countless terrorist attacks with many hundreds of injured and dead people all over Europe show, the IS is obviously also very successful in this respect.

However, our primary duty as elected representatives of the people is, first and foremost, to protect the lives and physical integrity of our citizens from this Islamic terror. These children are victims of their parents, and so we must also ensure that these children are freed from these inhuman terrorists as quickly as possible. And this is exactly where the big mistake of this resolution lies. For it expressly demands that the children should stay with these terrorists, and the children should then be brought to Europe together with these ticking time bombs.

This is not only irresponsible; it is an irresponsible endangerment of the citizens here in Europe, but it is also irresponsible towards these children, who then continue to be at the mercy of indoctrination with hatred and contempt for all those of other faiths. Moreover, the people in our home countries – who abide by law and order, cultivate our values and peaceful relations – have a right to be effectively protected from murder and terror. Protecting the people of Europe from these ticking time bombs must always be the top priority in all decisions. We must protect children from these terrorists, but certainly not by bringing the terrorists to Europe.

As this resolution is now formulated, it protects, neither these children, nor the people of Europe from the inhuman terrorists, and must therefore be rejected in this form.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Marc BERNHARD.

Mr Vladimir VARDANYAN please, from Armenia.

Mr Vladimir VARDANYAN (Armenia, EPP/CD): Mr Chairman, dear colleagues,

In accordance with article 77 of the Additional Protocol I to the Geneva Convention, children shall be the object of special respect and shall be protected against any form of indecent assault. Children are one of the rare categories of the victims of war who are getting special protection under international humanitarian law, both customary and statutory.

Nobody has challenged that children, along with the elders, women and infirm persons, are the most vulnerable groups during all types of armed conflicts.

Ladies and gentlemen, frankly speaking, it is very strange to listen to negative voices concerning the current issue in this Assembly just a couple of days after the commemoration of the victims of Auschwitz. The current situation with the refugees, detention camps in Syria and Iraq, where almost half of the residents are children, many of them are unaccompanied or orphans. Hundreds, if not thousands of them, are descendants of the nationals of the European countries, including EU members. It is alarming and should be alarming not only in this Hemisphere but also outside of it.

Honorable colleagues, the answers of some countries to take efficient measures for repatriation and rehabilitation of the children whose parents were affiliated with DAESH fighters, regardless of any reason, is strictly against the commitments in the field of international human rights law and international humanitarian law.

Maintaining children in the refugee detention camps not corresponding to the minimal living standards is not in the interest of the children. It's against the human feelings, and it's against the core values of the Council of Europe.

Only the active involvement of the states concerned in repatriating and rehabilitating the children without delay may stop humanitarian catastrophe.

In any case I strongly believe that the Council of Europe states should be called upon to provide urgent medical, humanitarian, and other assistance to all the children in the mentioned camps, without any discrimination on the grounds of their nationality.

It's difficult to believe that in the 21st century it is possible to have situations of deprivation of nationality at all, but it's also unbelievable to have children deprived of their nationality for the wrongdoings of their parents. No child should be responsible for the acts of their parents since it contradicts the very logic and concept of contemporary human rights.

I do believe that by adoption of this resolution we will provide better conditions and will create a better Europe for all of us.

Thank you so much.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you, Mr Vladimir VARDANYAN.

Is Mr LUBINETTS here, please? He's not in his seat but is he in another seat?

No, in that case Mr Markus WIECHEL from Sweden.

Mr Markus WIECHEL (Sweden, EC/DA): Mr President,

We're now debating a very important issue and the path that our member states choose to take in this matter will change our societies. The basic plea made in the report as to, as soon as possible and without hesitation, take care of especially children of Islamic State terrorists and to move them out of squalid camps in Syria and Iraq to European countries. However, international conventions prohibit children from being separated from their parents. At the same time, if a parent is condemned for crimes committed during the time in the so-called caliphate, the law also forbids that child will be imprisoned with the parents. Therefore, it's a very difficult and extraordinary situation.

There are, of course, strong and moral reasons for us to act as a report recommends. However, we must also be aware of the major consequences and risks involved in resettling children of terrorists in this way. We must look carefully for alternative solutions. The reason is that many of these children are brainwashed by their parents and the Islamic State. In some cases, they have been trained to execute other human beings.

Earlier today, I did hear a colleague ask us, "Who would consider a child at the age of six a threat to our society?" With all due respect, you have no idea what you're talking about. I have myself seen several incredibly cruel videos in which the children, sometimes not older than four or five years old, have had all their humanity taken away from them and have instead been turned into murderers with the impression that what they're doing is something good. One example is a film showing Isa DARE, a young four-year-old boy of a British mother and a Swedish father, who has shown up blowing up a car with four prisoners inside. Other videos show children no older than 10 years old playing hide-and-seek in rubble. The only difference from the hide-and-seek that we know of is that when they find the hiding prisoners they are to execute them.

In some African so-called child armies, children soldiers are taught to kill their own parents. In conclusion, this report, which expressed a high and noble intention, must be acted upon in the spirit of caution. And yes, we must improve the conditions in the camps where the children are kept but we must also be aware of the severe consequences as regard to resettling. How our national authorities proceed can affect our societies for years to come.

I, therefore, reject this report.

Thank you, Mr President.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you.

Ms Darya SAFAI, from Belgium.

Ms Darya SAFAI (Belgium, NR): Thank you, Mister President.

Dear colleagues,

Since the fall of the so-called "caliphate", this discussion on the fate of those children has been on the forefront of Belgian politics. My country, like so many others, has been torn over what to do with the families of foreign jihadists. As we speak, a penalty payment amounting to 200 000 euros is imposed upon our government to bring back some of these children, so the pressure is on.

Our National Security Council decided back in December 2017 to grant those who had not yet reached the age of 10 an automatic right of return. I stress that this is only a "right" to return if they are able to reach one of our embassies or consular posts in the region. That was until our courts forced our government's hand.

I can be brief, we accept no obligation to actively bring them back if that means returning their parents as well. Those men and women decided to leave for Syria and turn against our most fundamental norms and values and even chose to fight actively against them. They committed the most horrific acts imaginable. Such people are no longer welcome in our society, let alone that we let the taxpayer pay for their return. All options must be exhausted to prevent these parents from earning their ticket to freedom thanks to their children.

"But what about those innocent children?" you ask. In this debate people often talk without distinction about "the children" of IS terrorists. A baby of 6 months can hardly be compared to someone of 17 years old. For the very small children, it is "the right thing to do."

These children are the victims of the irresponsible and dangerous behavior of their parents. The age limit that our government fixed at 10 years is of course a fairly arbitrary age. But unfortunately, above that there will always be an increased risk of indoctrination by IS or even their participation in the cruelties of the Caliphate. We cannot just give them a right of return, but review their files case-by-case.

We must never forget that these very young children are victims of their parent's crimes. In our own countries we would not simply accept parents putting their children at similar risks. The children would be protected by the deprivation of parental authority.

It should be our main responsibility to protect these children from such abuse. Taking children away from such dangerous and radical people seems to me the only right thing to do.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you, Ms Darya SAFAI.

Ms Lesia VASYLENKO, I don't think she is here. Is that correct?

In that case the final speaker from the floor is Mr Akif Çağatay KILIÇ.

Mr Akif Çağatay KILIÇ (Turkey, NR): Thank you, Mr Chair.

We are debating a very, very important issue and I thank Mr Stefan SCHENNACH for his work that he has put in under the urgent debate procedure. When I hear some words that are being spoken in this Chamber of human rights and rule of law, it is very interesting to hear that in the year 2020 such words are being uttered. Because the dignity of a human being that has no, and nothing to do with any crime, being able to freely build a life for him or herself, is not debatable. That is something that we have to put forward, that we have to support. We cannot punish the children for the deeds of their parents.

Of course, we know that people who have taken part in terrorist acts, violence, murder, plunder and crimes against humanity. They have to be punished. There's no question about that. But we have to do this in a way in which we can send a signal. We have to take responsibility.

Ladies and gentlemen, Turkey is home to 3.5 million refugees only from Syria, plus on top of it, from other countries, it's nearly 4 million. We are doing this because it's a responsibility of our humanity. But there are issues that we have to work together on. There are issues that we have to tackle together for the future of humanity and Europe and the whole world. If we say, "well, they have gone there, committed these crimes, that crimes, they will stay there, it's not a problem," then this is not right. It is also a responsibility to answer to your country if you have done something wrong, to the legal system of your country. That is something that we have to look forward to. That is something that we have to do. It's a responsibility for all of us. We are elected members of parliament. We are representing the people that have elected us. The people that have elected us, also want justice for everybody, not only for a certain amount of people and certainly not by closing doors and putting responsibility on some other countries or using some other places of the world to concentrate people that we, in our civilised world, see as people who have committed crimes.

Ladies and gentlemen, the issue that we are debating also has roots in other conflicts in the Middle East. The Israeli-Palestinian conflict that we're talking about, the rights of the Palestinian people. I don't think that the plan that has been put forward by President TRUMP of the United States is anyway going to help resolve the issue of the Palestinian problem, or even the question of Jerusalem, because Jerusalem belongs to all faiths and not only to one country. Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Akif Çağatay KILIÇ.

That concludes the list of speakers.

Now Mr Stefan SCHENNACH as rapporteur, you have 5 minutes to reply.

Mr Stefan SCHENNACH (Austria, SOC, Rapporteur): Thank you, Mr President,

Thank you for the debate. Above all, however, I would like to thank the Social Committee, which unanimously adopted this resolution, and no amendment was tabled before the deadline.

In this respect, I am somewhat saddened by a few dark speeches here; especially in the House of Human Rights, but I did say at the beginning of the debate: let us try and get away from the issue of parents and see only the best interests of the child.

