



AS/Mon(2009)19

9 June 2009

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Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Honouring of obligations and commitments by Azerbaijan

Information note by the co-rapporteurs on their fact-finding visit to Baku¹ (8-10 April 2009)

Co-rapporteurs: Mr Andres HERKEL, Estonia, Group of the European People's Party, and Mrs Evguenia JIVKOVA, Bulgaria, Socialist Group

¹ This information note has been made public by decision of the Monitoring Committee dated 5 June 2009.

I. Introduction

1. As co-rapporteurs on the monitoring procedure for Azerbaijan, we visited Baku from 8 to 10 April 2009 in the framework of the monitoring procedure, ten months after the adoption by PACE of Resolution 1614 (2008) on the functioning of democratic institutions in Azerbaijan² and 6 months after the presidential elections held on 15 October 2008. The main objective of this visit was to update our information on the democratic reforms and progress in the human rights situation with a view to preparing a preliminary draft report on the honouring of obligations and commitments by Azerbaijan.

2. We met with the authorities at the highest level (President of the Republic, Speaker of Parliament, Minister of Justice, Deputy Foreign Affairs Minister, Prosecutor General, and Ombudsperson), as well as NGOs and media representatives, political leaders from opposition parties, and representatives of the international and diplomatic community. We also visited Mr Novruzali Mammadov, 68-year-old scientist-linguist and editor-in-chief of the Talysh language newspaper, who is currently serving a ten-year sentence in Penitentiary Centre No. 15. We also paid a visit to the Autonomous Republic of Nakhchivan, where we met the Chairman of Nakhichevan Republic Supreme Council, the Ombudsperson woman and representatives of media and NGOs³. We would like to thank the local authorities for their hospitality.

3. We would like to extend our thanks to the Milli Mejlis and the secretaries of the Azerbaijani delegation to PACE for the organisation of the visit, including to penitentiary centres, as well as to Ms Veronika Kotek, Special Representative of the Secretary General in Baku, and the staff of the Council of Europe office in Baku, for their precious assistance in the organisation of unofficial meetings.

4. We focused on three outstanding issues: the state of play of democratisation following the presidential elections of October 2008 and the referendum on constitutional changes held on 18 March 2009; the human rights situation, and the media environment. We also discussed other outstanding issues with respect to the obligations and commitments undertaken by Azerbaijan.

5. 7 years after accession to the Council of Europe, Azerbaijan is showing signs of impatience towards the organisation, with, on the one hand, the civil society being eager to see faster democratic reforms and human rights improvements and, on the other hand, the authorities facing great difficulties in ensuring the required balance of powers.

6. Azerbaijan is at present facing important challenges linked to its geopolitical and geostrategic situation. The Council of Europe, for its part, has a crucial role to play in accompanying the country in its efforts of democratisation.

7. During our visit, many of our interlocutors were most concerned with the announced improvements in the Armenian-Turkish relations, in the absence of a solution to the Nagorno-Karabakh conflict. The reopening of the border is perceived as a negative development and a threat to regional stability.

II. Democratisation

8. Our visit took place 6 months after the Presidential election which were won by Mr Ilham Aliev with 88, 73 percent of the votes cast, with a voter turnout of 75, 64 percent. It appears that the people of Azerbaijan voted for the stability and continuity associated with the incumbent President. The re-elected President has a solid mandate given to him by the majority of Azerbaijanis.

9. The Ad Hoc Committee of the PACE which observed the ballot concluded that the results of the presidential election held on 15 October 2008 in the Republic of Azerbaijan were "the reflection of the will of that country's electorate".

10. However, it is regrettable that five political parties did not participate in the election and that there is still no dialogue between the authorities and the opposition. The country still lacks a real competition of political platforms and ideas. The restrictions of the freedom of expression and of assembly are still matters of concern with negatively influence the general political atmosphere.

