



Plenary sitting

8.9.2015

B8-0850/2015

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 Russia, in particular the case of Eston Kohver, Oleg Sentzov, and Alexander Kolchenko
(2015/2838(RSP))

Cristian Dan Preda, Tunne Kelam, Eduard Kukan, Patricija Šulin, Lorenzo Cesa, Brian Hayes, Claude Rolin, Giovanni La Via, Marijana Petir, Jiří Pospíšil, Jarosław Wałęsa, Andrey Kovatchev, Bogdan Brunon Wenta, Davor Ivo Stier, Ramón Luis Valcárcel Siso, Andrej Plenković, Therese Comodini Cachia, Csaba Sógor, Tomáš Zdechovský, Artis Pabriks, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, László Tőkés, Monica Macovei, Iyan Štefanec, Jaromír Štětina, David McAllister, Pavel Svoboda, Michaela Šojdrová, Tadeusz Zwiefka, Luděk Niedermayer, Róza Gräfin von Thun und Hohenstein, József Nagy, Stanislav Polčák, Dubravka Šuica, Roberta Metsola, Anna Maria Corazza Bildt

on behalf of the PPE Group

B8-0850/2015

**European Parliament resolution on Russia, in particular the case of Eston Kohver, Oleg Sentsov, and Alexander Kolchenko
(2015/2838(RSP))**

The European Parliament,

- 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 federal law,
- having regard to its resolution of 12 March 2015 on the murder of the Russian opposition leader Boris Nemtsov and the state of democracy in Russia ([2015/2592\(RSP\)](#)),
- having regard to its previous reports and resolutions on Russia, in particular its resolution of 15 of January 2015 on Russia, in particular in the case of Alexey Navalny ([2015/2503\(RSP\)](#)) and its resolution of 30 of April on the case of Nadiya Savchenko,
- having regard to its report of 10 June 2015 on the state of EU-Russia relations ([2015/2001\(INI\)](#)),
- having regard to the Statement by High Representative/ Vice-President Mogherini from 19 of August 2015 on the verdict against Estonian police officer Eston Kohver,
- having regard to the Statement by High Representative/ Vice-President Mogherini from 25 of August on the sentencing by a Russian court of Ukrainian citizens Oleg Sentsov and Olexandr Kolchenko,
- having regard to its previous reports and resolutions on Russia, in particular its resolutions of 23 October 2012 on common visa restrictions for Russian officials involved in the Sergei Magnitsky case, 13 June 2013 on the rule of law in Russia, 13 March 2014 on Russia: sentencing of demonstrators involved in the Bolotnaya Square events, and 23 October 2014 on the closing-down of the NGO ‘Memorial’ (winner of the 2009 Sakharov Prize) in Russia¹ and its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case,
- having regard to the Human Rights Committee seventh periodic report on the Russian Federation (CCPR/C/RUS/7) at its 3136th and 3137th meetings (CCPR/C/SR.3136 and 3137), held on 16 and 17 March 2015. At its 3157th meeting (CCPR/C/SR.3157), held on 31 March 2015,
- having regard to the EU-Russia human rights consultations of 28 November 2013,
- having regard to Rules 135 of its Rules of Procedure,

- A. whereas the Russian Federation, as a full member of the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE) and a signatory to the UN declaration, has committed itself to the principles of democracy, the rule of law and respect for fundamental freedoms and human rights; whereas, as a result of numerous serious violations of the rule of law and the adoption of restrictive laws during the past months, there are grave concerns about Russia's compliance with international and national obligations;
- B. whereas Estonian police officer Eston Kohver was abducted last September from the Estonian territory by the FSB and subsequently illegally detained in Russia which action constitutes a clear and serious violation of international law;
- C. whereas the Ukrainian – film maker Oleg Sentsov and civic activist Olexandr Kolchenko opposed the illegal annexation of the Crimean Peninsula by Russia, were arrested in May 2014 in relation to alleged activities conducted in Crimea;
- D. whereas the Human Rights Council Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, in her report from April 2014 after an official visit to the Russian Federation expresses strong concern about allegations of direct and indirect threats to, and improper influence, interference and pressure on the judiciary;
- E. whereas several trials and judicial proceedings over the last few years, such as the Navalny, Magnitsky, Khodorkovsky and Politkovskaya cases, have cast doubt on the independence and impartiality of the judicial institutions of the Russian Federation;
- F. whereas the EU has repeatedly offered additional assistance and expertise, through the Partnership for Modernisation, to support Russia's efforts to democratize and abide by its constitutional and legal order, in line with Council of Europe standards;
1. Strongly condemns the judgement rendered by the Pskov regional court as well as the entire trial of Estonian police officer Eston Kohver who was sentenced to 15 years imprisonment after abduction from Estonian territory, which is part of the EU, last year;
 2. Urges the Russian Federation to act according to its international obligations, and therefore to release Eston Kohver and guarantee his safe return to Estonia;
 3. Expresses its deepest belief that Eston Kohver had not been provided with the right of a fair trial from the very beginning – there was no public hearing of the case, the Estonian consul was not allowed to be present at the hearings, Mr Kohver was deprived of adequate legal aid;
 4. Strongly calls on the Russian Federation to immediately release Oleg Sentsov and Olexandr Kolchenko and guarantee their safe return to Ukraine;
 5. Deplores that in the Russian Federation law and justice are used as political instruments and in breach of international law and standards, thus allowing the sentencing of the Ukrainian filmmaker Oleg Sentsov and of Olexandr Kolchenko to respectively 20 and 10

years imprisonment for expressing their views linked to active pro Ukrainian position against the illegal annexation of Crimea by the Russian Federation;

6. Expresses its understanding and belief that Russian courts are not competent to judge acts committed outside the internationally – recognised territory of the Russian Federation;
7. Stresses the importance of judicial decisions to be taken in effective and impartial manner, to be independent and in full compliance with the law and based on justified evidences and without any political interference; takes the view that the Russian Federation as a member of the Council of Europe and the organisation for Security and Cooperation in Europe, should meet the obligations it has signed up to;
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.