And, yes, it is like this: no child is a criminal because he is 6 months old and his parents are possibly criminals, no child is a criminal because he is 5 years old and his parents are possibly criminals. That is simply the case, also in our jurisdiction and in our countries; and it affects everyone. I mentioned a German case; this girl has no migration background whatsoever, grew up as a country girl in a farming family and ran away from home at the age of 14 due to some short circuit in her own socialization.

We still have to ask ourselves these questions here in society, for example: why did 4 Catholic young girls between 14 and 16 leave Croatia to marry some horrible men in the IS and possibly get pregnant under impossible circumstances? These are all questions we have to ask ourselves. Many of these young women are our citizens, and as our national citizens their children are our citizens. I would like to thank Mrs MASSEY very much for adding something else that I also wanted to warn about in my speech, namely that these children are at risk; the risk of the crime of human trafficking.

In addition - because some people have mentioned security here - if I reintegrate them and help them to get out of this traumatising, I am making a much greater contribution than if young people grow up here who can slip into the danger of radicalisation; who can be abused in this direction.

And believe me, in a camp of 60 000, half of them are under 12. There are huge dangers lurking there, and these dangers can also be countered in this way.

Thank you, Mr BILDARRATZ, for your words, because you have also addressed and clarified precisely these socialization issues: they're our children. This also applies to Mrs BRYNJÓLFSDÓTTIR, who spoke here in a similarly clear manner, and to Mr Dimitrios KAIRIDIS from Greece.

I can only appeal to you once again, in view of this situation, to protect today - as the European Parliament, which is meeting next door, has done - this topicality in the interests of these children and the protection of these children from death, vegetation and abuse of any kind; and that we call on our governments to fulfil these obligations here in the same way as, for example, little Kosovo did, which withdrew mothers and children, 110 in number.

With this in mind, I would ask you to give a high level of support, also in the light of what our Commissioner for Human Rights has said, to whom I would once again like to express my sincere thanks for taking part in this discussion.

However, I would like to spend the last few seconds thanking the secretariat of the committee. Whenever such an urgency comes up, you can imagine how much work it is for the secretariat. And I think one of the best secretariats in this House is the secretariat of the Social Affairs Committee. Thank you very much for this wonderful work; and I very much hope for your great support.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you very much Mr Stefan SCHENNACH.

Could I gently encourage colleagues not to walk across the floor in the centre of the hemicycle please. It's not considered of good form.

Does the Chairman of the Committee wish to speak?

Mr Luís LEITE RAMOS.

Mr Luís LEITE RAMOS (Portugal, EPP/CD, Chairperson of the Committee on Social Affairs, Health and Sustainable Development): Thank you, Mr President.

Three short words, the first of which is to congratulate Mr Stefan SCHENNACH on his excellent report on a very delicate subject, as we have seen, but one that requires an urgent and effective response. As usual, Mr Stefan SCHENNACH does this with competence, determination and great passion.

I would remind you that this report was unanimously approved in the Committee and that no proposals for amendments were received. I would also like to welcome and thank the presence of Ms Dunja MIJATOVIĆ, Commissioner for Human Rights, and her participation in the debate. Finally and thirdly, I believe that in our parliaments, in our countries, we must all try to do everything possible to save the lives of these children.

I believe that this message, as Mr Stefan SCHENNACH said, is also part of our mission and mandate in this Parliamentary Assembly, which places human rights at the centre of its concerns.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you very much.

The Committee on Social Affairs, Health and Sustainable Development has presented a draft resolution and a draft recommendation to which no amendments have been tabled.

We therefore move straight on to consider whether to adopt the draft resolution and the draft recommendation.

We proceed first to the vote on the draft resolution contained in Document 15055.

The vote is open.

The vote is closed.

Display the result please.

The draft resolution in Document 15055 is adopted.

Now we proceed to vote on the draft recommendation contained in Document 15055.

The vote is open.

The vote is closed.

Display the result please.

The draft recommendation in Document 15055 is adopted.

Thank you very much, we now move on to the next business.

We have a quick change of personnel on the front bench please.

Swiftly, please.

The next item of business this morning is the debate on the report entitled "Reported cases of political prisoners in Azerbaijan", which is Document 15020 presented by Ms Thorhildur Sunna ÆVARSDÓTTIR on behalf of the Committee on Legal Affairs and Human Rights.

I now call Ms Thorhildur Sunna ÆVARSDÓTTI who is the rapporteur.

Madam you have 13 minutes in total which you may divide between the presentation of the report and your reply to the debate.

You have the floor.

Debate: Reported cases of political prisoners in Azerbaijan

Ms Thorhildur Sunna ÆVARSDÓTTIR (Iceland, SOC, Rapporteur): Thank you, Mr President.

Dear colleagues,

Azerbaijan's membership of the Council of Europe is in crisis. No other country has left such serious problems unresolved for the entire duration of its membership. No other country has ignored an unprecedented ruling of the European Court of Human Rights that it had refused to implement an earlier court judgment. Azerbaijan is

willfully defying the authority of the Court and the Committee of Ministers. It is challenging the very purpose of the Council of Europe: to ensure that member States honour their obligations to respect human rights, democracy, and the rule of law. All of this because there are political prisoners in Azerbaijan.

Colleagues,

The Assembly has been dealing with the issue of political prisoners in Azerbaijan for 20 years. It has been the cause of, perhaps the most painful period in our history: the corruption surrounding the shameful rejection of Mr Christoph STRÄSSER's report. Azerbaijan has never acknowledged the existence of this problem. When Azerbaijan joined the Council of Europe, it agreed to co-operate on the release of political prisoners. I assumed this meant that Azerbaijan had recognised the problem. But one of the amendments tabled by the Azerbaijani members shows that it did not.

What does this mean? Was the commitment made in bad faith? Was the co-operation sincere? Did Azerbaijan only pretend to address the problem so that it would be admitted to the Council of Europe? Perhaps this explains why the problem was never resolved. The essential first step – to recognise that the problem exists – has never been taken. But it is no longer possible to deny it.

Dear colleagues,

From before Azerbaijan joined the Council of Europe up until Mr Christoph STRÄSSER's report in 2013, there were constant disagreements about lists of political prisoners. To be clear, there is nothing wrong with these lists. Without the brave and tireless work of human rights defenders who compile them, we would not be aware of the full scale of the problem. The most meticulous lists, in particular, are entirely credible. These lists are, however, not identical. Again, this is not a problem in itself. It is normal that lists compiled by different people at different times, on the basis of different information, applying different criteria, are not exactly the same. Nevertheless, the Azerbaijani authorities have constantly exploited the differences to deny every allegation, on every list.

Unlike previous rapporteurs, I do not have to argue this point. I have other ways of establishing that there are political prisoners in Azerbaijan. I can rely on authoritative judicial findings in judgments of the European Court of Human Rights. And there are many, many of these judgments.

The most important include findings of Article 18 of the European Convention on Human Rights. The drafters of the Convention included Article 18 as a fundamental safeguard against totalitarianism. If a protected right is restricted for reasons that the Convention does not allow, there is a violation of Article 18. The Court applies Article 18 very carefully and very rarely. It has only ever been applied in 14 judgments, involving 17 applicants. Nine of these applicants were from Azerbaijan. All of them were politically active and all of them had been imprisoned. In all of the cases the Court found that the applicants' arrest and detention were unlawful and had been motivated by the applicants' political activities. In one of the judgments, the Court went even further. It said that there was a "troubling pattern of arbitrary arrest and detention of government critics, civil society activists, and human-rights defenders through retaliatory misuse of criminal law in defiance of the rule of law." This is a direct quote from the European Court.

There are many other relevant judgments, without mention of Article 18, where people involved in political activities were unlawfully arrested and detained. In recent years, most of these involved administrative detention – for shorter periods, but in arguably worse conditions, and with even fewer procedural safeguards. But detention is detention – the legal basis makes no difference to its effect as a punishment or deterrent.

Colleagues,

The expression "political prisoner" does not appear in the European Convention on Human Rights. The Court therefore has no reason to say whether or not someone is a political prisoner, in those terms. It is very clear and obvious that the implication of the Court's findings are that people who are wrongly imprisoned for activities related to politics are political prisoners. What would they be, other than that?

In Resolution 1900 of 2012, the Assembly adopted its own definition of "political prisoner", to be used when examining all future cases. Three of the grounds set out in Resolution 1900 are especially relevant. The first is where detention violates fundamental rights, such as freedom of expression or freedom of assembly and association. The second ground is where detention is imposed for purely political reasons, without any connection to any offense. The third is where detention was clearly unfair and this appears to be connected with the authorities' political motives.

As my report explains in detail, there are literally hundreds of cases where the Court's findings of fact satisfy one or more of these grounds.

Colleagues,

All of these cases are now before the Committee of Ministers, which is responsible for ensuring that they are implemented.

Already, the Committee of Ministers has had to refer the judgment concerning a leading opposition politician, Mr Ilgar Mammadov, back to the European Court. Never before had the Committee of Ministers been forced to do this. The European Court then ruled that Azerbaijan had refused to implement this judgment. This is unprecedented, dear colleagues.

While this was going on, Mr Mammadov was released. None of the applicants in the Article 18 cases are still in prison. But Azerbaijan has not yet implemented their judgments.

There are 2 fundamental issues which are outstanding. First, Azerbaijan must quash and remove every consequence of the convictions of the applicants. This is much more than a technicality. Until the convictions are removed from the applicants' records, they cannot be candidates in elections. Mr Mammadov was prevented from standing in presidential elections in 2013 and 2018, and in parliamentary elections in 2015 and February of this year. He is not the only one. This is a blatant, repeated, persistent violation of the right to fair elections. A country that does not allow the opposition to participate in elections is not democratic. It's as simple as that.