² Doc. 11627, report of the Committee on the Honouring of obligations and commitments by member states of the CoE, co-rapporteurs Mr Andres Herkel (Estonia, EPP/CD) and Mrs Evguenia Jivkova (Bulgaria, SOC), debated on 24 June 2008

³ See programme reproduced in Appendix I

11. The current presidential administration was widely comforted in its mandate with the referendum on constitutional amendments and additions held on 18 March last. The final results were announced by the CEC on 30 March with a voter turnout of 70.83 %. All 41 amendments, in the form of 29 questions, were accepted with percentage rates of yes-votes between 87,15 % to 91,76%. A four-member delegation from PACE, headed by Mr Paul Wille from Belgium, was present in the country for the referendum and released a statement the following day.

12. The opposition referendum campaign groups claimed that a number of irregularities took place on voting day, such as multiple and group voting, police presence in polling stations, ballot stuffing, etc. and that voter turnout was much less than announced by the CEC. Their complaints were discussed at the CEC meeting of 30 March, but rejected as no evidence could be found following an investigation.

13. During our visit, we expressed our regret that the Venice Commission was not seized in advance to give an opinion on the proposed constitutional amendments, some of which are very important for the functioning of democratic institutions in the country. Following the request by the Monitoring Committee and the Secretary General of the Council of Europe, the Venice Commission adopted its opinion on the Referendum Act on 14 March, just a few days prior to the referendum, concluding that “some amendments, undoubtedly, constitute important improvements as compared to the existing Constitution and they must be welcome”⁴. At the same time, there is reason for concern about some very negative developments in terms of democratic practice, given the context prevailing in Azerbaijan. The Venice Commission considers that “the draft constitutional amendments contain a range of sectoral changes in the form of 29 questions to which each voter will have to respond by either yes or no”. Although one can easily identify the main issues raised by the reform (see Chapter III below), a sense of coherence of the reform as a whole seems to be lacking. As result, it is at times difficult to understand the purpose, necessity and/or interrelations of certain changes. For example, some changes only involve a modest adaptation in terminology while others significantly affect the overall distribution of powers between the branches of state powers.

14. Some of the proposed constitutional reforms contain a number of innovations which are to be welcomed. This is in particular the case for the proposed amendments to Article 96, which extend the right of legislative initiative to 40,000 citizens. There also seems to be a laudable attempt in the proposed reform to ensure greater transparency in public affairs through the entrenchment of the principle of publicity for the sessions of the Parliament and the obligation to publish the decisions of the Supreme Court, the Constitutional Court, as well as the normative legal acts.

15. The main issues raised by the reform concern the removal of the two-term limit and position of the President. According to the previous provisions, the President could only be elected for two consecutive terms. The amendment abolished the limitation on the number of terms. According to the Venice Commission opinion, “Azerbaijan, the Constitution of which provides for a Presidential system of Government, is undoubtedly a country where the President concentrates extensive powers in his hands, given the few checks and balances which exist. It was therefore logical that the original text of the Constitution of Azerbaijan provided for a two-term limit. [...] As a rule, it can be said that the abolition of existing limits preventing the unlimited re-election of a President is a step back, in terms of democratic achievements. [...] Explicit constitutional limitations on the successive terms of a president are particularly important in countries where democratic structures and their cultural presuppositions have not yet been consolidated.”

16. Other issues of concern include the amendment proposing the extension of the term of the Milli Mejlis and the President in case of military operations, due to its lack of precision, and the changes in the local self-government field which contradict the Charter of Local Self-Government.⁵ Furthermore, the Venice Commission considers that “[...] the limitation of rights and liberties guaranteed by the Constitution with [...] the current wording of the [proposed] amendment to Article 32 (III) and bearing in mind the general context of media freedom and journalist activities in Azerbaijan, creates the risk that this provision be implemented in a way contrary to Article 10 ECHR.”

