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*Plenary sitting*

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**B8-0192/2017**

14.3.2017

## **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 Ukrainian prisoners in Russia and the situation in Crimea  
(2017/2596(RSP))

**Charles Tannock, Karol Karski, Ryszard Antoni Legutko, Anna Elżbieta Fotyga, Tomasz Piotr Poręba, Ryszard Czarnecki, Zdzisław Krasnodębski, Roberts Zīle, Geoffrey Van Orden, Monica Macovei, Ruža Tomašić, Kosma Złotowski**  
on behalf of the ECR Group

**B8-0192/2017**

**European Parliament resolution on the Ukrainian prisoners in Russia and the situation in Crimea  
(2017/2596(RSP))**

*The European Parliament,*

- having regard to the EU-Ukraine Association Agreement and the Deep and Comprehensive Free Trade Area,
  - having regard to its previous resolutions on Ukraine and on Crimea, on the European Neighbourhood Policy, on the Eastern Partnership and in particular its resolutions of 4th February and 12th May 2016 on the human rights situation in Crimea and on the Crimean Tatars as well as 23 November report on EU strategic communication to counteract propaganda against it by third parties,
  - having regard to the Minsk Protocol of 5 September 2014 and the Minsk Memorandum of 19 September 2014 on the implementation of a 12-point peace plan; as well as the Minsk Agreement of 11 February 2015,
  - having regard to the Council decisions continuing the sanctions imposed on the Russian Federation in relation to the illegal annexation of the Crimean peninsula
  - having regard the Geneva Convention relative to the Prosecution of Civilian Persons in Time of War,
  - having regard UN General Assembly resolution of 19 December 2016 on “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”,
  - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas the “annexation” of Crimea by the Russian Federation is illegal and in violation of international law and European agreements signed by Russian Federation, notably the UN Charter, the Helsinki Final Act and the Budapest Memorandum;
- B. whereas the United Nations General Assembly (UNGA) on December 16 condemned the temporary occupation of the territory of Ukraine – The Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and reaffirmed the non-recognition of its annexation;
- C. whereas according to art. 70 of the Geneva Convention relative to the Protection of Civilian Persons in the Time of War, “protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation”; whereas in the UNGA resolution Russia is recognised as a State which is the Occupying Power and obligations of the Occupying Power, the protection of the people and citizens of Crimea, are imposed on it.

- D. whereas the preliminary report of International Criminal Court (ICC) in the Hague has on 14 November 2016 recognized the annexation of the Crimean peninsula as a military conflict between Russia and Ukraine; whereas the ICC report states that “this international conflict started not later than February 26 [2014], when the Russian Federation employed members of its armed forces to gain control over parts of the territory of Ukraine without consent of the government of Ukraine”; whereas, according to the report, Russia’s presence in the Donbass region also falls under the law of international armed conflict;
- E. whereas the UNGA resolution condemned “reported serious violations and abuses committed against residents of Crimea, in particular extrajudicial killings, abductions, enforced disappearances, politically motivated prosecutions, discrimination, harassment, intimidation, violence, arbitrary detentions, torture and ill-treatment of detainees and their transfer from Crimea to the Russian Federation, as well as reported abuses of other fundamental freedoms, including the freedoms of expression, religion or belief and association and the right to peaceful assembly”, especially against “Crimean Tatars, as well as Ukrainians and persons belonging to other ethnic and religious groups, by the Russian occupation authorities”;
- F. whereas more than 62 Ukrainian citizens have been subjected to criminal prosecution for political reasons in Russia and occupied Crimea; whereas Russian authorities brought against them charges of involvement in riots, extremism, terrorism, separatism, espionage, sabotage; whereas 16 people were convicted and 30 are still being held in custody awaiting for their court judgment;
- G. whereas unlawful criminal prosecutions are part of the Russian state propaganda, designed to mobilise the population of Russia against the imaginary enemy;
- H. whereas at least 49 cases of persecution are against residents of Crimea, especially Crimean Tatars, who openly opposed to Russia’s occupation and annexation of the peninsula; whereas Crimean Tatars and other residents of Crimea are persecuted for opposition views, and for affiliation to religious organization ‘Hizb ut-Tahrir’, which Russian authorities consider a terrorist group; whereas a Russian court banned a representative body of the Crimean Tatars – Mejlis;
- I. whereas Russian law enforcement agencies initiated several criminal cases regarding acts, committed on the territory of Ukraine and Crimea before its annexation (persecution of Oleksandr Kostenko, Andriy Kolomiyets, Mykola Shyptur, Akhtem Chiyhoz, Mustafa Dehermendzhi, Ali Asanov, Arsen Yunusov, Eskender Kantemirov, Eskender Emirvaliyev, Talyat Yunusov, Eskender Nebiyev); whereas Russia has lack of jurisdiction over these cases;
- J. whereas prosecuted residents of Crimea Oleksandr Kolchenko, Oleg Sentsov, Oleksandr Kostenko were declared citizens of the Russian Federation against their will;
- K. whereas Gennadiy Afanasyev, Bohdan Yarychevskiy, Yuriy Yatsenko, Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksandr Kostenko, Serhiy Lytvynov, Valentyn Vyhivskiy, Andriy Kolomiyets, Evheniy Panov, Andriy Zakhtiy reported that they had been subjected to torture at the stage of a pre-trial investigation, thus being forced to give confessions;