The second issue is the "troubling pattern" that I referred to before – the structural problem of repeated detention of innocent people just for being politically active. The court has given Azerbaijan specific instructions to end this problem.

So, colleagues, the question is – what should be done?

There has been some progress. A 2017 Executive Order on reform of the detention system and a 2019 Presidential Decree on reform of the judicial system may lead to useful improvements. In 2017, the law on the prosecutor's office was reformed to limit presidential influence. These are all encouraging, but they will not be enough to solve the problem of political prisoners once and for all.

Indeed, the problem will never be solved until it is recognised by the Azerbaijani authorities – the government, the parliament and the courts. What the European Court and the Committee of Ministers are demanding are targeted measures intended to achieve a specific goal – not general reforms that could very easily miss this target.

The draft resolution presented by the legal affairs committee is intended to promote and support this process. It proposes a series of practical, realistic measures that would lead towards a permanent resolution of this problem. It places great emphasis on the parliamentary dimension by encouraging our Azerbaijani colleagues to take action back home and to co-operate with this Assembly and its rapporteurs.

Colleagues,

If the problem of political prisoners is not solved, if the Court's judgments are not implemented, then Azerbaijan's continuing membership of the Council of Europe will be at risk. None of us wants that. Azerbaijan should have its place in our organisation but it must respect the rules.

I believe that there is still hope. I believe that by adopting this resolution, we can help Azerbaijan to preserve its place in the Council of Europe. I urge you all to support it.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Ms Thorhildur Sunna ÆVARSDÓTTIR. You also you have three minutes remaining.

We now move to the list of speakers from the political groups and the first of those for the Alliance of Liberals and Democrats for Europe is Mr Alfred HEER from Switzerland. You have the floor.

Mr Alfred HEER (Switzerland, ALDE, Spokesperson for the group): Thank you, Mr Chair.

Thank you to the rapporteur Ms Thorhildur Sunna ÆVARSDÓTTIR for her report. The Alliance of Liberals and Democrats for Europe welcomes the report about the political prisoners and especially the resolution what Azerbeidjan should do to fulfil its obligations as member state of the Council of Europe.

The European Court of Human rights has issued a very large number of judgments finding violations of the Convention arising from arbitrary arrests and detention of opposition politicians.

The arrests and detention of politicians just because they are in opposition to the ruling government is in no way acceptable. Democracy lives from the different views of different parties. Arresting people just because they have a different view is a serious matter and the Council of Europe must act.

I want to invite our parliamentary friends from Azerbaijan who are present here and certainly know about our values and the importance of the European Convention on Human rights to bring those values into effect in the political life in Azerbaijan.

We know that the former states of the Soviet Union have a harder way to take and did not have hundreds of years' time to develop a democracy like other countries, including mine. I thank the Azeri delegation for being here and cordially invite them to cooperate with the Council of Europe and to implement court rulings and take the Point 11 of the Resolution as an invitation and a way to make Azerbaijan a place for democracy and rule of law. And as members of the Parliament here and member of the parliament in Azerbaijan you should not underestimate the power you have in order to make necessary reforms, judicial reforms in your country so that you really have the power to change the things that are now not in order and that the power of the justice system can be broken.

We as members of the Parliamentary Assembly count on your cooperation and want to thank you for being here.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): From the United Kingdom Mr John HOWELL from the European Conservatives Group.

Mr John HOWELL (United Kingdom, EC/DA, Spokesperson for the group): Thank you Mr President.

I'd like to start by looking at the basis on which this report was produced.

Paragraph 9 of this report highlights a number of issues.

First it highlights that Azerbaijan is reforming its judicial system including the prison system and the criminal justice system.

Second it highlights that Azerbaijan is making progress on judicial independence and the reform of the prosecutor's office.

Thirdly it highlights that the number of people being arrested is declining and that judges are unwilling to prosecute.

So this is a story that I fully admit is a question of work in progress but it leaves open the question of how we approach this and to how we go forward with this.

It fits into the theme that that has characterised this week which is the reform of the judicial system. In Moldova yesterday, this emphasised at great length by the president. In Poland we had extensive debate on this earlier in the week. And even in Georgia the judicial system is still in transition. We seem to be criticising countries for going too fast and we criticise them too for going too slowly. I don't think that that is a very consistent approach.

What is required is a far more subtle approach to deal with, which we cannot leave entirely to the Venice Commission to be able to take forward.

Earlier in the week in the case of Poland for example, I called for process of mediation rather than monitoring as the appropriate way of going forward. I think that that ensures that we have a relevant role as a Council in the process of being able to transform judicial systems. This like so many other cases is a case where early intervention is required and early intervention will have a good effect.

This is the same with Azerbaijan. We need to encourage more judicial reforms. We need to encourage more of the sort of things that we wanted to see. The courts are not an arm of government and should not be treated as such.

I think it is very important that we as a Council show that we are here to help, not to criticise, and that those are things that need to be made very clear to the countries that we are dealing with.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr John HOWELL.

From Greece, Mr Georgios KATROUGKALOS please for the United European Left.

Mr Georgios KATROUGKALOS (Greece, UEL, Spokesperson for the group): Thank you, thank you, Mr President.

The rapporteur very rightly underscored that in Azerbaijan and regarding the political prisoners, we're facing a structural and systemic problem. There have been prisoners when Azerbaijan acceded to the Council of Europe and there are continuous, very important number of leaders of the opposition, journalists, activists, who are detained arbitrarily, even with a single administrative decision, and are convicted even in the aftermath of a number of important judgments of the court.

Of course, the accusations are not based directly on political matters but a facade of different crimes – tax evasion, even spying and treason – and it is for this reason that the court found, I quote: "a troubling pattern in the misuse of criminal law that hides a retaliatory prosecution in defiance of the rule of law", end of quote. Therefore, there was also an exceptional number of judgments that have been based on Article 18 of the Convention, which I remind you, has as an aim to prevent totalitarianism.

I have participated in the recent pre-electoral mission in Azerbaijan. Although the authorities received that in a polite way and answered our questions, it was obvious that we did not get the necessary assurances for compliance with these judgments, and more generally, with your obligations stemming from the conventions. Not only the overall legal and political environment is not conducive to free elections, because we have limitations on the freedom of assembly, on the freedom of media to work as in a democratic country, but as a result of the non-full implementation of the courts' judgments, the applicants who own these cases cannot participate in the forthcoming elections. And it was very patent at the meetings we had with the opposition that there was a feeling of disappointment, even of disillusionment, regarding the efficiency of the Council of Europe's application of the judgments.

So pressure should be exerted in two directions. First of all, for the full application of the judgment, it does not seem to be enough time now for Mr Muslum MAMMADOV to be candidate to the forthcoming election, but his right should be ensured at least for the future ones. Even more importantly, we must follow the rapporteur's suggestion to adopt a holistic approach to the situation, promoting a thorough reform of the judiciary, but also of the respect for fundamental political freedoms and the full democratisation of the political process.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Georgios KATROUGKALOS.

Mr Aleksander POCIEJ please, from Poland, for the Group of the European People's Party.

Mr Aleksander POCIEJ (Poland, EPP/CD, Spokesperson for the group): Thank you, Chair.

Ms Thorhildur Sunna ÆVARSDÓTTIR, I'm terribly sorry that before I congratulate, I have to answer to our colleague Mr John HOWELL of the European Conservatives Group.

You spoke about the problem that in some post-Soviet countries there are no changes after the communist system and in others, like Azerbaijan, those changes are too deep and anti-democratic. Probably you did not understand a word from the discussion about Poland. We had a very good system, which now this government is driving into the communist system. All your ideas and logic are absolutely zero.

Thank you, Ms Thorhildur Sunna ÆVARSDÓTTIR for this very balanced report. I was on the commission during the commission in Paris and I was able to witness that Mr Samad SEYIDOV, whom I like very much, pronounced his... He was absolutely satisfied with this report. He said that this is a professional report and he agrees with it perfectly. That was adopted unanimously, if I remember well. This is the report based on the sentences of Tribunal of Human Rights judgments.

I have nothing else to say than we as Group of the European People's Party are going to vote for.

Once again thank you very much for this report and everybody speaking about it at the Committee in Paris. Everybody was saying that this is a very professional report.

Thank you very much.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you, Mr Aleksander POCIEJ.

Mr Stefan SCHENNACH please, from Austria, for the Socialist Group.

Mr Stefan SCHENNACH (Austria, SOC, Spokesperson for the group): Thank you, Mr. Chairman

Well, I can remember when the rapporteur for Azerbaijan sat here in the front row, and Mr Strasser, as rapporteur for political prisoners. It was scandalous that the rapporteur for Azerbaijan called on the House to vote against the report on political prisoners. It was outrageous and scandalous.

I am rapporteur for the Monitoring Committee on Azerbaijan and I appeal to you to adopt this excellent report by our rapporteur today. I think this would be a very important signal. I also remember when I was chairman of the Monitoring Committee, when we were having a debate on the report on Azerbaijan and a request was made to insert an amendment saying that there were political prisoners in Azerbaijan.

That was 2014, and then there was a vote, which turned out 15 against 15. Everyone looked at me as the chairman, I repeated the amendment at that time and said "Dear colleagues, the chairman decides; there are political prisoners". Since then, in almost all reports that we draft about Azerbaijan, we talk about the many political prisoners. Co-rapporteurs for Azerbaijan have been working a lot in the last few years to promote reconciliation and the release of these prisoners.

But the main problem lies elsewhere; the main problem is that the prosecution is not independent. Prosecutors are appointed by the highest authority. There is currently a transfer of 500 judges, who are now being replaced from the old system by young ones. And I would like to thank the Council of Europe for training these new young judges so that they understand their office.

Yes, there are, in almost all prisons in Azerbaijan, political prisoners. Their relatives are under pressure, there are many unsolved cases of people who died in prisons. We have also reported on this in a report.

