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The follow-up to the issue of political prisoners in Azerbaijan

Motion for a resolution
tabled by Mr Christos POURGOURIDES and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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In its Resolution 1457 (2005) on the implementation of Resolution 1359 (2004) on political prisoners in Azerbaijan, adopted in June 2005, the Assembly concluded that "it [could] not consider the issue of political prisoners to have been finally resolved" and asked the Azerbaijani authorities to take a number of measures in order to find "a speedy and permanent solution to the issue of political prisoners and presumed political prisoners". In its Resolution 1545 (2007), the Assembly also welcomed then the setting up of a task force comprising representatives of the authorities and of human rights NGOs for the purpose of "adopting a single position and approach to the issue of meeting the commitment and eliminating the problem". They had agreed to work on the basis of two lists referred to in Resolution 1457 (2005).

Two years later, in April 2007, the Assembly in its Resolution 1545 (2007) on the honouring of obligations and commitments by Azerbaijan noted that the task force on which much hope had been placed in June 2005 had remained inactive for more than a year and met only on the occasion of rapporteurs' visits. In particular:

– no concrete action had been taken as to the proposal of passing an amnesty law by the parliament;

– on 11 appeals to the Supreme Court by persons mentioned on the lists of the task force and sentenced prior to the ratification of the European Convention on Human Rights, eight were declared inadmissible on procedural grounds; since no review on the merits of their cases took place, this prevents them from lodging an application with the European Court of Human Rights;

– legislation on conditional release was not applied in all cases concerned;

– the presidential pardon decree of October 2006 led to the release of two journalists, but covered only two of the persons mentioned on the lists of the task force.

Welcoming the fact that since November 2006 the work of the task force has been reactivated, the Assembly urged the task force to produce concrete results and listed a number of priority tasks that the task force should carry out insisting on the review of cases on humanitarian grounds, as well as of cases of still-imprisoned relatives, employees or acquaintances of persons who had meanwhile been pardoned or released. The Assembly drew particular attention to the cases of Mr Natiq Efendiyev and Mr Rasim Alekperov, as well as to concerns over the fairness of the investigation and/or trial of the Yeni Fikir Youth Movement leaders, Mr Ruslan Bashirli and Mr Ramin Tagiyev, of the former Minister for Economic Development, Mr Farhad Aliyev, and of the former Minister for Health, Mr Ali Insanov.

Regrettably, no follow-up has been given to the Assembly recommendations, no results have been achieved and the work of the task force has been much less active since the adoption of Resolution 1545 (2007). Only two meetings have been held and no pardon decree has been issued since March 2007 despite promises to the contrary.

At the same time the list of alleged political prisoners keeps growing. Some of the journalists who were condemned for defamation were found to be prisoners of conscience by Amnesty International. Altogether, today, the list of the Azerbaijani Federation of Human Rights Organisations includes 72 political prisoners, 9 probable political prisoners and 10 “former political prisoners”. Some of them have been arrested for a second time. One former political prisoner, Mrs Faina Kungurova, died in prison (18 November 2007) in unclear circumstances.

Under these conditions, we believe that there is at present a need for a special rapporteur to be appointed, from among the Committee on Legal Affairs and Human Rights, with a specific mandate to follow-up the work of previous special rapporteur, Mr Malcom Bruce, on the issue of political prisoners in Azerbaijan and to ensure that proper follow-up be given to Resolutions 1457 (2005) and 1545 (2007). The rapporteurs of the Monitoring Committee had themselves mentioned in their April 2007 report that it was “upon the achieved results that the efficiency of the Task Force would ultimately be assessed and prove that there is no need for Assembly rapporteurs”, with general or specific mandate, to follow up the issue of implementation of Resolution 1457 (2005). Today the absence of “achieved results” clearly advocates for the appointment of a special rapporteur on the follow-up to the issue of political prisoners in Azerbaijan.

Signed (see overleaf)

Signed[1]*:*

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