17. That said, shortly before our visit, on 2 April, President Aliyev signed a decree ordering his administration to prepare draft implementing laws on certain amendments adopted through the referendum

⁴ See opinion no. 518/2008 on the draft amendments to the constitution of the Republic of Azerbaijan adopted by the Venice Commission at its 78th Plenary session (Venice, 13-14 March 2009), CDL-AD(2009)010

⁵ See Press release 161(2009) of 02.03.2009 by the Congress, *Congress Bureau calls for postponing referendum in Azerbaijan* and Press release 218 (2009) of 16.03.2009, *Congress President a.i. warns Azerbaijan against weakening its Constitution*

(i.e. on changes made to articles 17, 25, 32, 48, 71, 72, 84, 96, 101, 125, 129, 131, 146 and 149 of the Constitution) and to submit them to the Venice Commission. The Venice Commission stated in its opinion on the Referendum Act that it was based on the text of the constitutional amendments and could not take into account any future implementing legislation, but that if appropriate legislation was adopted, some of the concerns expressed in the opinion would lose relevance.

18. We welcome the President's decision to submit the draft implementing laws to the Venice Commission for opinion and reiterate our view that the Azerbaijani authorities should seek the opinion of the Venice Commission prior to the adoption of any substantial legislation⁶. They have promised to do so before the adoption of the law on the conflict of interest by the Parliament, which will be of crucial importance for the functioning of the democratic institutions in the country.

III. Human rights

19. On the eve of the referendum on 17 March, the Parliament adopted a Law on Amnesty, upon the initiative of MP and First Lady Mehriban Aliyeva, on the occasion of Novruz Holiday. Under this law, amnesty will be applied to those who have not committed serious crimes; who pose no serious threat to the public; women; underage persons; first and second category disabled persons, including handicapped children; persons over 60 years of age; persons who remain to serve one year or less of imprisonment; conditionally convicted persons; and other categories of persons. It is expected that the law will cover 9,000 persons (some 35 % of the overall number of prisoners), with 1,700 persons being released and another 1,200 having prison terms reduced. The implementation of the law started in March and is to be implemented within four months. It remains to be seen whether persons mentioned in various CoE documents (including PACE Resolutions) will fall under the amnesty and, if so, in which category.

20. We welcome the fact that the well-known journalist and poet Mirza Zakit was covered by the recent Amnesty Act. He was released during our visit, on Thursday 9 April 2009, after 34 months of imprisonment, two months before the end of his prison term. Mirza Zakit had been on the list of imprisoned journalists mentioned in several resolutions of the PACE urging their release. We reiterated the appeal of the Council of Europe to release all remaining imprisoned journalists.

21. On 11 April 2009, Ali Hasanov, the editor-in-chief of the newspaper *Ideal*, was also released.

22. Concerning the case of Ganimat Zahidov, brother of Mirza Zakit, we have been informed by human rights defenders that he appears to fall under the amnesty in a different category. He might benefit from a prison sentence reduction by 6 months, which in turn would lead to him being able to apply for early release at an earlier stage as well. However, we have not received any official information on his case and call on the Azerbaijani authorities to provide us with such information.

23. As regards the case of Eynulla Fatullayev, he does not appear to fall under any provision of the Amnesty Act but under the "exclusion criteria" of the amnesty. We have been informed by the authorities that they await the decision of the European Court of Human Rights on this case, which was placed on the priority list of the Strasbourg Court.

24. In general, we did not raise directly the issue of alleged political prisoners given the appointment by the PACE Committee on Legal Affairs and Human Rights, on 24 March, of a new Rapporteur on political prisoners in Azerbaijan (Mr Christoph Strässer from Germany). Media quoted a number of officials (e.g. from the Parliament and Presidential Administration) criticising this appointment and accusing the Council of Europe of pursuing a policy of double standards towards Azerbaijan. All interlocutors concerned are waiting for the Strasbourg Court to take its decision in the Fatullayev's case.