That is why it is important that we have this report, and this report, Mrs ÆVARSDÓTTIR, is very helpful for the further work of the rapporteurs on Azerbaijan.

I therefore appeal, once again, to you to give this report the highest possible approval.

Thanks.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you, Mr Stefan SCHENNACH.

The rapporteur will reply at the end of the debate.

Does Ms Thorhildur Sunna ÆVARSDÓTTIR wish to reply at this stage?

She is deep in conversation, clearly not.

That concludes the list of speakers on behalf of the groups.

We now move on to the main list.

Mr Bernard FOURNIER from France.

You have the floor.

Mr Bernard FOURNIER (France, EPP/CD): Mr Chair,

Ladies and gentlemen,

Azerbaijan has been a source of concern to us since its accession to our Organization. Indeed, this requires respect for the European Convention on Human Rights and the decisions of the European Court of Human Rights. Unfortunately, however, this is not the case and Azerbaijan does not seem to understand the scale of the problem.

Our Assembly has voted on numerous resolutions to denounce the authoritarian excesses of the regime in place. The report tabled today confirms the existence of political prisoners in Azerbaijan, just as the Strässer report stated in 2013. I recall that this report and the motion for a resolution attached to it were adopted in the Committee on Legal Affairs and Human Rights before being rejected in the public sitting. It has since been established that corruption is at the root of this turnaround.

Our attitude towards Azerbaijan must be unequivocal to ensure the credibility of our organisation. Indeed, the facts reported in this report clearly show that Azerbaijan does not comply with Article 18 of our Convention. Many of the people currently in detention in that country are in fact political prisoners, as defined in our 2012 resolution. It was their acts of opposition to the current regime or their activities in defence of human rights that led them to prison. In this regard, the NGO EMDS concluded in a recent report that at least 131 politically motivated administrative detentions were ordered between January 2018 and February 2019.

The European Court of Human Rights regularly denounces, in its judgments, the arbitrary nature of detentions, whether on criminal or administrative grounds. That was the case for Mr Mammadov. However, this judgment was only complied with after the intervention of the Committee of Ministers, which obtained his release. I therefore support the draft recommendation, which calls upon the Committee of Ministers to follow closely Azerbaijan's execution of the Court's judgments.

Of course, reforms have been undertaken, and I welcome, of course, the 2017 decree-law regulating, *inter alia*, the conditions of detention, as well as the 2019 presidential decree aimed at strengthening the independence of the judiciary.

However, this seems to me to be insufficient. Indeed, the influence of the executive branch on the Supreme Council of the Judiciary guarantees it control over the careers of judges, which is never a guarantee of independence. Moreover, the place accorded to the right of pardon in Azerbaijan's judicial system is indicative of dysfunction. The current president has pardoned more than 5,000 people since the beginning of his mandate, including 431 political prisoners, according to the report provided to us today. The judiciary is not independent.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Mr Bernard FOURNIER.

From Armenia please, Mr Vladimir VARDANYAN.

Mr Vladimir VARDANYAN (Armenia, EPP/CD): Dear colleagues.

As a lawyer, as a member of the Committee on Legal Affairs and Human Rights I cannot keep silence on this issue.

Let me first of all thank the rapporteur for her excellent work.

The Council of Europe should be the territory free of political prisoners since their existence is the greatest challenge to the very existence of the Council of Europe undermining its values and principles. From the very beginning of Azerbaijan's membership in the Council of Europe, it has made commitments to release prisoners who were regarded as political prisoners.

With sadness we should state that after more than 20 years, despite the fact of numerous resolutions adopted by the Assembly calling upon Azerbaijan to show political will to solve the problem, we are still obliged to address the same issue. Now the situation is even more complicated, ladies and gentlemen, than it was some 20 years ago. Now the issue is interconnected with the deliberate willingness of the Azerbaijani authorities to execute ECHR judgments concerning political prisoners, even after the nuclear option of infringement proceedings was used.

There can no longer be any doubt that Azerbaijan has a problem of political prisoners and that this problem is due to structural and systemic causes. The most alarming issue worth mentioning is the very timing of having early parliamentary elections in Azerbaijan. In the draft resolution, the Assembly is calling upon the Azerbaijani government to promptly take effective possible steps towards full implementation of the judgment of the European Court of Human Rights so as to ensure, among the other things, that Mr Ilgar Mammadov and Mr Anar Mammadli may stand as candidates in the forthcoming parliamentary elections.

During the meeting of the Committee on Legal Affairs and Human Rights committee held in Paris last December, Azerbaijani colleagues who previously widely criticised the draft surprisingly called it balanced and fair enough providing unanimity among the members.

Dear colleagues,

Some of you at that time even believe that the things are changing in Azerbaijan and upcoming parliamentary elections will become the benchmark for the further future of the country.

Nevertheless, part of the developments have shown that it was just a cheating policy.

The Assembly recommendations are ignored. The ECHR judgments are not executed. The political prisoners are not released. The opposition candidates are deprived of the opportunity to stand as candidates. There is no real change. There is just an imitation of change. The rapporteur even made a statement condemning the exclusion of candidates from upcoming elections.

As a result of unacceptable policies of Azerbaijani authorities, one of the strongest part of the resolution, the paragraph of forthcoming parliamentary elections became outdated even before the adoption of this resolution.

Thank you so much.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Ms Sahiba GAFAROVA, please, from Azerbaijan.

Ms Sahiba GAFAROVA (Azerbaijan, EC/DA): Thank you very much, Mr President.

Ladies and gentlemen, I will speak about just some points of this report. First of all, concerning the definition of political prisoners. Today, examples of usage of the notion "political prisoner" cannot be considered as a universal legal criteria, because the legal framework in this regard is not clear. Moreover, the Council of Europe itself neither has a clear opinion. In this case, how does the criteria determine who is a political prisoner in a separately taken country?

Dear colleagues, in the report, the Ganja case was mentioned. I am one of them who represents the Ganja region in the parliament of Azerbaijan, so I have substantial information about the Ganja events. As a parliamentarian, who is a responsible citizen of my country, from the very first day, I carefully observed the events and tried to gain access to all information. An attempt by a radical, illegal, religious terrorist group in Ganja to undermine stability and order in the country, was prevented.

Their attempt to politicise legal action against those involved in the predicative attempt against the Azerbaijan state and its sovereignty is completely unfair. I want to remind you that two high-ranking police officers were killed by the perpetrators. The same attitude is absurd concerning the events that took place in Nardaran village. There are also radical religious groups trying to overthrow the government by killing several police officers, not obeying the lawful demands of the prison guards. How is it possible to call criminals — a radical, religious terrorist group — political prisoners?

I would like to comment another claim contained in this report. Azerbaijan's freedom of assembly act was adopted by a number of international experts and approved by parliament. I would like to underline that any political organisation and party has the opportunity to hold their rallies under the law. However, if some political organisations try to hold an illegal action by ignoring the requirements of the relevant legislation, they are violating many of the laws.

Law enforcement bodies must ensure that the law is observed. Neither the political position, nor the type of activity, gives anyone an exclusive right to violate the law. I do not want to remind you about methods and pressures again the illegal protesters in many European countries. I strongly believe that observance of the law in Azerbaijan is not less important than in other European countries. Since the conformity with law and observance of the requirements of law and rules are obligatory to law enforcement bodies in other countries, it is important for law enforcement bodies in Azerbaijan as well.

Ladies and gentlemen, unfortunately, we still observe that the accusation addressed to our country, in relation to the issue of political prisoners, has been targeted directly to Azerbaijan, being biased and unfair. And this report is against Azerbaijan. I'd like to mention that the Azerbaijani state has always declared its readiness to cooperate with international organisations and maintain objective dialogue. But Azerbaijan will never accept an unfair and inequitable attitude.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you Ms Sahiba GAFAROVA.

Mr Arin KARAPET please now, from Sweden.

Mr Arin KARAPET (Sweden, EPP/CD): Thank you, Mr Chairman, and thank you to the Honourable Lady Ms Thorhildur Sunna ÆVARSDÓTTIR for the report.

Mr Chairman,

Dear colleagues,

If a country has political prisoners, that state is not doing well. The pillars and the foundation of being a democratic country is that you respect freedom of speech and freedom of expression, that you have free and fair elections and you have the right to participate in elections, that you have an opposition that can work in a free society and that NGOs are not intervened and violated by the government. That's not what's happening in Azerbaijan.

I am the youth of... Well, I'm just 31, I'm quite old and young, it depends who you ask. We are the new generation of politicians. I am the first generation after the Berlin Wall was torn down. Nothing so much hasn't changed in Azerbaijan. It's one of the post-Soviet countries. The judicial system is a relic from the post-Soviet system. It was transformed a little bit by the government, well, by a family.

To be honest, if you're a member of this Assembly and you have political prisoners and they are detained and arrested arbitrarily, then you should accept it and you should probably release them and you should change the judicial system and allow the opposition to be a part of the elections. Otherwise the election will not be fair and free. That's why from the Group of the European People's Party I will support this report and I will thank Ms Thorhildur Sunna ÆVARSDÓTTIR for this great report.

Thank you, Mr Chairman.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you, Mr Arin KARAPET.

Mr Nagif HAMZAYEV please from Azerbaijan.

Mr Nagif HAMZAYEV (Azerbaijan, NR): Mr President, honourable members of the hall, ladies and gentlemen,

I have the honour to join the previous speakers and contribute to their fruitful, but rather exaggerated and misleading, discussion of reported cases of political prisoners in Azerbaijan. As an Azerbaijani, and a representative of the Azerbaijani people, I am very frustrated to feel an unjust and unreasonable attitude towards my country.

