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Azerbaijan's Chairmanship of the Council of Europe: what follow-up on respect for human rights?

Amendment¹ No. 8

In the draft resolution, replace paragraph 7 with the following paragraph:

"The Assembly insists that the judicial system in Azerbaijan must be independent and impartial, as in all Council of Europe member states. It reiterates that an independent judicial system is a precondition for a criminal justice system which complies with European standards. The Assembly is concerned about allegations of a systematic lack of independence of the judiciary vis-à-vis the executive and the arbitrary application of criminal law. It is concerned about allegations of the excessive use of pretrial detention by judges at the request of prosecutors, without a detailed examination of the grounds which could justify such detention, and the problems in properly ensuring the rights of the defence. It notes that the Azerbaijani authorities have announced the start of reforms to their judicial system following the relevant recommendations of the Council of Europe, in particular those of the Group of States against Corruption (GRECO) and the European Commission for the Efficiency of Justice (CEPEJ). Nevertheless, it finds that the concerns over the functioning of justice expressed in its Resolution 2062 (2015) remain valid. Furthermore, the constitutional amendments approved following the referendum of 26 September 2016 entail the risk of increasing the power of the executive in relation to the legislative and judiciary."

Explanatory note

The language of the resolution must be clear as regards the Assembly's assessment of the state of the judiciary. Reports from the ground clearly indicate that "judicial reform" has been a clear formality and have not made any impact on the ground. Therefore, speaking about authorities' "actions to address the situation" would be misleading.

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