

Mr Donald Tusk

President of the European Council

Rue de la Loi 175

1048 Brussels

Mr Jean-Claude Juncker

President of the European Commission

Rue de la Loi 200

1049 Brussels

Ms Federica Mogherini

High Representative of the European Union for Foreign Affairs and Security Policy / Vice-

President of the European Commission

Rue de la Loi 200

1049 Brussels

Mr Johannes Hahn

Commissioner for European Neighbourhood Policy & Enlargement Negotiations

Rue de la Loi 200

1049 Brussels

February 1, 2017

Dear President Tusk, President Juncker, High Representative / Vice-President Mogherini,

We, the undersigned organizations, are writing in advance of Azerbaijan President Ilham Aliyev's upcoming visit to Brussels and meeting with you. We urge you to use this high-level visit to insist that President Aliyev commits to concrete, lasting human rights reforms in Azerbaijan. Insisting on such reforms would help ensure that the EU guides its engagement with Azerbaijan in a manner that honors Article 21 of the Lisbon Treaty, and the EU strategic framework and action plan on democracy and human rights, by fostering "democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms."

President Aliyev's visit takes place following the EU Foreign Affairs Council's authorization of a mandate for negotiating a new partnership agreement between the EU and Azerbaijan. At the same time, the Azerbaijani government restricts the space for independent activism, critical journalism, and opposition political activity by imprisoning and harassing many activists, prominent human rights defenders, and journalists, as well as by adopting laws and regulations restricting the activities of independent groups and their ability to secure funding.

The Azerbaijani authorities are sensitive to concerns from partners such as the EU, as demonstrated by their release of 17 human rights defenders, journalists, and political activists in 2016. Despite this, the authorities continue to keep many other government critics wrongfully imprisoned, and have arrested more political activists and bloggers throughout 2016 and 2017, underscoring that partners can only expect to see meaningful results if they have principled and consistent engagement and set clear benchmarks for sustained reform.

Non-governmental organizations in Azerbaijan face serious obstacles to operating independently due to excessive legal and regulatory restrictions. Cabinet of Ministers regulations issued in January 2017, as part of the government's review of laws regulating NGOs and donors, offer limited prospect for fundamentally improving the operational environment for NGOs. Although the new regulations simplify some procedures for registration of foreign grants, they leave intact the large discretion of the authorities to arbitrarily deny their registration.

Azerbaijan violates its human rights commitments to free speech, assembly and other protections, blatantly ignores the European Court of Human Rights judgment in the Ilgar Mammadov case and blocks all funding to independent civil society organizations by any EU institution. Deepening engagement with a government without securing concrete and sustainable human rights improvements sends a message that these issues are not of concern to the EU and could lead to further deterioration in human rights protection.

In 2015 the Extractive Industries Transparency Initiative (EITI) downgraded Azerbaijan's status from 'member' to 'candidate,' due to the inability of civil society to adequately participate in EITI decision-making processes because of the country's severe restrictions on free speech and free association. In October 2016, after re-assessment, EITI chose not to reinstate Azerbaijan's status due to a lack of improvements. The Open Government Partnership voted in May 2016 to downgrade Azerbaijan's membership to "inactive status," citing the authorities'

arrests of activists, freezing of NGO bank accounts and restrictions on foreign funding, and other concerns.

We urge the EU and its member states to secure tangible human rights improvements and changes from the government of Azerbaijan at the very outset of negotiations of the new partnership agreement. Any new partnership agreement signed with Azerbaijan should similarly include strong provisions committing the government to upholding universal human rights standards and securing lasting, meaningful human rights reforms.

Doing otherwise would also seriously question the principles set out in the EU's founding principles and in the EU's Strategic Framework on Human Rights and Democracy, as well as the commitments enshrined in the EU Guidelines on Human Rights Defenders and the EU Human Rights Guidelines on Freedom of Expression Online and Offline.

In light of this, in your upcoming meetings with President Aliyev, we urge you to insist on:

- o The immediate and unconditional release of wrongfully imprisoned human rights defenders, journalists, civil society and political activists, first and foremost among them Ilgar Mammadov, a prominent opposition political activist. The government of Azerbaijan has ignored repeated demands from the Council of Europe's Committee of Ministers for Ilgar Mammadov's release, as part of the implementation of the 2014 European Court of Human Rights judgment in his case.
- o Reform of laws and regulations governing nongovernmental organizations and their access to independent funding, in accordance with recommendations made by the Venice Commission and the corrective actions required by the Extractive Industries Transparency Initiative;
- o Immediate and enforceable guarantees that the EU and its institutions are able to fund independent civil society organizations without undue hindrance;
- o An end to politically-motivated prosecutions of human rights defenders, journalists, civil society and political activists;
- o The quashing of convictions against human rights defenders, journalists, civil society and political activists who have been released, and the removal of ongoing restrictions on their freedom of movement;

- Reform of laws and regulations which restrict independent media and freedom of speech, including on the internet.

We also call upon relevant European Union institutions to abide by their commitments to transparency, including ahead of and during the process of negotiating the new partnership agreement between the European Union and Azerbaijan. Transparency and public scrutiny are fundamental elements of good governance.

We thank you for your attention and remain at your disposal for any further questions.

Sincerely,

Eastern Partnership Civil Society Forum

Front Line Defenders

Human Rights House Foundation (HRRF)

Human Rights Watch

International Federation for Human Rights (FIDH).