I would like to mention a small fragment from the report, which is a great example of this attitude. I come from the city of Ganja, I live there, and apparently I know more about it than anybody else in this room. Despite that, the report is telling me that an attempt to kill the governor of Ganja was something like a terror act. Azerbaijan, as a member of the Council of Europe, carries out certain applications with its jurisdiction to comply with the principles of democracy, rule of law and protection of human rights.

While we truly appreciate and take into account the recommendations of the Council of Europe, Azerbaijan has its own state's interest. Nevertheless, we always try to stand from the position of our bilateral interest. Sometimes we may have discording, but we always come to compromise on common ground. Reforms are being carried out in the country in all spheres and the legislative framework, reflecting the main principles of the European legal system. President Ilham ALIYEV signed a pardon decree back in March, under which 435 people were pardoned. Among which 399 people were freed from the unserved part of their prison sentence.

Talking about the prisoners and their treatment, the situation in Azerbaijan is better than in an overwhelming majority of European countries. It's important to understand that we are a relatively young country that has undergone massive damage caused by different external factors. Despite a difficult past, we implemented

numerous measures, including administrative and institutional reforms and we have had great success. Our judicial and legislative system have undergone effective reforms and it's going through the process of digitalisation.

Finally, as a result of joint efforts by anti-Azerbaijani forces for many years, Azerbaijan has been subject to PACE's attitudes and discrimination regarding the issues of political prisoners. We believe that favourable objective conditions will be great to pursue a policy based on the principles of equal treatment and mutual understanding.

Thank you for attention.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you.

Now Mr Sergey FABRICHNYY from the Russian Federation.

Mr Sergey FABRICHNYY (Russian Federation, NR)*: Thank you President and good morning colleagues.

As I see it, one of the key things when discussing this issue is in fact what is contained in the opening sentence of paragraph 9 of the resolution. "The Assembly welcomes the steps taken by the Azerbaijani authorities in recent years to reform the penitentiary, criminal justice and judicial systems, including the executive order of 2017 and the presidential decree of 2019", end of quote.

Now, I think Mr John HOWELL also touched upon that point in his comments. We recognise that that is important, but there are other things that we would like to bring your attention on also, things that the rapporteur did not always consider. For instance, we have had since 2011 in Azerbaijan a national programme of action on ensuring human rights and fundamental freedoms. In 2014 a working group on human rights was re-established.

Another thing that I think is particularly important and significant is the fact that there was unanimous adoption within the working group on UPR at the 39th Session of the UN Human Rights Council on the report on Azerbaijan. I've studied that report. In particular, I looked at paragraphs 10 and 11 from the working group on the Universal Periodic Review of Azerbaijan. It notes that in the course of the period under consideration there was considerable use of pardons and amnesties in the country. For instance we've just heard a reference to the pardon in March last year. I can tell you that in total, the President has signed nine acts of pardon which resulted in 1378 prisoners being pardoned. The parliament also adopted two acts of amnesty which applied to 21,000 people.

Efforts have also been made to develop the bar in Azerbaijan. On 22 February 2018 the President signed a decree on additional measures to develop the bar in the country.

In the course of interactive dialogue, a number of states have commended the steps taken by Azerbaijan in seeking to modernise the judicial and penitentiary system of the country. Azerbaijan has confirmed its commitment to democracy, human rights and fundamental freedoms. It cooperates excellently with the Council of Europe, with the UN and also has a zero tolerance for torture.

I'm not going to go into detail on all of this. I have simply commented on some of the material from the UN Human Rights Council. Because, despite the undoubted merits of the report, it seems to me that there is not sufficient reflection in the report of the material from the UN Human Rights Council. I do think that it is very important material and it should be borne in mind when making an appropriate decision on voting.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you.

Mr Samad SEYIDOV from Azerbaijan.

Mr Samad SEYIDOV (Azerbaijan, EC/DA): Just now I understood why our Council of Europe is in trouble.

We are not able to understand what does it mean, cooperation and mutual dialogue.

First of all I want to answer to my friend with whom we have very good relationship, Mr Aleksander POCIEJ.

Yes dear friends, during the Committee on Legal Affairs and Human Rights we demonstrated, and as an Azerbaijani, a constructive approach. Some paragraphs within this report mentioned the developments and progress in Azerbaijan. Of course we have problems, and we have decided to work together, to be constructive, to open the dialogue, to be closer to the Council of Europe. This is the approach demonstrated by the Azerbaijani side.

But what happened?

After one month of these Paris discussions, the rapporteur which presented just now the report made a statement. She said regime, regime, the fully-fledged member of the Council of Europe, regime, demonstrated it's undemocratic nature. This is a member of the Council of Europe.

Second, she officially interfered into the parliamentary elections which we have been waiting in February. With this she damaged, she broke the bridge which the Azerbaijani side presented to the Council of Europe.

This is the answer to Azerbaijani questions? This is the answer to developments which we made together with the Council of Europe? Decrees which the president signed. Pardoning decrees. Amnesty acts and all initiatives from Azerbaijani side. This is the answer of the Council of Europe?

This is the answer to why the Council of Europe is in trouble. Instead of understanding that we are ready to cooperate, and let me remind you respectable rapporteur, that at the very beginning of our negotiations you agreed as a compromise that reported cases of political prisoners will be used in the report. Then you refused and started to humiliate, to pressure, to do your best in order to undermine my country.

Azerbaijan will never accept this kind of approach. We will be fighting against this. But we are ready for dialogue. We are ready for cooperation. A vivid example of that is my statement at the Committee on Legal Affairs and Human Rights in Paris. We did it. But what did we get in response? Humiliation. Undermining.

See to the list of the speakers. All of the Armenian delegation is on the list. Why those who prosecuted former president, the constitutional president under the arrest thinking about democracy in my country? That's unfair and we are not able to accept this kind of approach.

Thank you.

Sir Roger GALE (United Kingdom, EC/DA, President of the Assembly): Thank you, Mr Samad SEYIDOV.

Ms Zeynep YILDIZ, please, from Turkey.

Ms Zeynep YILDIZ (Turkey, NR): Thank you, Mister President.

Dear colleagues,

First of all there is no universally accepted definition for political prisoners. However, a political prisoner is generally defined as a person who is imprisoned for his or her political activities.

In October 2012 the Assembly became the first major intergovernmental organization to approve a concrete criteria for what defines a political prisoner.

What all conceptualization of the term political prisoner have in common is their acknowledgement of the importance of power relations especially between dissidents and agents of governmental authority. However, one should not ignore the intricacies of every country and should not reach hasty decisions whether a person in question is a political prisoner. A claim of such gravity necessitates examining in depth the complexity of every case on its own merit.

Dear colleagues,

Each and every thought is remarkable as long as they do not break the law and harm anybody. It's important to represent and discuss every thought in this Assembly. It's also important to protect the freedom of expression of politicians within the scope of universal values that brought all of us together.

For all these reasons it is expected from the Council of Europe to focus on these issues. Therefore, I understand the intention and the motivation of the rapporteur. In this context, all member states should exert every necessary effort to safeguard and further the values of the Council of Europe, which are sine qua non for the functioning of democratic states.

As the Parliamentary Assembly of the Council of Europe, it's our responsibility to take those steps that will further encourage the Azerbaijani authorities in their ongoing efforts. In this respect all members of the Assembly should refrain from adapting and unwarranted punitive approach towards Azerbaijan. Azerbaijan has always been in favor of dialogue and constructive communication with all institutions including PACE. And as a loyal member of the Council of Europe.

Azerbaijan's lasting commitment to the Council of Europe values clearly demonstrates that the issues mentioned in the report will be addressed in an adequate manner.

Today we're talking about our shared values in the scope of freedom of expression. Before starting my speech, I learned that Emir Kir, mayor of Saint-Josse-ten-Noode, of Brussels, was expelled from his party just for having a meeting with some mayors from Turkey. So, we need to think twice how sincerely we are while embracing freedom of expression and freedom of assembly.

Thank you for your attention.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

Next speaker on the list is Ms Tatevik HAYRAPETYAN from Armenia.

Ms Tatevik HAYRAPETYAN (Armenia, EPP/CD): Chairperson,

Ladies and gentlemen.

First of all let me thank the rapporteur for the detailed and comprehensive report.

This report examining the cases of political prisoners in Azerbaijan also shows again how much corrupted and authoritarian the Azerbaijani regime is. From one side, PACE calls Azerbaijan to release all political prisoners and also expresses the justified concern by the use of presidential pardons also creates the unfortunate impression that the criminal justice system depends on one person, Ilham Aliyev. But I don't want to focus much on political aspects of the issue.

I mostly want to speak about the human side of this very serious problem. The people mentioned in this report have just one main guilt. They dare to think differently and they dare to speak up in a very close and dangerous reality of Azerbaijan. We should realise that we are not simply talking about the list of imprisoned people for political reasons. We are talking about human lives which get broken because of injustice and because these people spoke about the corrupt and authoritarian regime of Azerbaijan.

My colleague Mr Samad SEYIDOV is asking why Armenian delegates are registered and talk about this issue. I will tell you why Mr Samad SEYIDOV. The answer is very easy. According to the theory of democracies, democracies do not fight against each other because in a democratic and open society even the most problematic issues can be talked about and discussed, which is obviously not the case in our neighbouring country Azerbaijan. I want to say that if the Council of Europe wants to prevent conflicts it should definitely and firmly stands for democracies.

The authoritarian Azerbaijani regime breaks the ones who are different, the ones who want change and the ones who dare to stand against the regime. Even after the presidential pardon very few people dare to continue their activities and go on criticising the state because they are mostly broken as human beings after all the terrible tortures and pressures they undergo while being in prison.

Now my Azerbaijani colleagues are always talking about so-called reforms and changes in Azerbaijan, about upcoming extraordinary parliamentary elections. They have already promised to bring youth to the parliament. In reality we will just witness the change of faces and not the policy. With fictive and imitated reforms, authoritarians can never turn into democracy.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you. Next speaker on the list is Ms Maria RIZZOTTI from Italy.

