



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

21.10.2014

B8-0172/2014

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))

Johannes Cornelis van Baalen, Dita Charanzová, Louis Michel, Juan Carlos Girauta Vidal, Ramon Tremosa i Balcells, Marietje Schaake, Martina Dlabajová, Gérard Deprez, Pavel Telička, Jozo Radoš, Ivan Jakovčić, Izaskun Bilbao Barandica, Petr Ježek, Antanas Guoga
on behalf of the ALDE Group

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

The European Parliament,

- having regard to the European Parliament's previous reports and resolutions on Russia and on EU-Russia relations, particularly its resolutions of 2 April 2014 on Common visa restrictions for Russian officials involved in the Sergei Magnitsky case, of 6 February 2014 on the EU-Russia Summit, of 13 June 2013 on the rule of law in Russia, of 13 September 2012 on the political use of justice in Russia, and of 17 February 2011 on the rule of law in Russia,
 - having regard to the fact that Memorial, the most famous human rights organisation in Russia, received the European Sakharov Prize in 2009 for its work campaigning for the rights of political prisoners, fighting discrimination and monitoring the human rights situation in both Russia and other post-Soviet countries;
 - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the 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 Recognised Human Rights and Fundamental Freedoms;
 - having regard to the Russian Ministry of Justice's decision on 24 September 2014 to file a lawsuit in the Supreme Court against Memorial, relating to Memorial's organisational structure;
 - having regard to the Supreme Court's decision on 13 November 2014 to accept the lawsuit and plan a hearing;
 - having regard to the declarations of Mikhail Fedotov, Head of Russia's Presidential Human Rights Council, denouncing the potential liquidation of Memorial Society and request that the Supreme Court postpone the hearing until Memorial's conference to be held on 19 November 2014, when Memorial is expected to announce changes to its organisational structure;
 - having regard to Rule 123 of its Rules of Procedure;
- A. whereas the Russian Ministry of Justice is seeking the liquidation of Memorial, as it brings together over 50 independent regional agencies nationwide under one umbrella organisation and without a headquarters office. whereas, according to the federal law, an organisation can only be classified as "national" if it is represented across more than half of Russia's regions via formally registered "regional" organisations; whereas Memorial has been registered with the Ministry of Justice since 1992;
- B. whereas Memorial is holding a conference on 19 November 2014 during which it plans to modify its statutes and align them with the federal law; whereas it has already informed the Ministry of Justice that it was intending to do this in September 2014.
- C. whereas Memorial is going to appeal the lawsuit in the Constitutional Court and the Supreme

Court;

- D. whereas, in June 2014, an amendment to Russian law gave the Ministry of Justice the new prerogative to impose the politically charged label “foreign agent” upon NGOs unilaterally; whereas the week after this new law came into force, the Ministry of Justice labelled five non-governmental organizations as "foreign agents";
 - E. whereas Memorial has long had problems with Russia’s administration, including being labelled “foreign agent” by the Justice Ministry in July 2014, being forced to close its office in Chechnya after the murder of human rights activist Natalya Estemirova who was investigating cases of kidnapping and murder, being the first organisation to receive a liquidation order for its anti-discrimination centre ADC (promoting the rights of Russia's Roma, labour migrants from Central Asia and the Caucasus, and ethnic Tatars in Crimea in St Petersburg), for failing to register as a "foreign agent";
 - F. whereas Memorial is playing an essential role in uncovering cases of oppression that occurred during the communist era, rehabilitating victims of political repression and educating people about Stalinism; whereas the organisation has provided support to political prisoners, such as Mikhail Khodorkovsky and Alexei Navalny, as well as victims of the Bolotnaya Square case and Ukrainian pilot Nadiya Savchenko;
 - G. whereas on 26 September 2014, the Russian Duma adopted an amendment to the law on media, which forbids foreign and Russian citizens having the double nationality, to own media in Russia as of 1 January 2016; whereas these restrictions will then apply to all media - the press, television, radio, websites and blogs; whereas the new legislation seeks to limit foreign influences on national media and is another example of restrictions on the freedom of expression in Russia;
 - H. whereas the decision to seek to liquidate Memorial must be seen in the broader context of growing repression, persecution and human rights violations in Russia, including politically motivated arrests, imprisonment and trials of which those against Sergei Magnitsky, Mikhail Khodorkovsky and Alexei Navalny are only the most high profile;
- 1. considers that the Kremlin’s continued crackdown on civil society and non-governmental organizations is inadmissible and interferes with the right to freedom of association; condemns the continuous harassment of citizens and organisations who openly criticise the regime;
 - 2. condemns the way in which the Ministry of Justice interferes with citizens’ constitutional rights by restricting their right to associate;
 - 3. acknowledges that there may be some issues with the organisational structure of Memorial, but questions the timing of the Ministry of Justice's lawsuit as the organisation has been registered since 1992;
 - 4. notes that Memorial has been very critical of Russia’s policy towards Ukraine over the last months and has written open letters to Russian President Vladimir Putin to denounce the conflict in Ukraine;
 - 5. asks the Supreme Court of the Russian Federation to postpone the hearing until after 19 November 2014, when Memorial is holding a conference on its reorganisation;
 - 6. considers that the Russian law on “foreign agents” is a violation of not only international law, but also the 1998 UN Declaration on Human Rights Defenders; urges the Russian authorities to stop

registering NGOs as ‘foreign agents’ under a law that is too vague when it comes to the definition of political activities, promotes hostility towards civil society and stigmatises NGOs.

7. is deeply worried by Russia's failure to observe its international legal obligations to protect freedom of association, expression and assembly, which is posing a threat to both the viability of Russia's vibrant civil society and its cooperation with the EU;
8. calls on the Russian Federation to respect the principles of the rule of law and of the freedom of speech and assembly and its obligations as a full Member of the Council of Europe; urges the Russian authorities to address these concerns by bringing the above-mentioned laws in line with not only international standards, but also the country's own Constitution;
9. urges the Russian authorities to ensure freedom of the press and media, both online and offline. Media platforms, journalists and bloggers must be allowed to fulfil their key role in Russian society independently, in order to safeguard the free flow of information and allow for freedom of expression; points out the many calls by the European Parliament and the international community for increased protection for journalists and human rights activists, and in particular for a functioning judicial investigations in cases like the murder of Anna Politkovskaya;
- 10 calls on the Vice-President / High Representative, the EEAS and the Commission to define a new EU-Russia Strategy without delay, which should reflect the present realities of Russia's external and internal policies and take into account the situation that civil society currently finds itself in; calls on the Vice-President/High Representative and the Council to place the issue of visa restrictions against those Russian officials responsible for grave human rights violations on the agenda, as was repeatedly called for by the European Parliament in connection with the case against Sergei Magnitsky, lastly in its resolution on 2 April 2014;
- 11 instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the President of the Russian Federation, the Russian Ministry of Justice, the Russian Ministry of Culture, the Parliament of the Russian Federation, the Supreme Court and the Constitutional Court of the Russian Federation, the Presidential Human Rights Council of Russia, Memorial Society and the Council of Europe.