International Partnership for Human Rights (IPHR)

Center for Civil Liberties, Ukraine

Democracy and Human Rights Resource Center, Azerbaijan

Election Monitoring and Democracy Studies Center (EMDS), Azerbaijan

Human Rights Club, Azerbaijan

Human Rights Information Center, Ukraine

Kharkiv Human Rights Protection Group, Ukraine

Legal Education Society, Azerbaijan

Public Association for Assistance to Free Economy, Azerbaijan

NGOs members of the Civic Solidarity Platform:

- ARTICLE 19, UK
- Crude Accountability, United States
- HRM Bir Duino, Kyrgyzstan
- Human Rights Monitoring Institute, Lithuania
- Centre for the Development of Democracy and Human Rights, Russia
- Human Rights Center of Azerbaijan
- Index on Censorship, United Kingdom
- Institute for Reporters' Freedom and Safety (IRFS)
- Kazakhstan International Bureau for Human Rights and Rule of Law
- Macedonian Helsinki Committee
- Moscow Helsinki Group
- Norwegian Helsinki Committee

- Office of civil freedoms, Tajikistan
- Promo LEX, Moldova
- Public Association “Dignity”, Kazakhstan
- Public Verdict, Russia
- The Kosova Rehabilitation Centre for Torture Victims
- The Netherlands Helsinki Committee
- The World Organisation Against Torture (OMCT), Switzerland
- Ukraine Helsinki Human Rights Union and Analytical Center for Interethnic Cooperation and Consultations

NGOs members of the Human Rights House Network:

Barys Zvozkau Belarusian Human Rights House in exile, Vilnius (on behalf of the following NGOs):

- Belarus Watch (ByWatch)
- Belarusian Association of Journalists
- Belarusian Helsinki Committee
- City Public Association “Centar Supolnasc”
- Human Rights Centre “Viasna”

Human Rights House Belgrade (on behalf of the following NGOs):

- Belgrade Centre for Human Rights
- Lawyers Committee for Human Rights YUCOM
- Helsinki Committee for Human Rights in Serbia

Educational Human Rights House Chernihiv (on behalf of the following NGOs):

- Ahalar
- Civic Education Center “Almenda”
- Chernihiv Public Committee of Human Rights Protection
- Local Non-governmental Youth organizations M’ART
- Ukrainian Helsinki Human Rights Union

Human Rights House Oslo (on behalf of the following NGOs):

- Health and Human Rights Info
- Human Rights House Foundation

Human Rights House Tbilisi (on behalf of the following NGOs):

- Article 42 of the Constitution
- Caucasian Centre for Human Rights and Conflict Studies (CAUCASIA)
- Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims (GRCT)
- Human Rights Centre (HRIDC)
- Media Institute
- Union Sapari

Human Rights House Voronezh (on behalf of the following NGOs):

- Charitable Foundation
- Civic Initiatives Development Centre
- Confederation of Free Labor
- For Ecological and Social Justice

- Free University
- Golos
- Interregional Trade Union of Literary Men
- Lawyers for labor rights
- Memorial
- Ms. Olga Gnezdilova
- Soldiers Mothers of Russia
- Voronezh Journalist Club
- Voronezh-Chernozemie
- Youth Human Rights Movement

Human Rights House Warsaw (on behalf of the following NGO):

- Helsinki Foundation for Human Rights

Human Rights House Zagreb (on behalf of the following NGOs):

- APEO/UPIM Association for Promotion of Equal Opportunities for People with Disabilities
- B.a.B.e.
- CMS - Centre for Peace Studies
- Documenta - Centre for Dealing with the Past
- GOLJP - Civic Committee for Human Rights
- Svitanje - Association for Protection and Promotion of Mental Health

CC:

Head of Cabinet of the President of the European Council, Mr Piotr Serafin

Chief Foreign Policy Advisor to the President of the European Council, Ms Riina Kionka

Head of Cabinet of the President of the European Commission, Mr Martin Selmayr

Diplomatic Adviser of the President of the European Commission, Mr Richard Szostak

Secretary General for the European External Action Service (EEAS), Ms Helga Schmid

Deputy Secretary General for the European External Action Service (EEAS), Mr Jean-Christophe Belliard

Head of Cabinet of the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission, Ms Fabrizia Panzetti

Chair of the EU's Political and Security Committee, Amb. Walter Stevens

Ambassadors to the EU Political and Security Committee

EU Special Representative for Human Rights, Mr Stavros Lambrinidis

Managing Director for Europe and Central Asia, EEAS, Mr Thomas Mayr Harting

Chair of the EU's Working Party on Eastern Europe and Central Asia (COEST), Ms Caroline Vinot

Members of the EU's Working Party on Eastern Europe and Central Asia (COEST)

Chair of the EU's Working Party on Human Rights (COHOM), Ms Ciara O'Brien

Members of the EU's Working Party on Human Rights (COHOM)

Head of Cabinet of the Commissioner for European Neighbourhood Policy & Enlargement Negotiations, Mr Michael Karnitschnig

Director General of DG Neighbourhood and Enlargement Negotiations, Mr Christian Danielsson

President of the European Parliament, Mr Antonio Tajani

Vice-President of the European Parliament responsible for Democracy and Human Rights, Mr Alexander Graf Lambsdorff

Chair of the European Parliament's Foreign Affairs Committee, Mr David McAllister

Chair of the European Parliament's Subcommittee on Human Rights, Mr Pier Antonio Panzeri

Chair of the European Parliament's Delegation to the EU-Armenia and EU-Azerbaijan Parliamentary Cooperation Committees and the EU-Georgia Parliamentary Association Committee, Mr Sajjad Karim

Chair of the European Parliament's Delegation to the Euronest Parliamentary Assembly, Ms Heidi Hautala