25. In this regard, we have noted a tendency of the authorities to rely on the Strasbourg Court to rectify the national remedies' shortcomings. They show good will to co-operate in the execution of the Court's judgments but we cannot but stress the need to further reform and modernise the judiciary so as to avoid an increase in the number of judgments against Azerbaijan.

26. An illustration of the awkward functioning of the Azerbaijani courts occurred during our visit. On Tuesday 7 April, Mr Asif Merzili, editor-in-chief of *Tezadlar* newspaper, was sentenced by a court to one year of imprisonment under Article 147 of the Penal Code (libel) and arrested in the courtroom (a second person, a journalist, was sentenced to 6 months of correctional labour for the same offence). The basis was a lawsuit brought by the rector of the private Azerbaijan International University for an article about illegal admission of

⁶ See press statement reproduced in Appendix II

students and the issuing of false diplomas. Following our expression of concern about this newly arrested journalist, the authorities themselves showed great concern and President Aliyev made a public statement expressing his regret about the journalist's imprisonment. On 9 April 2009, the appeal hearing took place and led to the acquittal and release of Mr Asif Merzili. A warning was issued against the judge of the first instance court. This case raises again the issue of decriminalisation of defamation in the country.

27. On 13 December 2008, judicial proceedings were opened against Ms Leyla Yunus, Director of the Institute for Peace and Democracy in Azerbaijan, for slanderous statements causing "moral damage" and "attacking honour and dignity" of the police and of the Interior Minister, by Interior Minister Ramil Usubov. The case was dropped by Mr Usubov on 2 March 2009⁷.

The case of Mr Novruzali Mammadov, Talysh imprisoned journalist

28. We also visited Mr Novruzali Mammadov, scientist-linguist and editor-in-chief of the only Talysh language newspaper "Tolysh Sado". Mr Novruzali Mammadov had been kept in a punishment cell having been transferred from Pre-Trial Detention Centre No 1 to Colony with Strict Regime No 15, Mr Mammadov who is 68 years old and of poor health had been placed in the punishment cell for 15 days (he went back to a regular cell/dormitory after 7 days) and deprived of bed and warm clothes – in winter – for having allegedly breached the order (he refused to wear prison garments). Mr Mamedov's case was mentioned in the last report on the functioning of democratic institutions in Azerbaijan⁸. He is on the list of political prisoners drawn up by the Federation of Human Rights Organizations of Azerbaijan.

29. By the time of our visit, Mr Novruzali Mammadov had 3 pending court cases: two before the Supreme Court (cassation appeals submitted on 29 March 2009 on his conviction for espionage for Iran, as well as on the destruction of his scientific manuscripts)⁹, and one before the Baku Appellate Court for having been placed in a punishment cell in the prison colony. As regards the latter case, the court admitted that the penitentiary service had violated some rules, but they did not grant the complaint for torture/ill-treatment.

30. As concerns the prison itself, the director of prison colony No 15 was dismissed in the middle of February by the Minister of Justice, for disciplinary reasons. It seems that the new director is taking a different line with the inmates and appears to treat them better, as Mr Mammadov also confirmed.

IV. Media

31. During our visit, we also raised our concern about the adoption by the Parliament of amendments to the law on mass media and the law on TV and Radio broadcasting regulating *inter alia* the suspension or termination of the production or distribution of mass media. A Council of Europe expertise on the previous law on media had already concluded that some fundamental provisions did not comply with Article 10 of the European Convention of Human Rights. The new amendments make the situation even worse as they broaden the scope of application of these far-reaching measures. For example, they allow the courts to suspend or stop the activity of a print media outlet for two months in the following cases: if the Editor-in-Chief is a foreigner, or does not have higher education; if the publication does not send copies to the departments provided for in the law within 10 days; if a journalist has twice been brought to justice during a year for