Ms Maria RIZZOTTI (Italy, EPP/CD): Thank you, President.

Let us bear in mind that Azerbaijan is a member of the Council of Europe, situated in a geopolitically very complex region. However, Azerbaijan has taken many decisive measures to uphold human rights and rule of law and to guarantee all citizens access to justice. In this regard, it has adhered to several Council of Europe legal instruments and implements them, working with the institutions to address existing shortcomings and emerging challenges. Azerbaijan recently ratified the Lanzarote Convention.

As the report notes, the European Court of Human Rights has issued judgments relating to Azerbaijan and we all recognise that the enforcement of these judgments is necessary. Many countries, even here, have problems with the enforcement of the court's decisions. Therefore, as parliamentarians we should aim to encourage countries, including Azerbaijan, to ensure the timely and complete execution of judicial decisions.

As politicians, we must act responsibly and refrain from creating tensions between a member state and the organisation, and I confess to you that I was astonished when, on Monday afternoon in this Assembly, an Armenian parliamentarian accused the Azerbaijani people of armenophobia, comparing them to Hitler and the death camps. Words that we have all heard, heavy, inappropriate because just yesterday we celebrated the day of commemoration and remembered the horrors of the Shoah. I cannot imagine that these words are spoken by a parliamentarian from a Christian country, because it was precisely our values, the Jewish Christian values, that founded the pillars of the Western world for respect for man, human rights and tolerance. And only by promoting European values through a rational approach, dialogue and respect, can we achieve greater, genuine unity in the Council of Europe, born after the horrors of war to promote peace.

Azerbaijan has undertaken comprehensive legislative and judicial reforms, and these reforms must ensure that the judicial system in Azerbaijan functions in the most effective manner. The country has entered a new era and those who follow it closely follow and confirm these developments.

It is, however, in the spirit of these people the culture of law. I remember that it was among the first states in the world, the first Islamic republic, to give women the right to vote in 1919. The United States gave it to them two years later, the United Kingdom in 1928 where 10 years earlier it had only been given to married women over 30. It is a country that guarantees religious freedom, and every holiday the head of the religious communities invites others to celebrate together.

I hope that the parliamentary elections, which will take place next month, will be another opportunity for Azerbaijan to demonstrate its reform agenda in the field of democratic development of justice.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you. The next speaker on the list is Mr Rafael HUSEYNOV from Azerbaijan.

Mr Rafael HUSEYNOV (Azerbaijan, ALDE): Thank you, Chair.

Dear colleagues,

Next time the Parliamentary Assembly is discussing the report directly related to Azerbaijan it will, willingly or not, prompt us to think again about various aspects of the relations between the Council of Europe and this country. The Council of Europe has been raising the issue of political prisoners for over 20 years and, therefore, takes this issue very seriously. What is the so-far most satisfactory scientific explanation of the term political prisoners?

At the time, such question was raised in the Assembly and the scientific non-recognition of the term political prisoner, as a legal term, was stated. At that time, as a way out of the situation, five criteria were established by TRESCHEL, ALKEMA, ARABADJIEV, which provided the definition of the term political prisoner. However, at that time, it was assumed that these criteria would apply to the practice of the Council of Europe. But, was this document sent to any other authoritative legal examination or to the Venice Commission? No, it was not sent.

However, although it can be confirmed that political prisoners exist in any country in view of this criteria, for some reason, this concept applies solely to Azerbaijan. Even the motion for Recommendation 9465 entitled "Political Prisoners in Europe" was signed by a number of MPs at the Assembly on May 2002 and the Belgian MP George CLERFAYT tried to investigate the problem across Europe within the defined criteria.

On 5 May 2009, I prepared the motion for resolution entitled, "The problem of political prisoners in Europe and the necessity to investigate the issue of political prisoners in Armenia". This appeal, signed by about 20 deputies, has manifested traditional ignorance by the leadership of the Assembly. In this case, the following question arises, are they generally dealing with this problem or are they only going to investigate the problem in Azerbaijan?

The reality of the last 20 years of the Council of Europe is that, although the problem of political prisoners can be investigated on the basis of criteria adopted by some of the member states, so far, solely Azerbaijan has been currently selected. What is the purpose? Aren't we concerned about the existence of the problem in other member states? All this, again, raises another question: which is the main drawback in the activities of the Council of Europe? Such an attitude towards Azerbaijan is a clear manifestation of double standards.

And the last question, if today's report and presentation are so unfair, impartial and discriminatory from the very beginning, is there any necessity of taking it seriously and saying something about its essence?

I reject this unhealthy position.

Thank you for your attention.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

The next speaker on the list is Mr Edmon MARUKYAN from Armenia.

Microphone?

Mr Edmon MARUKYAN (Armenia, ALDE): Now. Now it works.

Thank you, Mister Chairman.

Dear colleagues, ladies and gentlemen,

First of all I would like to thank the rapporteur for this great work, this extraordinary report which is a serious report about political prisoners in Azerbaijan.

Actually I understand Mr Samad SEYIDOV, why he's angry that we are having speeches. Our main concern is about our neighboring country. We need stable, predictable neighbor, democratic neighbor, which is, by the way, a member of the Council of Europe.

The importance of such comprehensive and detailed report should be noted as it clearly illuminates the large number of grave human rights violations leading towards an increasing number of political prisoners. It is not less worthy to mention that within the last 8 to 10 years the number of political prisoners increased. The report also reflects presumed political prisoners, which assumes that this number will increase in the next years. It's a big concern.

Of course human rights violations and availability of political prisoners is quite distressing in all countries. However, taking into consideration the fact that Azerbaijan puts all efforts to be presented to the international society as a country respecting democratic values and human rights, it must be noted that even the nature of activities of political prisoners that were classified as crimes is worrisome. In particular, my special attention was drawn to the wide range of human rights violations that not only include false criminal charges, but also tortures, intimidation, and harassment of not only defendants, but also their family members. Civil society representative, supporters, lawyers and violation of fair trial.

I should also underline that the main target of state authority intolerance are NGOs leaders, human rights defenders, political activists, journalists, bloggers, and lawyers based on alleged offences in relation to their work which highlights the disability of other authorities to hear and take into consideration alternative criminal critical opinion. Having zero tolerance towards anybody expressing varying approaches and attitudes.

Therefore, given the importance of the topic and the necessity to obtain more detailed information, I fully support the initiative of the respected rapporteur to hold a hearing with experts at a future committee meeting and organize a fact-finding visit to Azerbaijan and call the EU authorities to take joint actions to illuminate the current anti-democratic situation in Azerbaijan.

And again and again, yes, we are registered for speeches, yes, we are concerned about our neighboring country, yes, we want a democratic Azerbaijan, yes, you want to totally democratic south Caucasus. The democratization process which started in South Caucasus will not stop and Azerbaijan will become a democratic state.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

The next speaker is Ms Sevinj FATALIYEVA from Azerbaijan.

Ms Sevinj FATALIYEVA (Azerbaijan, EC/DA): Thank you, Mr Chair.

It seems like this discussion is based on hypocrisy. Today in the role of judges there are occupant Armenians who can deal with neither the power sharing in their country nor with the corruption. Enough hypocrisy, dear colleagues.

Probably for the first time during my work in PACE, I fully disagree with the position of the rapporteur. Madam rapporteur, addressing Azerbaijan you've chosen absolutely wrong language. If we speak about respect let me remind you that the Council of Europe, the main values of this organisation is mutual respect. This kind of approach would be possible if Azerbaijan completely ignored the rules and values of PACE. If we would not show any progress in terms of development of democracy. If there weren't any pardoning decree on amnesty initiated by the President of Azerbaijan. If in order to eliminate the deficiencies and shortcomings in the justice system, the Azerbaijani authority, with its strong will is conducting extensive reforms in the justice system and closely cooperating with the Council of Europe.

As parliamentarians we highly appreciate collaboration which brings concrete results and ,therefore, always insist on a constructive dialogue. The purpose of this Assembly should also be to encourage properly the result-oriented cooperation. However, some far-reaching conclusions in the report create unwelcome tension between the organisation and the country, and it is clear that it doesn't contribute to cooperation and dialogue by undermining the trust between stakeholders. Therefore, we must refrain from demonstrating such an approach which can lead to a loss of confidence in the relations.

The politicisation of the decision of the European Court of Human Rights is unacceptable. We should be careful on this matter in particular we have to bear in mind that the Court in its judgment doesn't refer to such a political notion of political prisoners. This fact is also recognised in the report. For this reason it is inadmissible to make any controversial conclusions with the subjective judgment and to severely accuse Azerbaijan. Most member states have an issue with the compliance of the Court decision. Everyone who shares the values of this organisation acknowledges that Court decision must be enforced and it's not open for question. Yes, to this end we must encourage member states to implement these decisions in a timely and effective matter, but we can't do it by labelling the whole country with heavy political accusations and blames. In a nutshell, the Court decisions are legal cases and they should be treated as such.

Here in the in this Assembly I often ask one question. Unfortunately, I still haven't gotten an answer. If you really care about the human rights in Azerbaijan, ladies and gentlemen, dear colleagues, why don't you raise the question of the violation of rights of one million refugees who were expelled during the occupation of Nagorno-Karabakh by Armenia?

Unfortunately, there is still no answer.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

The next speaker is Mr Asim MOLLAZADE from Azerbaijan.

Mr Asim MOLLAZADE (Azerbaijan, EC/DA): Thank you very much, Mr Chairman.

Soviet Union really was an evil empire. And probably the half-life of Soviet Union is even longer than a Chernobyl nuclear rest. Similar situation in all Soviet countries. The same problem. Same problems for media opposition. Our Armenian colleagues now accusing Azerbaijan. Just a couple of days ago the Armenian police attacked the house of the chairman of the Constitutional Court.

