

Thursday 13 September 2012

Azerbaijan: the case of Ramil Safarov

P7_TA(2012)0356

European Parliament resolution of 13 September 2012 on Azerbaijan: the Ramil Safarov case (2012/2785(RSP))

(2013/C 353 E/21)

The European Parliament,

- having regard to its previous resolutions on the situation in Azerbaijan, in particular those concerning human rights,

- having regard to the established practice of international law regarding transfer, namely the Convention on the Transfer of Sentenced Persons, under which it was agreed that cooperation should be developed in order to further the ends of justice and the social rehabilitation of sentenced persons, by giving them the opportunity to serve their sentences within their own society,

- having regard to the statement issued by its President, Martin Schulz, on 5 September 2012 concerning the pardon granted to Ramil Safarov in Azerbaijan,

- having regard to the joint statement issued by the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, and Commissioner Štefan Füle on 3 September 2012 concerning the release of Mr Safarov,

- having regard to the statement issued by the Secretary-General of the Council of Europe, Thorbjørn Jagland, on 4 September 2012,

- having regard to the official letter received by the Ministry of Public Administration and Justice of Hungary on 15 August 2012 from the Deputy Minister of Justice of the Republic of Azerbaijan, Vilayat Zahirov,

- having regard to its resolution of 18 April 2012 on the negotiations of the EU-Azerbaijan Association Agreement ⁽¹⁾,

- having regard to the statement issued by the Hungarian Prime Minister, Viktor Orbán, on 3 September 2012, in which he gave an assurance that Hungary had acted in accordance with its international obligations,

- having regard to the Partnership and Cooperation Agreement between the EU and Azerbaijan, which entered into force in 1999, and to the ongoing negotiations between the two parties on a new association agreement to replace the previous one,

- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

⁽¹⁾ Texts adopted, P7_TA(2012)0127.

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- A. whereas Ramil Safarov had been jailed in a Hungarian prison since 2004 after brutally killing an Armenian colleague during a course sponsored by NATO's Partnership for Peace Programme in Budapest; whereas Mr Safarov had pleaded guilty and had expressed no remorse, defending his action on the grounds that the victim was Armenian;
- B. whereas on 31 August 2012 Mr Safarov, a lieutenant of the Azerbaijani armed forces who had been convicted of murder and sentenced to life imprisonment in Hungary, was transferred to Azerbaijan at the longstanding request of the Azerbaijani authorities;
- C. whereas immediately after Mr Safarov was transferred to Azerbaijan the Azerbaijani President, Ilham Aliyev, pardoned him in line with the Constitution of the Republic of Azerbaijan and Article 12 of the Convention on the Transfer of Sentenced Persons;
- D. whereas Article 9 of the Convention on the Transfer of Sentenced Persons, to which Hungary and Azerbaijan are both signatory parties, states that a person sentenced in the territory of one state may be transferred to the territory of another in order to serve the sentence imposed on him or her, provided that the conditions laid down in that convention are met;
- E. whereas the Deputy Minister of Justice of the Republic of Azerbaijan, Vilayat Zahirov, sent an official letter to the Ministry of Public Administration and Justice of Hungary on 15 August 2012, in which he stated that the execution of the decisions of foreign states' courts regarding the transfer of sentenced persons to serve the remaining part of their prison sentences in the Republic of Azerbaijan were carried out in accordance with Article 9(1)(a) of the convention, without any conversion of their sentences; whereas he further gave an assurance that, according to the Criminal Code of the Republic of Azerbaijan, the punishment of a convict serving a life sentence could only be replaced by a court with a term of imprisonment for a specified period, and that the convict could be released on conditional parole only after serving at least 25 years of his or her prison sentence; and whereas the Azerbaijani authorities subsequently denied having given any diplomatic assurances to the Hungarian authorities;
- F. whereas Lieutenant Safarov received a glorious welcome in Azerbaijan and a few hours after his return was granted a presidential pardon, set free and promoted to the rank of major during a public ceremony;
- G. whereas the decision to set Mr Safarov free triggered widespread international reactions of disapproval and condemnation;
- H. whereas on 31 August 2012 the Armenian President, Serzh Sargsyan, announced that Armenia was suspending its diplomatic relations with Hungary;
- I. whereas Azerbaijan participates actively in the European Neighbourhood Policy and the Eastern Partnership, is a founding member of Euronest and has committed itself to respect democracy, human rights and the rule of law, which are core values of these initiatives;
- J. whereas Azerbaijan has taken up a non-permanent seat in the United Nations Security Council (UNSC) for the 2012-2013 period and committed itself to uphold the values enshrined in the UN Charter and the Universal Declaration of Human Rights;
- K. whereas Azerbaijan is a member of the Council of Europe and a party to the European Convention on Human Rights (ECHR) as well as to a number of other international human rights treaties, including the International Covenant on Civil and Political Rights;

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1. Stresses the importance of the rule of law and of honouring commitments made;
 2. Deplores the decision by the President of Azerbaijan to pardon Ramil Safarov, a convicted murderer sentenced by the courts of a Member State of the European Union; regards that decision as a gesture which could contribute to further escalation of the tensions between two countries, and which is exacerbating feelings of injustice and deepening the divide between those countries, and is further concerned that this act is jeopardising all peaceful reconciliation processes within the societies concerned and may undermine the possible future development of peaceful people-to-people contact in the region;
 3. Considers that, while the presidential pardon granted to Mr Safarov complies with the letter of the Convention on the Transfer of Sentenced Persons, it runs contrary to the spirit of that international agreement, which was negotiated to allow the transfer of a person convicted on the territory of one state to serve the remainder of his or her sentence on the territory of another state;
 4. Considers the presidential pardon granted to Mr Safarov as a violation of the diplomatic assurances given to the Hungarian authorities in Azerbaijan's request for transfer on the basis of on the Convention on the Transfer of Sentenced Persons;
 5. Deplores the hero's welcome accorded to Mr Safarov in Azerbaijan and the decision to promote him to the rank of major and pay him eight years' back salary upon his arrival, and is concerned about the example this sets for future generations and about the promotion and recognition he has received from the Azerbaijani state;
 6. Takes the view that the frustration in Azerbaijan and Armenia over the lack of any substantial progress as regards the peace process in Nagorno-Karabakh does not justify either acts of revenge or futile provocations that add further tension to an already tense and fragile situation;
 7. Expresses its support for the ongoing efforts of the European External Action Service (EEAS), the EU Special Representative for the South Caucasus and the Member States to defuse tensions and ensure that progress is made towards peace in the region;
 8. Supports the Co-Chairs of the OSCE Minsk Group in their efforts to secure substantial progress in the peace process in Nagorno-Karabakh with a view to finding a lasting, comprehensive settlement in accordance with international law;
 9. Insists that the EU should play a stronger role in the settlement of the conflict in Nagorno-Karabakh by supporting the implementation of confidence-building measures which will bring together Armenian and Azerbaijani communities and spread ideas of peace, reconciliation and trust on all sides;
 10. Reiterates its position that the association agreement currently being negotiated between the EU and Azerbaijan should include clauses and benchmarks relating to the protection and promotion of human rights and the rule of law;
 11. Condemns all forms of terrorism and the use of threats of terrorism;
 12. Instructs its President to forward this resolution to the EEAS, the European Council, the Commission, the respective governments and parliaments of the Republic of Azerbaijan and the Republic of Armenia, the Council of Europe, the OSCE and the UN Special Rapporteur on human rights and counter-terrorism.
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