⁷ The accusations filed by Mr Usubov were made on the basis of an interview given by Ms. Yunus to the *Day.az* online news provider on 3 December 2008, in which she pointed out that, in the framework of the ongoing trial against Mr Tavakul Ismailov, one of the alleged kidnappers of two girls in 2005, the latter declared that he had handed over the girls to the head of a local police department, Mr Mamedmusa Huseynov, for human trafficking purposes, and further asserted that he was tortured while in detention. In the interview, Ms. Yunus denounced the fact that the persons accused by Mr Ismailov were not called to appear in court by the judge, and asserted more generally that "in most cases the courts in Azerbaijan are issuing illegal and unwarranted decisions in relation to the protection of human rights and fundamental freedoms". In the said interview, Ms. Yunus added that she had followed a prior case of kidnapping, in which several officials of the Interior Ministry had been found guilty and sentenced to firm imprisonment, and compared the practices of the Azerbaijani police to those of Mexico and Nigeria. Mr Usubov claimed 100,000 manats (about 17 Euros) in damages, for violation of Articles 4, 149 and 150 of the Civil Procedural Code of the Azerbaijani Republic, the Articles 23.4 and 23.6 of the Civil Code and Article 44 of the Law of the Azerbaijani Republic on "Mass Media Sources", demanded that Ms Yunus refutes her interview and apologize to the ministry.

⁸ See Doc. 11627, 6 June 2008, paragraph 155

⁹ On 27 May 2009, the appeal hearing was held at the Supreme Court. The Supreme Court upheld the verdict of the Court of Grave Crimes and of the Appellate Court, finding Mammadov guilty under article 274 (high treason) and sentencing him to 10 years of imprisonment in June 2008. The hearing was held behind closed doors, thus nor the convicted nor observers were allowed to the hearing. Mr Mammadov's lawyer announced the intention of submitting an application to the European Court of Human Rights.

misuse of his duty and the freedom of mass media. There are strong doubts about the legitimacy, from the point of view of Article 10 of the ECHR, of prohibiting foreigners or persons who do not possess a higher education degree from being an editor and again the possibility for courts to suspend or close down media for non-compliance with this provision.

32. The laws entered into force on 16 March following a presidential decree. We again regret that the expertise of the Council of Europe has not been sought for this crucial issue in advance and invite the authorities to send the law for expertise to bring it in line with European standards and in particular Article 10 of the European Convention of Human Rights.

33. 2 March also marked the 4th anniversary of the murder of Elnar Huseynov, editor-in-chief of the then "Monitor". To this day, no one has been prosecuted for the crime.

V. Nakhchivan Autonomous Republic

34. As one of the co-rapporteurs had to return earlier to national commitments, Mr Herkel visited the Nakhchivan Autonomous Republic alone, accompanied by a member of the staff of the Monitoring Committee and the Special Representative of the Secretary General in Baku. This was the second visit by a rapporteur of the Monitoring Committee to the Nakhchivan Autonomous Republic since Azerbaijan's accession.¹⁰

35. This one-day visit allowed only a very limited number of meetings, which included the Chairman of the Nakhchivan Republic Supreme Council, the Ombudsperson and representatives of the media and NGOs. As regards local democracy, the system remains unchanged since the first visit of a representative of the committee, although economic development has allowed significant growth in the Republic, which is now exporting energy to neighbouring countries. The enclave remains very close to the central administration and remains a witness and victim of the Nagorno-Karabakh war with neighbouring Armenia. One of the consequences of the isolation of the enclave is the very slow progress in terms of the human rights situation. The institution of Ombudsperson for example was set up together with the other regional institutions but remains cut off from the national Ombudsperson, who regretted the lack of contact with her colleague from the Nakhchivan Autonomous Republic.

36. The programme also included a visit to the prison. It consists of brand-new facilities and seems to comply with European prison standards, from an infrastructural point of view. The facility can hold some 450 inmates, though currently they only have some 42, with a total staff of around 100. They expect that 200-250 inmates will be transferred there in the middle of this year. The authorities intend to transfer the Nakhchivanis currently serving prison terms in and around Baku to these premises.