A lot of problems, but we here in Council of Europe always discussing about Azerbaijan. Why? One of the reasons is that war not only in Karabakh. We are facing a war which we call "information war". A strong, very rich Armenian community diaspora using all opportunities trying to show that Azerbaijan is a barbarian country, that is why we have to justify occupation of Azerbaijani territory and one million refugees. This is the information war.

In many Soviet countries we have half of previous government being in jail. Is there discussion about political prisoners? No! Again, example: Azerbaijan had a Eurovision song contest and ayatollahs in Iran said that we will kill everybody who coming here. 150 people who trained in Hezbollah camps were arrested. A strange situation. Most of them in a list of political prisoners by Human Rights Watch. Why? Just recently we read an article from a US magazine that the chairman of Human Rights Watch is an Armenian lady who is attacking Israel for settlement of some occupied land and supporting settlement of Armenians from the Middle East in occupied land of Azerbaijan. It's a strange situation but it's a form of information war which Azerbaijan is facing.

Yes, our country needs reform, our country needs serious deep reform of the judiciary system, the political system, a lot of things! Our country needs a new type of managers, open-minded managers. And Azerbaijan is on this path. But focusing on the nation and targeting Azerbaijan with different issues here in Council of Europe we consider as a continuation of war in Karabakh, as a form of information war against Azerbaijan.

And believe me, it's unacceptable to talk about the Hezbollah terrorists in training as political prisoners. They killed civil people in Azerbaijan, police, and executed people. It's unacceptable. I cannot understand how it's possible to do that.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

Next speaker on the list is Ms Naira ZOHRABYAN from Armenia.

Ms Naira ZOHRABYAN (Armenia, EC/DA): Thank you colleagues,

The issue of political prisoners in Azerbaijan has been the theme of our Assembly since that country's accession to the Council of Europe.

Dozens of times, the Assembly, the Committee of Ministers of the Council of Europe and the European Court of Human Rights have addressed the important issue of political prisoners in Azerbaijan, calling in numerous resolutions for the release of political prisoners and prisoners of conscience.

How many times have we heard here the cynical responses of allies to the question of political prisoners in their country? I still remember that January 2013 when the report by our colleague Mr Strässer on political prisoners in Azerbaijan failed, after which the corruption scandals of Azerbaijani caviar diplomacy and the big Azerbaijani laundromat revealed how and by which ploys Azerbaijan had corrupted the members of the Parliamentary Assembly into cancelling unpleasant reports from Baku.

The former Vice-President of the Parliamentary Assembly, Mr Luca VOLONTÈ, has been indicted by the public prosecutor's office in Milan for receiving 2.3 million euros in bribes from Azerbaijan, but we must sincerely admit that, in addition to Mr Luca VOLONTÈ, some former Council of Europe members who played an active role in the Azerbaijani laundromat should will also be in the dock today.

The infamous former President of the Parliamentary Assembly, Mr Pedro AGRAMUNT, invited me to leave the courtroom in order not to hear his name in the Azerbaijani anti-corruption prosecutor's office. I hope that the independent inquiry commission set up by our organisation will appoint all the corrupters who have defended lies and falsification in our Assembly at all costs, thus contributing to the fact that the Azerbaijani authorities continue to mutilate hundreds of political prisoners, bloggers, human rights activists and lawyers in prisons.

A year ago, Mrs Thorhildur Sunna ÆVARSDÓTTIR, rapporteur on Azerbaijani political prisoners, presented to the Committee on Legal Affairs and Human Rights the list of 130 political prisoners in Azerbaijan. It was frightening, but it is even more frightening when the President of Azerbaijan, Mr ALIEV, speaking about political prisoners and democracy in Azerbaijan, proclaims: "Democracy is not an apple to be easily bought at the market".

There you are, colleagues. As for Mr Ilgar MAMMADOV, I am not surprised that that he has not been allowed to participate in the forthcoming elections.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): One more speaker.

Mr Akif Çağatay KILIÇ from Turkey.

Mr Akif Çağatay KILIÇ (Turkey, NR): Thank you.

Thank you very much Mr Chair for your understanding.

Ladies and gentlemen we are again debating a very hot topic.

As my colleague from Azerbaijan, Mr Samad SEYIDOV, he's put forward his own case very well I think. When I hear about what has been happening in the PACE and past things that have been talked about, where we had reports on that, we have had also the results of the voting and that is it. I mean we don't have to bring out now cases from the past. If we go there, there are a lot of things that we have to talk about.

Madam rapporteur, I share the view that the wording that has been used in this report is not the correct one. I think in the sense and understanding of the Council of Europe, in the Parliamentary Assembly, the wording that has been used should be much more comprehensive, should be much more open.

The Azerbaijani delegation has mentioned, Azerbaijan is trying to cooperate with the Council of Europe. Azerbaijan is working together with the Council of Europe.

In every country there are problems. My colleague from Turkey just mentioned that in Belgium one of the mayors was dismissed from his party because he met with mayors from Turkey.

We are hearing voices in this Assembly, we talked about this in the past, there are voices in this Assembly which are coming out from 70 years ago. We have to work against those. Just now, just about two three hours ago in the European Parliament, everybody is calling these guys populist, but I'm calling them racists. A racist member of parliament from Greece tore up a Turkish flag in his speech. This is hate speech and this is degrading towards a country. These are things that are creeping up.

The Council of Europe is a place of harmony. The Council of Europe, the Parliamentary Assembly, is a place where we sit down and debate. We don't point fingers. If we start on that, well then everybody can stand up and point fingers.

I don't want to go into a speech against the Armenian delegation. I mean it sounds like when Azerbaijan is mentioned everybody from the Armenian delegation feels obligated to stand up and say something. But there are a lot of things that are going wrong in Armenia, a lot of things. You have to face those as well.

When you talk about Turkey, well, you're very courageous and are using words that are very interesting. Now I have to fulfil another duty towards humanity because we are sitting in the house of human rights. In Armenia, on the Turkish border there's a nuclear plant called Metsamor. If that explodes millions could die, so please protect human rights and take care of your own business.

So my dear colleagues I'm concluding here and I'm thanking the Chair for his understanding in giving me the floor.

Thank you

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): That concludes the list of speakers.

Before I call the rapporteur, I have one announcement to make.

I wish to propose a change to the agenda agreed on Monday, under which the free debate will be postponed until the next part session due to a high number of speakers for the two debates, first thing tomorrow. Does the Assembly agree?

How do we deal with this?

There's an objection. You have 30 seconds.

Mr Piero FASSINO (Italy, SOC): President, I am the rapporteur for this debate, and I would ask that the agenda be maintained. Tomorrow is very difficult for me to be present. You can't changes at the last minute, I'm sorry.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): I'm sorry I think there may be a misunderstanding. We were talking about the free debates which does not have a rapporteur, which would be at the end of the session tomorrow and the suggestion is that we skip that for the benefit of speakers.

Mr Piero FASSINO (Italy, SOC): You were not talking about the debate about Libya? My apologies, I made a mistake. I am sorry.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): That's ineffective.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): So I will ask again, does the Assembly agree on skipping the free debate tomorrow afternoon? This seems to be the case. So this is confirmed and I inform the Assembly as well that the sitting this afternoon will be extended to 8.30pm also because of the high number of speakers and amendments for the debates. So please make your arrangements accordingly.

Many thanks.

Sorry for the interruption. I now call on Ms Thorhildur Sunna ÆVARSDÓTTIR as rapporteur to reply. You have a remaining time of 3 minutes.

Ms Thorhildur Sunna ÆVARSDÓTTIR (Iceland, SOC, Rapporteur): Thank you, Mr President.

Dear colleagues,

I want to thank you all for an interesting debate and I would especially like to thank Mr Aleksander POCIEJ and Mr Stefan SCHENNACH for their support and for their kind words about my report.

As to the criticism that my work has faced by some colleagues here in this room, I would like to touch upon a few points.

First of all, that there is no universally agreed definition of political prisoners. Perhaps you might be right, dear colleagues, but this Assembly does have an adopted definition of a political prisoner. I read that out in my speech. This Assembly has already agreed on it and that has not changed.

Many described my report as biased, many described this report as unfair towards Azerbaijan. But the recommendation and the resolution that is before you is based solely and really focuses on the judgments of the European Court of Human Rights. You cannot dispute the fact that the European Court of Human Rights' findings are binding and authoritative. And I really think that you should value the judgments of the European Court of Human Rights.

As to Mr Samad SEYIDOV's criticisms: first of all, he talked about negotiations about the title of the report. I wouldn't necessarily call it negotiations to be open to the sensitivities of both sides when it comes to first of all naming the report but also my assurances that I would approach this investigation, that I would approach this report, with an open mind, with no foregone conclusion. But I'm sorry, Mr Samad SEYIDOV, that was not the promise that I wouldn't reach a conclusion once my study was complete. Of course I cannot promise you that I will find in your favour.

Another thing that Mr Samad SEYIDOV said is I interfered in the Azerbaijani elections with my statement. I'm sorry but, no. Excluding the opposition from participating in the elections is interfering in the elections. Not my expression. Not the fact that I criticised this fact.

And, in terms of Mr Samad SEYIDOV's position, which has clearly changed since the Committee unanimously adopted this report in Paris in December. Once the Committee adopts the resolution, adopts the report, it becomes the Committee's report. It becomes the Committee's draft resolution. And, Mr Samad SEYIDOV, you cannot take your vote back to punish me for speaking my mind. No you can't take your vote back to punish me for speaking my mind. And I think that this attitude, this mentality is exactly the problem in Azerbaijan. You punish people for speaking their minds.

