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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 the North Caucasus, in particular the case of Oleg Orlov

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on behalf of the PPE Group

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

*The European Parliament,*

having regard to the European Parliament resolution of 17 September 2009 on the murder of human rights activists in Russia,

- having regard to the awarding of the European Parliament's Sakharov Prize to Oleg Orlov, Sergei Kovalev and Lyudmila Alexeyeva on behalf of the Human Rights Centre Memorial and all other human rights defenders in Russia on 16 of December 2009,
- having regard to the Partnership and Cooperation Agreement between the European Union and the Russian Federation, which entered into force in 1997 and has been extended pending its replacement by a new agreement,
- having regard to the ongoing negotiations for a new agreement providing a new comprehensive framework for EU-Russia relations,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations (UN) Declaration on Human Rights Defenders and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,
- having regard to Rule 122(5) of its Rules of Procedure,

A. whereas as a member of the Council of Europe, of the Organisation for Security and Cooperation in Europe (OSCE) and a signatory to UN Declarations, Russia has committed itself to the protection and promotion of human rights, fundamental freedoms and the rule of law,

B. whereas there are about 20 000 cases pending at the European Court of Human Rights from the Russian Federation, mainly from the North Caucasus region, whereas the European Court of Human Rights has condemned the Russian Federation for serious human rights violations in the region in over 150 judgments and stresses the importance of the prompt and complete implementation of these judgments,

***The situation of human rights in the North Caucasus***

C. whereas the situation of human rights defenders in the North Caucasus region, particularly in the Chechen Republic, Ingushetia and Dagestan, is alarming, whereas there continues to be impunity for human rights violations and absence of the rule of law, whereas the civilian population remains subject to violence from both armed opposition groups as well as law enforcement bodies, whereas torture, ill-treatment and arbitrary detention are omnipresent,

D. whereas there is a generalised climate of fear in Chechnya notwithstanding the undeniable successes in the sphere of reconstruction and the distinct improvement of the region's infrastructures, whereas the human rights situation and the functioning of justice and democratic institutions continue to give cause for the gravest concern,

E. whereas successive disappearances of the government's opponents and human rights defenders still remain widely unpunished and are not elucidated with due diligence,

F. whereas despite the constructive dialogue between the authorities and civil society in Ingushetia since the new President came to power there has been a worrying resurgence of violence since 2009, resulting in some cases in assassinations and disappearances of opponents to the government and journalists, without any prosecutions to date,

G. whereas Dagestan has also recently experienced a resurgence of acts of terrorism, prompting responses from the security forces which, unfortunately, are not always lawful, whereas the admirable tradition of peaceful secular cohabitation between Muslim, Christian and Jewish communities founded on mutual tolerance could be jeopardised by the rise of extremism and inappropriate responses from the authorities,

H. whereas there is a growing number of disappeared residents of the North Caucasus republics who have apparently been abducted in other Russian regions,

I. whereas, there are still about 80 000 people internally displaced in the North Caucasus more than 15 years after they were first forced to flee their homes due to successive wars that broke out in Chechnya in 1994 and 1999, whereas these people experience difficulties in finding accommodation, in extending their residence registration, which limits their access to social services, renewing internal passports and the "forced migrant" status, which they need to access jobs, social services and benefits,

J. whereas on 3 September 2010, President Buzek expressed his deep solidarity with the families of the victims of the Beslan tragedy and urged the President of the Russian Federation to ensure that the rights of the families of the victims of the tragedy are fully respected and that the truth behind the events of September 2004 is finally made clear,

K. whereas there can be no justification whatsoever for having recourse to acts of indiscriminate violence against the civil population,

L. whereas on 10 September 2010, President Buzek condemned the suicide bomb attack in Vladikavkaz, expressing his condolence to the families of the victims,

### ***Criminal investigation against Oleg Orlov***

M. whereas the work of human rights organisations such as Memorial is essential for the creation of a stable and free society in Russia and the establishment of real and lasting stability in the North Caucasus in particular, whereas the Russian Government can therefore be proud of the important role played by such institutions,

N. whereas Natalia Estemirova, head of Memorial in Chechnya, was abducted in Grozny on 15 July 2009 and was found dead in neighbouring Ingushetia, whereas the investigation into her murder has not made any progress in finding the assassins and those responsible,

