



EUROPEAN PARLIAMENT

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*Plenary sitting*

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21.10.2014

B8-0164/2014

## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 135 of the Rules of Procedure

on closing down of Memorial (Sakharov Prize 2009) in Russia  
(2014/2903(RSP))

**Charles Tannock, Mark Demesmaeker, Ryszard Antoni Legutko, Anna Elżbieta Fotyga, Tomasz Piotr Poręba, Ryszard Czarnecki, Beata Gosiewska, Kazimierz Michał Ujazdowski, Karol Karski, Marek Jurek, Zbigniew Kuźmiuk, Roberts Zīle, Jussi Halla-aho**  
on behalf of the ECR Group

**B8-0164/2014**

**European Parliament resolution on closing down of Memorial (Sakharov Prize 2009) in Russia (2014/2903(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Russia;
  - having regard to its award of the 2009 Sakharov Prize for the Freedom of Thought to Memorial, Russian non-governmental organisation campaigning for respect of human rights;
  - having regard to the statement by the Spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 26 March 2013 on the situation of NGOs in the Russian Federation,
  - European Parliament recommendation of 23 October 2012 to the Council on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case;
  - having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation is to be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and federal law,
  - having regard to the EU-Russia human rights consultations,
  - having regard to Rules 135(5) of its Rules of Procedure,
- A. whereas the 2012 Russian law on “foreign agents” requires NGOs that receive foreign funding and are engaged in any kind of “political activity” to apply for inclusion in a special government list; whereas these NGOs have become subject to close scrutiny by the government, as well as harassment and obstruction of work by the Russian authorities, including unannounced inspections, lengthy court hearings, prohibitive fines or – in some cases - closing down;
- B. Whereas “Memorial” is a historical and civil rights society, active in Russia and a number of post-Soviet countries, founded in 1989 by the Nobel Peace Prize laureate Andrei Sakharov, leading efforts to uncover Stalinist and communist-era repressions, nowadays working to promote civil society, democracy, rule of law and human rights;
- C. Whereas the European Parliament awarded in 2009 the Sakharov Prize to Memorial;

- D. Whereas on May 23, 2014, a Moscow court ordered Memorial Human Rights Center to be registered as a foreign agent for its “political activity” in the field of human rights work; whereas on October 10, 2014, Russia’s Justice Ministry appealed to the Supreme Court to close “Memorial” Society, which comprises more than 50 bodies nationwide, citing “infringements” in its organizational structure as a main reason for closure;
- E. Whereas Memorial is now facing a dissolution once Russia’s Supreme Court rules on the lawsuit on November 13, 2014
- F. Whereas a slandering media campaign is currently being waged against the HRC “Memorial”, including a material broadcasted by Gazprom-owned *NTV channel* accusing members of HRC “Memorial” of providing support to terrorists and “radical groups”;
- G. Whereas other human right defenders and NGOs are facing harassment by the Russian authorities, including inspections and other forms of prosecution; whereas one of the most notable examples is the Soldiers’ Mothers organization, which since 28 August has been effectively tarred as acting as a “foreign spy”, with its leaders – including Ella Polyakova - facing a slandering campaign in Russia’s state-run media;
- H. Whereas the human rights situation in Russia has deteriorated in recent years and the Russian authorities have adopted a series of laws containing ambiguous provisions and which are used to place further restrictions on opposition and civil-society actors;
- I. Whereas the Constitution of the Russian Federation guarantees its citizens full rights and liberties; whereas Russia is member of the Council of Europe and Organisation for Security and Cooperation in Europe (OSCE) and signatory to numerous international treaties, including the European Convention of Human Rights, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights;
- J. Whereas notable cases of missing or killed human right defenders, journalists and opposition activists have proven beyond any doubt lack of independence or impartiality of the judicial institutions of the Russian Federation;
1. Urges Russian authorities to Reverse the decision to require HRC “Memorial” to register as a 'foreign agent', as it is solely motivated by the human rights organisation's peaceful and legitimate work in defence of human rights;
  2. Considers the 2012 Russian law No 121-F3 on “foreign agents” to be a tool devised solely to hamper activities of civil society and human rights activists; calls for immediate repeal of the provisions of this law, particularly the recent amendments facilitating registration as a 'Foreign Agent' without the consent of the NGO;
  3. Calls for immediate drop of court proceedings against Society “Memorial”; highlights that the Mikhail Fedotov, head of Russia’s presidential Human Rights Council, clearly

expressed that there are no legal grounds to close Memorial and that the Supreme Court hearing should be postponed until after a planned Memorial conference on 19 November, when it is expected to announce changes to its organisational structure;

4. Calls on Russian authorities to ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by the Russian Federation;
5. Calls on the HR/VP and the Commission to provide support to non-governmental organisations, institutions and organisations that follow human rights issues and independence of the courts in the Russian Federation; calls on the EU for applying constant pressure on the Russian authorities to meet the OSCE standards of human rights, democracy, rule of law and the independence of the judiciary; calls on the Commission to provide support to non-governmental organisations, institutions and organisations that follow human rights issues and independence of the courts in the Russian Federation;
6. Strongly condemns harassment of other civil society actors and NGOs, especially the Soldiers' Mothers organization, which publicly speaks about the alleged death of Russian soldiers in Ukraine against the backdrop of repeated denial of any involvement in the armed conflict by the Russian authorities;
7. Expresses dismay at the continuing lack of progress in bringing to justice those responsible for the deaths of individuals, including Sergei Magnitsky; urges the Council to consider and respond to Parliament's recommendation of October 2012 calling for targeted EU sanctions against those identified as responsible for Magnitsky's death and others implicated in gross violations of human rights;
8. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organisation for Security and Cooperation in Europe, and the President, Government and Parliament of the Russian Federation.