This is the resolution of the Committee on Legal Affairs and Human Rights. I ask you all to support it. I hope we can work towards a good solution for the people of Azerbaijan together.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

Does the Chairperson of the Committee wish to speak? Mr Boriss CILEVIČS, please.

Mr Boriss CILEVIČS (Latvia, SOC, Chairperson of the Committee on Legal Affairs and Human Rights): Thank you, President.

Colleagues, the issue of political prisoners in Azerbaijan has been discussed by this Assembly for years and years, and I must say that this time, this report was discussed in the Committee in quite a constructive manner and I do appreciate this and I'm grateful to our other colleagues for this cooperation.

Unfortunately, today, in this debate, so the situation has changed. I am deeply upset by this flat rejection and flat denial of any criticisms of Azerbaijan. Friends, believe me there is no conspiracy against Azerbaijan. We really take you seriously. You have undertaken certain obligations when acceding to the Council of Europe and we want you to fulfil these obligations. Nothing more. In this debate, I had many references to situations existing in other countries of the Council of Europe. If some Belgian mayor is dismissed from his party due to some reasons, does it justify that people are imprisoned in Azerbaijan just for their political views in which they expressed criticisms towards the government? It has nothing to do with this issue.

Yes, we do respect you. We do respect your country and we want you to solve your problems and we want to help you to solve your problems, so this is the reason why we are dealing with this issue. So I understand that we all, as politicians, have certain political limitations but, indeed, the crucial point is not these debates about theoretical concepts of political prisoners and so on, we have the final judgments of the European Court of Human Rights which must be fulfilled, full stop. All the other things are simply not relevant.

So I thank our rapporteur for her very diligent work and her very open-minded approach to this report. I thank our other colleagues for cooperation in the course of preparation of this report and I very much hope that when we continue this work, and we will continue, be sure, still the spirit of cooperation and human rights will prevail. And in conclusion I would like to remind you of this famous statement that "even one political prisoner is too many", so let's work together so that there are no political prisoners at all in any of the Council of Europe member states, including Azerbaijan.

Thank you, Mr President.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you, Mr Chairman.

The debate is closed. The Committee on Legal Affairs and Human Rights has presented a draft resolution to which seven amendments have been tabled. The Committee on Legal Affairs and Human Rights has also presented a draft recommendation to which one amendment has been tabled.

We will first consider the amendments to the draft resolution and then the amendment to the draft recommendation. They will be taken in the order in which they appear in the compendium. I remind you that speeches on amendments are limited to 30 seconds.

I understand that the Chairperson of the Committee on Legal Affairs and Human Rights wishes to propose to the Assembly that amendments 5 and 6 to the draft resolution, which were unanimously approved by the Committee should be declared as agreed by the Assembly. Is that the case Mr Boriss CILEVIČS?

Does anyone object?

No objection.

I declare that amendments number 5 and number 6 to the draft resolution have been agreed.

We come to amendment number 7. I call Mr Samad SEYIDOV to support amendment number 7. So you have 30 seconds.

Vote: Reported cases of political prisoners in Azerbaijan

Mr Samad SEYIDOV (Azerbaijan, EC/DA): Thank you, Mr President.

And the question which madam rapporteur addressed to me, I think directly, she should address to herself because I am not a reason for this kind of confrontation. The reason is that the European Court of Human Rights is not ready to accept this term "political prisoners", but you used this term in the report. The reason that Article 18 in your report has them in conjunction with all prisoners and that's why it is undermining not only Azerbaijani position, not only Council of Europe, but puts under suspicion the European Court position and that's why we are in favour of this amendment.

Thank you, Mr President.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you. Does anyone wish to speak against the amendment? The rapporteur.

Ms Thorhildur Sunna ÆVARSDÓTTIR (Iceland, SOC, Rapporteur): Thank you, Mister President.

Now we come to the essential heart of this report and that is that the court's findings correspond with the definition of this assembly. It fulfills the requirements. The European Convention of Human Rights does not include the term "political prisoners". So, like I said in my speech, there's no specific reason why the court would use that specific language. But if you imprison people on political grounds as punishment for their political participation that is the fulfillment of the criteria of a political prisoner.

So, please, reject this amendment. It goes to the heart of this report and tries to undermine its content. And it would undermine also the authority of the court. Please, vote against this amendment.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you. What is the opinion of the Committee?

Mr Boriss CILEVIČS (Latvia, SOC, Chairperson of the Committee on Legal Affairs and Human Rights): This amendment was rejected by a large majority.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

I shall now put the amendment to the vote.

The vote is open.

The vote is closed.

The amendment is rejected.

I call amendment number 1 and Mr Stefan SCHENNACH to support it. You have 30 seconds.

Mr Stefan SCHENNACH (Austria, SOC): Mr President, as co-rapporteur, we are very close on the field with the different cases. But this case, related to relatives of prisoners, the rapporteur could not research. So I will withdraw this amendment, but I say thank you to so many people, from all different groups, which support it.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): So I understand the amendment is withdrawn.

No further objection?

Then we come to amendment number 2 and I call Mr Constantinos EFSTATHIOU to support amendment number 2. No, Mr Stefan SCHENNACH?

Mr Stefan SCHENNACH (Austria, SOC): Yes, this is the same case. These co-rapporteurs reported the case of Mehman Galandarov, which is really a heavy situation because we are not sure that the suicide in the prison was correct, but our rapporteur could not follow these three cases, and in this spirit, I will also withdraw that.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): So, Amendment 2 is withdrawn. No objection.

We come to Amendment 8. And I call Mr Samad SEYIDOV to support Amendment 8.

You have 30 seconds.

Mr Samad SEYIDOV (Azerbaijan, EC/DA): Thank you, Mister President.

This is also very essential. Again, Azerbaijan is not ready and we will never accept the presence of political prisoners in our country. We are ready to cooperate and we already did it in the very free and open manner for human rights, but these very grave accusation is not for my country. And that's why we are completely against of this kind of terms and that's why I am in favor of this amendment.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you, the rapporteur wants to speak against.

Ms Thorhildur Sunna ÆVARSDÓTTIR (Iceland, SOC, Rapporteur): Thank you, Mister Chair.

I must say I'm deeply disappointed that Mr Samad SEYIDOV's position has taken a total U-turn since our committee meeting in December, where he was willing to accept the problem and willing to work towards a solution with us, the Parliamentary assembly.

This amendment goes to the heart of the conclusion of the report, where we state that there can no longer be any doubt that there are political prisoners in Azerbaijan.

The amendment seeks to remove that conclusion and therefore remove the conclusion of the entire recommendation.

I ask you to reject this amendment.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): What is the opinion of the Committee?

Mr Boriss CILEVIČS (Latvia, SOC, Chairperson of the Committee on Legal Affairs and Human Rights): The committee is against this amendment.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

So I put the amendment to the vote.

The vote is open.

The vote is closed.

The amendment is rejected.

We come to amendment number 3 and I call Mr Stefan SCHENNACH to support amendment number 3.

Mr Stefan SCHENNACH (Austria, SOC): Thank you.

We want, with this amendment, to delete the words "the forthcoming parliamentarian". These three words. Because we made a statement that it is not acceptable that Mr Ilgar Mammadov cannot run and others also not.

The Azeris has to fulfill the Human Rights Court's decision and it's not only for the forthcoming parliamentary election. It has to do in principle.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you.

Does anyone speak against? Mr Samad SEYIDOV?

Mr Samad SEYIDOV (Azerbaijan, EC/DA): This is actually a very strange amendment, and I think that the forthcoming elections are really very important and this is another attempt to some kind of influence to this election. And that's why I'm not in favor to keep this kind of amendment. And that's why I'm completely against. Because we are on the eve of the forthcoming parliamentary elections.

Thank you.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you. What is the opinion of the Committee? Mr Boriss CILEVIČS.

Mr Boriss CILEVIČS (Latvia, SOC, Chairperson of the Committee on Legal Affairs and Human Rights): The committee was in favor.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): In favor.

I should now put the amendment to the vote.

The vote is open.

The vote is closed.

The amendment is adopted.

We will now proceed to vote on the draft resolution contained in document 15020 as amended.

The vote is open.

The vote is closed.

The draft resolution is adopted as amended.

We will now consider the draft recommendation contained in document 15020, to which one amendment has been tabled. I call amendment number 4 and Mr Stefan SCHENNACH to support it.

Mr Stefan SCHENNACH (Austria, SOC): This is no interaction in the election campaign, which is at the moment in Azerbaijan, if we can say that in this way. The co-rapporteurs criticised this situation one month before, last week the pre-electoral mission took note and so we should delete in the "forthcoming parliamentary election". It's for all elections which are to come.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Thank you. Does anyone want to speak against? Mr Samad SEYIDOV.

Mr Samad SEYIDOV (Azerbaijan, EC/DA): Very strange, Mr President. Now my rapporteur to my country try to predict not only these elections but all elections in the future, something like God. This is ridiculous and that's why we are absolutely against.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): What is the opinion of the committee?

Mr Boriss CILEVIČS (Latvia, SOC, Chairperson of the Committee on Legal Affairs and Human Rights): The committee is in favor by a large majority.

Mr Andreas NICK (Germany, EPP/CD, President of the Assembly): Okay, I shall now put the amendment to the vote.

The vote is open.

The vote is closed.

The amendment is adopted.

We will now proceed to vote on the draft recommendation contained in document 15021 as amended. May I remind you as a two third majority is required, I am counting only affirmative and negative votes.

The vote is open.

The vote is closed.

The draft recommendation is adopted with the majority required.

The Assembly will hold its next public sitting this afternoon at 3: 30 p.m. with the Agenda which was approved on Monday morning and modified as far as the end is concerned and just to remind The Joint Committee will meet now at 1 p.m. in Room 5.

Thank you very much. The sitting is adjourned.

Closing of the sitting No. 7