O. whereas the head of the human rights centre Memorial, Mr Oleg Orlov was subject to a civil defamation suit filed by Chechen President Ramza Kadyrov, following Mr Orlov's statement published on Memorial's website on 15 July 2009 in which he accused President Kadyrov of being involved in Natalia Estemirova's killing, whereas on 6 October 2010 he was found guilty and condemned by the Moscow City Civil Court to pay 70.000 roubles for moral compensation,

P. whereas on 6 July 2010, Mr Orlov was charged under Article 129 of the Criminal Code and could face up to three years in jail if found guilty,

Q. whereas there were serious violations of the Russian Federation's Code of criminal procedure (and particularly Article 72 thereof) in the criminal investigation against Mr Orlov,

R. whereas on 31 January 2010, Mr. Orlov together with a number of other protesters were arrested in Moscow during a peaceful demonstration on Triumphalnaya Square,

S. whereas the offices of several leading human rights organisations, including Memorial, were searched between 13 and 16 September 2010 demanding numerous documents about their activities at short notice,

1. Urges the Russian authorities to do everything in their power to ensure the protection of human rights defenders, as affirmed in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms; calls in particular on the responsible authorities to create circumstances that allow Memorial and other human rights organisations to fully resume their activities in the North Caucasus in a safe environment;

2. Is deeply concerned by the resurgence of violence and acts of terrorism in the North Caucasus republics;

3. Stresses that impunity in Chechnya leads to destabilisation across the whole of the North Caucasus region;

4. Expresses its grave concern over the growing number of disappeared residents of the North Caucasus republics who have apparently been abducted in other Russian regions and expresses its expectation that the General Public Prosecutor's Office of the Russian Federation can clarify and provide information as to the whereabouts of these citizens;

5. Urges Russian federal authorities to investigate without further delay the tragic events in Beslan School No. 1 and to identify the responsible persons for the deaths of more than 334 people, to inform the relatives of those who were killed and injured during the operation of the Russian security services about the cause of victims' death and to issue death certificates to the relatives of the victims;

6. Urges Russian federal authorities to ensure that durable solutions for internally displaced persons (IDPs) are translated into action, that housing programmes for IDPs continue and to

facilitate measures for IDPs' access to services and benefits; stresses that continuing monitoring of IDPs is needed to ensure that their rights are not further violated;

7. Calls on the Russian federal authorities to swiftly, thoroughly and effectively investigate the murder of Ms Estemirova and to bring both those responsible for and those involved in this brutal murder to justice;

8. Rejects and condemns the cynical and absurd attempts to implicate Memorial in aiding terrorist organisations;

9. Expresses its firm rejection of the opening of a criminal investigation against Mr Orlov and urges the responsible authorities to re-consider the opening of the criminal trial; calls on the Russian authorities - should the trial continue - to ensure that there will be no further violations of the law in the investigation and court proceedings against Mr Orlov;

10. Recalls that in 2009 Oleg Orlov was awarded the Sakharov Prize, the European Parliament's highest human rights award; points out that Sakharov Prize winners remain under the European Parliament's particular moral and political protection; urges the Russian Government to allow Mr Orlov to follow, without any hindrance, the invitation extended to him by the European Parliament in order to attend the 2010 Sakharov Prize ceremony in Strasbourg;

11. Expresses its rejection of the search operations against human rights organisations and expects a clarification on the legality and aims of these acts;

12. Regrets that continued human rights abuses have a very negative impact on Russia's image and credibility in the world and cast a shade over the important relations between the European Union and Russian Federation, which should develop into a strategic partnership given the mutual dependence and the various shared interests on both sides;

13. Calls on the Russian authorities to comply with all the rulings of the European Court of Human Rights and to implement measures to rectify violations in individual cases, including ensuring effective investigations and holding perpetrators accountable, and to adopt general measures to implement the rulings, which entail policy and legal changes to prevent similar violations from occurring;

14. Calls for a stepping-up of the EU-Russia human rights consultations and urges that this consultation process be opened to effective input from the European Parliament, the State Duma, the Russian judicial authorities and civil society and human rights organisations; calls on Russia to respect fully its obligations as a member of the OSCE and of the Council of Europe;

15. 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, the OSCE and the Council of Europe.