- L. whereas Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksiy Chyrniy, Oleksandr Kostenko, Serhiy Lytvynov, Valentyn Vyhivskiy, Viktor Shur, Nuri Primov, Rustem Vaitov, Ferat Sayfullayev, following the handing down of judgements, convicts were transported to central and eastern regions of Russia, in order to hinder their communication with relatives and human rights activists;
- M. whereas the release of all Ukrainian prisoners become one of the main demand of Ukrainian protesters which, despite Ukrainian government pleas to stop, enforce blocked of mainly coal deliveries from separatist held territory to Ukrainian factories;
1. Calls for immediate release of all Ukrainians prosecuted for political reasons and held in detention facilities or prisons including: Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksiy Chyrniy, Oleksandr Kostenko, Serhiy Lytvynov, Valentyn Vyhivskiy, Viktor Shur, Andriy Kolomiyets, Ruslan Zeytullayev, Nuri Primov, Rustem Vaitov, Ferat Sayfullayev **and:** Akhtem Chiyhoz, Mustafa Dehermendzhi, Ali Asanov, Inver Bekirov, Muslim Aliyev, Vadim Siruk, Arsen Dzhapparov, Refat Alimov, Zevri Abseitov, Remzi Memetov, Rustem Abiltarov, Enver Mamutov, Artur Panov, Evheniy Panov, Roman Suschenko and Emir-Usein Kuku, human rights defender, and allowing all the above mentioned to travel freely, including Mykola Semena, who is being prosecuted for his journalistic work for Radio Free Europe/Radio Liberty;
  2. Calls on the Russian Federation to take all measures necessary to bring an immediate end to all abuses against residents of Crimea, in particular reported discriminatory measures and practices, arbitrary detentions, torture and other cruel, inhumane or degrading treatment, and to revoke all discriminatory legislation;
  3. Calls Russia to revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, and repeal the decision banning leaders of the Mejlis from entering Crimea;
  4. Urges the Russia to ensure the proper and unimpeded access of international human rights monitoring missions and human rights non-governmental organizations to Crimea;
  5. Calls for imposing personal economic and visa sanctions against those, who are responsible for the fabrication of political cases and illegal verdicts, as well as those, who were involved in executing the order of occupying authorities and subjecting detainees to torture, kidnappings and illegal detentions;
  6. Welcomes the court proceeding in the International Court of Justice, where Ukraine and the Russian Federation seek to constructively solve the current conflict taking the international law and principles as the basis for discussion;
  7. Calls for immediate investigation of all the missing and kidnapped during the period of occupation of Crimea, including Ervin Ibragimov;
  8. Condemns the recent accident of illegal administrative persecution of the Crimean lawyers, which are politically motivated and aim at the deprivation of legal assistance for

their clients, including the case of Emil Kurbedinov;

9. Calls for occupation authorities to stop using Soviet-style psychiatric incarceration as a means of pressuring detained individuals; Calls to conduct immediately and without further delay an independent psychiatric examination of Stanislav Klykh whose mental health was a subject of concern and public statements of Amnesty International and British Royal College of Psychiatrists;
10. Calls for international investigations of organizers of the military coup to take over Crimea as well as rebellion in Eastern Ukraine, including instances violent deaths of many of rebellion leaders;
11. Urges Russia not to use the issue of Ukrainian prisoners to exacerbate new tensions between Ukraine and pro-Russian rebel held areas, including provoking prolongation of economic blockade of Donbas;
12. Welcomes Ukraine's December 2016 decision to pardon and release 15 prisoners captured in separatist areas of eastern Ukraine as a 'goodwill gesture' to start further prisoner swaps with Russia and pro-Russian rebels. Urges Ukrainian government to develop a systematic approach to the problem of the ongoing arrests in the occupied Crimea including support of the family members of arrested, effective investigation of such cases by Ukrainian law enforcement, technical support for lawyers and creating entity responsible for all the issues related to Ukrainian citizens illegally detained by Russia for political reasons, in cooperation with Ukrainian and international NGOs;
13. Urges Ukrainian and Russian governments to distinguish negotiations over the release of prisoners and persons persecuted for political motives from political and military negotiations in the frames of Minsk process, in order to restore their human rights and release them from captivity or dimension as soon as possible;
14. Welcomes the February 22, 2017 decision of the Presidium of Russia's Supreme Court to set aside the conviction of Ildar Dadin on charges of participating in multiple unsanctioned protests, including against Russia's war against Ukraine, and ordering his release from custody, after EP November 2016 urgency resolution in his defence;
15. Welcomes release of those Ukrainians who were freed from illegal detention in Russia in 2016;
16. Condemns illegal and null elections, organized by Russia on 18 September 2016 in the temporary occupied Crimea to the Russian State Duma. Welcomes EU sanctions against people involved in these illegal activities;
17. Welcomes UNGA resolution on Crimea and the fact that all EU Member States voted for this resolution as well as that the majority of them cosponsored the document;
18. Reiterates that the existing EU sanctions against Russia imposed in response to the illegal annexation of Crimea will remain in force until restoration of Ukraine's sovereignty over Crimea and calls the Council to elaborate the next set of sanctions against Russia regarding its illegal annexation of Crimea to be enacted if Russia refuses to stop prosecution of Crimean Tatars Mejlis and other violations of human rights in Crimea;

19. Calls for EU support for Ukrainian and Crimea Tatar media projects for Crimea as well as those initiated by European Endowment for Democracy and Radio Free Europe/Radio Liberty as well as in defence of Ukrainian and Crimean Tatar schools and other initiatives to protect their cultural heritage;
20. Supports establishment of the international negotiation mechanism on de-occupation of the Crimea with the participation of the EU;
21. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President/High Representative of the EU for Foreign Affairs and Security Policy, the Member States, the President of Ukraine, the governments and parliaments of Ukraine and of the Russian Federation, the Parliamentary Assemblies of the Council of Europe and the Organisation for Security and Cooperation in Europe as well as United Nations Secretary General and International Criminal Court and International Court of Justice, both in Hague.