V. Next steps

37. We believe that the co-operation between Azerbaijan and the Council of Europe has to develop in the long-term on the basis of an ongoing, frank and open relation of dialogue between all stakeholders. At this stage, Azerbaijan is in the process of adopting very important pieces of legislation for which we hope the Council of Europe expertise will be seized ahead of adoption.

38. We welcome the openness to co-operation expressed by the authorities and encourage them to further rely on the assistance of the organisation.

39. The co-rapporteurs would like to prepare the next report on the honouring of obligations and commitments by the country with a view to presenting the progress made by Azerbaijan on the road to democracy and draw up a road map for further progress. We would like to present a preliminary draft report to the Committee at its 5 June meeting and propose to debate the report in plenary during the October 2009 part session.

¹⁰ The first visit was paid by Mr Martinez-Casañ on 20 July 2002.

APPENDIX I

Programme of the fact-finding visit to Baku (8-10 April 2009)

Mr Andres HERKEL, member of Parliament
 Mrs Evguenia JIVKOVA, member of Parliament
 Mrs Marine TREVISAN, co-secretary of the Monitoring Committee

Wednesday, 8 April 2009

- 10:00-11:15 Round table with the diplomatic community:
 Belgium, Bulgaria, France, Norway, Russia, Switzerland, Turkey, UK, OSCE, European Commission and European Union Special Representative for South Caucasus
- 11:15-12:15 Meeting with NGOs and others / focus on freedom of expression:
 - Mr Emin HUSEYNOV, Institute for Reporters Freedom and Safety
 - Mr Alasgar MAMMADLI, advocate / IREX
 - Mr Elchin SHIKHLI, Editor-in-chief of "Zerkalo" newspaper
- 12:15-13:15 Meeting with NGOs and others / focus on judicial and penitentiary system
 - Mr Eldar ZEYNALOV, Human Rights Centre of Azerbaijan
 - Mr Isakhan ASHUROV, advocate
 - Mr Aliovsat ALIYEV, Forum of lawyers
- 13:30-14:00 Meeting with NGOs / focus on women's rights and LGBT
 (lesbian, gay, bisexual and transgender):
 - Mr Kamran RZAYEV, Gender and Development
 - Mr Elhan BAGIROV, Gender and Development
 - Ms Mehriban ZEYNALOVA, "Clean World" Social Union for Civil Rights
- 14:15-15:00 Meeting with Mr Ilham ALIYEV, President of the Republic of Azerbaijan
- 15:15-16:30 Meeting with opposition parties:
 - Mr Ali KERIMLI, Chairman of Popular Front Party
 - Mr Avaz TEMIRKHAN, Chairman of Liberal Party
 - Mr Ali ALIYEV, Chairman of Citizen and Development Party
 - Mr Eldar NAMAZOV, Chairman of Public Forum "In the name of Azerbaijan"
 - Mr Arif HAJILI, Deputy Chairman of Musavat Party
 - Mr Iqbal AGAZADE, Chairman of UMID Party
 - Mr Sardar Jalaloglu MAMMADOV, Chairman of Democratic Party
- 16:30-17:00 Meeting with the majority party: Yeni Azerbaijan Party (YAP)
 Mr Mubariz GURBANLI, YAP
- 18:00-20:00 Prison visit to Mr Novruzali MAMMADOV

Thursday, 9 April 2009

- 09:00-09:45 Meeting with Mr Nushiravan MAHARRAMLI, Chairman of National TV and Radio Broadcasting Council
- 10:00-10:45 Meeting with Mrs Elmira SULEYMANOVA, Ombudsperson
- 11:00-11:40 Meeting with members of the Milli Mejlis delegation to the Parliamentary Assembly of the Council of Europe
- 11:45-12:30 Meeting with Mr Ogtay ASADOV, Chairman of Milli Mejlis
- 12:30-13:45 Lunch hosted by the Chairman of the Milli Mejlis delegation to the Parliamentary Assembly of the Council of Europe
- 14:00-14:45 Meeting with Mr Fikrat MAMMADOV, Minister of Justice

