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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on North Caucasus: in particular the case of Oleg Orlov

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on behalf of the ECR Group

European Parliament resolution on North Caucasus: in particular the case of Oleg Orlov

The European Parliament,

- having regard to the existing Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part⁽¹⁾, and the negotiations initiated in 2008 on a new EU-Russia treaty,
- having regard to the EU-Russia Human Rights Consultations,
- having regard to its previous resolutions on the EU – Russia relations, especially its resolutions of 17th September 2009 on the murder of human rights activists in Russia and of 9th of June 2010 on the conclusions of the EU-Russia Summit in Rostov-on-Don of 31 May and 1 June 2010,
- having regard to the Report of the Committee on Legal Affairs and Human Rights of the Council of Europe: Legal remedies for human rights violations in the North-Caucasus Region,
- having regard to Rule 122(5) of its Rules of Procedure,

A. whereas the European Parliament's Sakharov Prize for Freedom of Thought 2009 was awarded to Russian civil rights defence organization Memorial, represented by Oleg Orlov, Sergei Kovalev and Lyudmila Alexeyeva,

B. whereas on 6 July 2010, Oleg Orlov was charged with slander against the Chechen President Ramzan Kadyrov for stating that the latter was guilty of murder of Natalia Estemirova, Head of Memorial office in Grozny, whereas the criminal proceedings follow the civil libel suit filed in 2009 by Kadyrov against Orlov and Memorial, which ended in ordering the defendants to publish a retraction on the Memorial website and pay 70,000 roubles for damages,

C. whereas the criminal investigation under Article 129 of the Criminal Code proceeded even though Ramzan Kadyrov publicly dropped his complaint against Oleg Orlov who, if found guilty, could face up to three years' imprisonment,

D. whereas the North Caucasus has faced instability for several years, with Islamist insurgency in Chechnya, Ingushetia and Dagestan on the rise and regular reports of armed groups and suicide bombers targeting government officials, law enforcement personnel as well as civilians,

E. whereas law enforcement and security agencies engaged in counterinsurgency operations

in the region notoriously commit grave violations of fundamental human rights, such as torture, enforced disappearances, extrajudicial killings and collective punishment,

F. whereas the civilian population of North Caucasus remains subject to violence from both the armed opposition groups as well as law enforcement bodies and continues to be deprived of access to justice,

G. whereas numerous human rights defenders work under very difficult and dangerous conditions in order to help victims of violence and trying to bring the attention of the global public opinion to repeated violations taking place in the North Caucasus, whereas many of them, including Anna Politkovskaia, Natalia Estemirova, Stanislav Markelov, lost their lives in doing so, while people responsible for their deaths have never been brought to justice,

H. whereas the European Court of Human Rights has so far given more than 150 judgements on grave violations of human rights in the region and found the Russian authorities to be directly responsible for many of these,

I. whereas the European Committee for the Prevention of Torture (CPT) has repeatedly issued public statements to draw attention to the lack of cooperation from the Russian authorities,

J. whereas six years after the tragedy in Beslan in North Ossetia, which claimed the lives of 335 hostages including 186 children, the investigation into the flawed rescue operation carried out by Russian security forces has not been completed and many families are still waiting for the death certificates of their children,

K. whereas on 6 September 2010, Prime Minister Putin adopted the *Strategy of Development for North Caucasus until 2025*, which aims to improve the socio – economic situation as well as security in the region,

1. Condemns the ongoing judicial harassment against Mr Oleg Orlov and calls for the criminal case against him to be unconditionally dropped;

2. Strongly condemns the terrorist attacks on civilians and military alike, with the most recent ones on 9 September 2010 in Vladikavkaz and 5 September 2010 in Buinaksk and expresses its solidarity for the families of all those who were killed or wounded in these and other acts of violence;

3. Recognizes Russia's right to fight terrorism and armed insurgency in North Caucasus but urges the authorities to do so while at the same time upholding the international human rights law; warns that continuing abuses and unlawful counter-insurgency methods will further antagonize the population and instead of bringing stability will cause subsequent escalation of violence in the region;

4. Reiterates its call to put an end to the ongoing impunity for violence against human rights defenders and, in particular, to stop the climate of terror and lawlessness in the North Caucasus and to protect and guarantee their physical integrity in conformity with relevant international and regional human rights instruments;

5. Calls on the Russian authorities to fully cooperate with the European Committee for the

Prevention of Torture (CPT) and to give their earliest consent to the publication of CPT reports concerning the North Caucasus region;

6. Calls on the Russian authorities to fully comply with the ECHR rulings by not only promptly paying the victims financial compensations awarded by the Court – which usually is the case - but also to undertake investigations recommended by its judgements, including prosecution against members of the security forces believed to be responsible for violations of human rights, including allegedly Major-General Yakov Nedobitko, Major-General Vladimir Shamanov and Colonel-General Alexander Baranov;

7. Calls on the Russian authorities to allow unrestricted access of the international media to the North Caucasus and to guarantee in all circumstances that human rights defenders in the Russian Federation are able to carry out their legitimate human rights activities without fear of reprisals, and free of all restrictions including judicial harassment;

8. Strongly condemns the Chechen Government's policy of collective punishment against individuals suspected of having ties to insurgents, including the practice of burning homes belonging to families of active or alleged members of armed opposition; asks the authorities to take concrete steps to prevent similar violations from occurring and to punish the officials responsible for them at all levels;

9. Urges the Russian authorities to create a coordinated and effective system to provide families with information about the fate and whereabouts of missing persons, as well as full access to information about the investigations against people being held in custody, in conformity with their rights under the European Convention;

10. Calls for a decisive conclusion of the inquiry into the Beslan tragedy and prosecution of people in charge of the rescue operation who allowed the unrestricted use of machine guns, heavy weapons and even flamethrowers, which in turn led to immense casualties among the hostages;

11. Welcomes the adoption of the *Strategy for North Caucasus* as an important step towards stabilisation in the region; stresses, however, that in order to achieve very ambitious goals included in the strategy (reduction of unemployment to 5% and 2.5-fold increase in salaries) the Russian authorities will have to fully commit themselves to work towards its completion;

12. Welcomes the decision of Georgia to introduce visa-free entry for residents of North Caucasus republics including Dagestan, Karachayevo-Cherkessia, Ingushetia, Chechnya, North Ossetia and Adygeya; is of an opinion that this move will facilitate economic and interpersonal relations in the region; expresses its concern over the strong reaction of Russia to this decision;

13. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Russian Federation and Georgia, the OSCE and the Council of Europe.