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*Plenary sitting*

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8.9.2015

B8-0849/2015

## 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 the serious doubts concerning the detention and trial of Eston Kohver, Oleg Sentzov, and Alexander Kolchenko, by the Russian Federation  
(2015/2838(RSP))

**Fabio Massimo Castaldo, Ignazio Corrao, Daniela Aiuto, Piernicola Pedicini, Kristina Winberg, Peter Lundgren**  
on behalf of the EFDD Group

**B8-0849/2015**

**European Parliament resolution on the serious doubts concerning the detention and trial of Eston Kohver, Oleg Sentzov, and Alexander Kolchenko, by the Russian Federation (2015/2838(RSP))**

*The European Parliament,*

- having regard to its previous reports and resolutions on Russia, in particular those of 10 June 2015 on the state of EU-Russia relations [2015/2001(INI)]; of 13 March 2014 on Russia: sentencing of demonstrators involved in the Bolotnaya Square events [2014/2628(RSP)]; of 13 June 2013 on the rule of law in Russia [2013/2667(RSP)]; and of 13 September 2012 on the political use of justice in Russia [2012/2789(RSP)],
- having regard on the 18<sup>th</sup> round of the EU-Russia human rights consultations of 28 November 2013,
- having regard to the results of the EU-Russia Summit of 3-4 June 2013 and the human rights consultations of 19 May 2013,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on Human Rights Defenders,
- having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation shall be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and the federal law,
- having regard to the recent statements of the High Representative/Vice President of the European Commission on verdicts, detentions and sentencing carried out by the Russian authorities,
- having regard to the UN Human Rights Committee [Monitoring body of the ICCPR], Concluding observations on the seventh periodic report of the Russian Federation, 2 April 2015,
- having regard to the Press release of the UN Human Rights Committee [Monitoring body of the ICCPR], The Human Rights Committee considers the report of Russia, 17 March 2015,
- having regard to the Russia mission report of the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, 30 April 2014,
- having regard to the documentation related to the latest Universal Periodic Review of Russia before the UN Human Rights Council, 29 April 2013
- having regard to the preoccupations repeatedly expressed by various prestigious organizations which represent civil society,

- having regard to Rule 135 (2) of its Rules of Procedure,
- A. whereas Eston Kohver is an Estonian citizen and official who has been charged by Russian authorities of espionage, arms smuggling and illegal entry in Russian territory, and subsequently condemned to a 15-year jail sentence;
- B. whereas there is a substantiated controversy regarding whether Mr Kohver was detained within the territory of the Republic of Estonia (and accordingly, within the territory of the European Union), as Estonian authorities assert, or within the territory of the Russian Federation, as Russian authorities affirm;
- C. whereas the procedural conditions regarding the trial of Mr Kohver at the Regional Court of Pskov appear to have lacked transparency and due respect of international guarantees concerning criminal processes;
- D. whereas as a result of the mentioned territorial controversy and the mentioned procedural conditions, substantial doubts remain open about the actual development of facts regarding Mr Kohver and, accordingly, his responsibilities and liabilities, as well as regarding the respect of fair process' requirements;
- E. whereas Oleg Sentsov and Alexander Kolchenko are Ukrainian citizens, filmmakers and activists, who have been charged by Russian authorities of terrorists acts attempted or conducted in the territory of Crimea, and subsequently condemned respectively to 20-year and 10-year jail sentences;
- F. whereas both in the case of Mr Sentsov and in the case of Mr Kolchenko there have been allegations of torture and severe mistreatment, leading to the illegal extraction of depositions to which legal value has been subsequently attributed;
- G. whereas the procedural conditions regarding the trial of Mr Sentsov and Mr Kolchenko appear to have lacked transparency and due respect of international guarantees concerning criminal processes;
- H. whereas as a result of the mentioned suspicions of torture and severe mistreatment and the mentioned procedural conditions, substantial doubts remain open about the actual development of facts regarding both Mr Sentsov and Mr Kolchenko and, accordingly, their respective responsibilities and liabilities, as well as regarding the respect of fair process' requirements;
- I. whereas all these cases happen in a context of international conflict between the Russian Federation and some neighbouring States maintained along many months, creating in a situation of severe international tension, which is escalating towards always higher tensions, leading to less and less effective dialogue between parties involved;
- J. whereas in every case, in every circumstance, in these as in other cases all over the world, human rights must be unequivocally and unconditionally affirmed and defended; torture must be unequivocally and unconditionally condemned and prevented; and fair process conditions must be unequivocally and unconditionally offered to every single detainee, no matter what are the charges against him or her;

- K. whereas respect for laws and rules should be complied with, while at the same time the Russian government does not wish to be destabilised by external actors such as third countries;
- L. whereas relations between the EU and Russia, and between Ukraine and Russia, stand in need of an easing of tension and the re-establishment of a situation of serene and peaceful collaboration;
1. Calls on the Russian Federation to ensure that detainees are ensured all the internationally recognised guarantees regarding their medical treatment, nourishment, confidential access to legal counsel of their free choice, regular contact with their relatives and close relationships, contact with their diplomatic representatives, detailed access for both them and their legal representatives, to all documents and evidence related to the charges against them and to the development of their trials;
  2. Calls on Russian authorities to reopen and reconsider the trials in order to ensure the strict respect of internationally recognized fair trial and fair process standards;
  3. Calls on the Russian Federation to open an investigation on the allegations of torture occurred during the processes, open also to international observers;
  4. Calls on the Russian authorities to ensure, despite the current situation of high tension and conflict, and despite their perception of being subject to aggression, the respect of the human rights of all detainees, as foreseen by the European Convention on Human Rights (ECHR) and by the Universal Declaration of Human Rights (UDHR);
  5. Calls on all parties involved in these conflicts to make a priority of the decrease the actual existing tension, since it is the breeding ground to stimulate conflicts and injustices and it gives rise to cases like the ones discussed in this resolution of Eston Kohver, Oleg Sentsov, and Alexander Kolchenko;
  6. Urges to recuperate institutions bringing together all parties involved in this conflict, where a meaningful, respectful dialogue can take place, since the only way to solve the existing conflict lies in the mediation between the parties;
  7. Asks to institute a "dialogue commission", steered by the United Nations, to deal in a speedy and detailed way with all the single cases occurring on both sides and concerning possible violations of human rights, as way to guarantee the rights of the individuals involved, to avoid any further escalation of the conflict and to create a bridge which will make possible to recuperate goodwill between all parties;
  8. Stresses that the European institutions and the Russian Federation should cooperate in order to re-establish mutual respect for all fundamental rights, with the hope that relations between Russia and EU, and within Ukraine and Russia, will go on in a context of peace and harmony;
  9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President, Government and Parliament of the Russian Federation, the EEAS, the OSCE

and the Council of Europe.