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15:00-15:45 Meeting with Mr Mahmud MAMMADGULIYEV, Deputy Minister for Foreign Affairs

16:00-16:45 Meeting with Mr Zakir GARALOV, Prosecutor General

Friday, 10 April 2009

Visit to the Autonomous Republic of Nakhichevan

07:30 Departing flight to Nakhichevan

10:30-11:00 Meeting with Mr Vasif TALIBOV, Chairman of Nakhichevan Republic Supreme Council

11:00-11:30 Meeting with Mrs Ulkar BAYRAMOVA, Ombudswoman of the Autonomous Republic of Nakhichevan

11:30-13:00 Visit to penitentiary institution of the Ministry of Justice of Nakhichevan, accompanied by the Minister of Justice and Deputy Minister, Head of Penitentiary Service

15:00-17:00 Meetings with representatives of Human Rights and media NGOs:

- Mr Mahammad RZAYEV, Chairman of "Democracy and Human Rights Defence Centre"

- Mrs Malahat NASIBOVA, Director of Resource Centre, correspondent of *Radio free Europe-Liberty*

- Mr Ilgar NASIBOV, correspondent of *Azadlig* radio

- Mr Elman ABBASOV, Institute for Reporters Freedom and Safety, regional correspondent

- Mr Hekimeldostu MEHDIYEV, Institute for Reporters Freedom and Safety, regional correspondent

19:00 Dinner hosted by Mr Vasif TALIBOV, Chairman of Nakhichevan Republic Supreme Council

21:00 Return flight to Baku

APPENDIX II

Statement by the co-rapporteurs

Azerbaijan: it is better to consult in advance, say PACE co-rapporteurs following visit

Strasbourg, 13.04.2009 – “It is better to consult on sensitive issues in advance,” said Andres Herkel (Estonia, EPP/CD) and Evguenia Jivkova (Bulgaria, SOC), co-rapporteurs for the monitoring of Azerbaijan by the Parliamentary Assembly of the Council of Europe (PACE), commenting on the 18 March Constitutional referendum at the end of a three-day fact-finding visit to the country (8-10 April).

“We wish that the draft amendments on the Constitution had been sent to the Venice Commission well ahead of the referendum. Seeking Council of Europe expertise in advance would have allowed the adoption of legislation in line with European standards,” the co-rapporteurs pointed out.

They recommended that the draft law on conflict of interest be sent for opinion to the Venice Commission, the Council of Europe’s group of independent legal experts, before its adoption by parliament. They also welcomed President Aliyev’s decision to send to the Commission certain draft laws on the implementation of amendments to the Constitution adopted by the referendum.

Mr Herkel and Mrs Jivkova welcomed the release from prison of Mirza Sakit on Thursday 9 April, but encouraged the authorities to further release imprisoned journalists.

During their visit, the two co-rapporteurs held meetings with the President of the Republic, the Speaker of the Milli Mejlis and the Justice Minister and Deputy Foreign Affairs Minister, as well as members of the majority and opposition parties, journalists, ambassadors and NGOs. The rapporteurs also paid a visit to the Nakhchivan Autonomous Republic.

They also visited Novruzali Mammadov, a 68-year-old scientist-linguist and editor-in-chief of the Talysh language newspaper, who is currently imprisoned in Penitentiary Centre No. 15.

The aim of the visit was to assess Azerbaijan’s progress in fulfilling its obligations and commitments as a Council of Europe member state, in particular as regards the state of democracy, human rights and rule of law, with a view to preparing a new PACE report on Azerbaijan.