



Plenary sitting

B8-0559/2017

3.10.2017

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 cases of Crimean Tatar leaders Akhtem Chiygoz, Ilmi Umerov and journalist Mykola Semena
(2017/2869(RSP))

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on behalf of the ECR Group

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European Parliament resolution on the cases of Crimean Tatar leaders Akhtem Chygoz, Ilmi Umerov and journalist Mykola Semena (2017/2869(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 Russia, in particular those of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars, of 12 May 2016 on the Crimean Tatars, and of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea,
 - 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 to the Geneva Convention relative to the Prosecution of Civilian Persons in Time of War,
 - having regard to UN General Assembly resolutions 68/262 on the “Territorial integrity of Ukraine” of 27 March 2014 and 71/205 of 19 December 2016 on “Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)”,
 - having regard to the Report ‘Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)’ of 25 September 2017 of the Office of the United Nations High Commissioner for Human Rights,
 - having regard to the Order of the International Court of Justice of the 19 April 2017 on the Provisional Measures within the claim of Ukraine against Russia on the application of the International Convention on the Elimination of All Forms of Racial Discrimination;
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas on September 27, 2017 a Russian so-called “court” in temporarily occupied Crimea sentenced Ilmi Umerov, Crimean Tatar leader and Deputy Chair of Mejlis, to two years in prison; whereas Umerov was initially detained on May 12, 2016, with the indictment asserting that he had, “with intent to carry out activities aimed at violating the territorial integrity of the Russian Federation,” ...”deliberately and publicly called on an unlimited number of people to carry out actions aimed at returning the Republic of Crimea under Ukraine’s jurisdiction”; whereas this is, in fact, what the United Nations General Assembly, the European Parliament, the EU and countless other international structures and leaders have called for; whereas in the health condition of 60 year old Umerov sentence of two years in prison may become “effectively a death sentence”; whereas in his final address to the so-called ‘court’ Umerov expressed hope that he will meet “all of those implicated in this case at the international courts at the Hague”.

- B. whereas spokesperson of the EEAS stated on 28 September that “Mr Umerov has been convicted for voicing dissent against the illegal annexation of Crimean peninsula, under Article 280.1 of the Russian criminal code on ‘public calls to action aimed at violating Russia’s territorial integrity’; this conviction is in breach of international humanitarian law and the European Union expects it to be reversed”;
- C. whereas according to OHCHR UN report, on 11 September, 2017 Akhtem Chyigoz, a deputy chair of the Majlis, was “convicted in relation to acts which occurred before the application of Russian Federation legislation in Crimea, in disregard of the principle of non-retroactive application of criminal law enshrined in international human rights and humanitarian treaties; whereas on 11 September a court in Crimea sentenced Chyigoz “to eight years of imprisonment on the basis of Russian Federation legislation, after it found the accused guilty of organising mass protests, which were held on 26 February 2014 when the legal framework of Ukraine still applied in Crimea.”
- D. whereas on 22 September, 2017 a Crimean court found guilty of separatism and sentenced Mykola Semena, 66-years old RFE/RL journalist for 2,5 year suspended sentence and a 3-year ban on public activity; whereas Semena was also charged with “public calls to violate the territorial integrity of the Russian Federation” and was also convicted on the basis of “an inaccurate translation of one of his stories from Ukrainian into Russian”;
- E. whereas US State Department stated that this conviction was based on the fact that Mr. Semena had criticized Russia’s occupation and attempted annexation of Crimea in his writing, while “Crimea remains an integral part of Ukraine, and the United States remains steadfast in its support for the territorial integrity and sovereignty of Ukraine” and called “on Russian occupation authorities to vacate Mr. Semena’s conviction, allow him to resume his journalistic activity, and cease their campaign to stifle dissent in Crimea.”
- F. whereas in Crimea large scale expropriation of public and private property has been conducted without compensation or regard for international humanitarian law provisions protecting property from seizures or destruction.
- G. 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”;
- H. whereas in the UNGA resolution 71/205 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;
- I. whereas the OHCHR report documented “multiple” and “grave human rights violations, such as arbitrary arrests and detentions, enforced disappearances, ill-treatment and torture, and at least one extra-judicial execution”; whereas UNGA 71/205 resolution condemned also “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”;
- J. whereas OHCHR UN report states that “the human rights situation in Crimea has significantly deteriorated since the beginning of its occupation by the Russian Federation; the imposition of a new citizenship and legal framework and the resulting administration of civil justice have significantly limited enjoyment of human rights for the residents of Crimea; The Russian Federation has extended its laws to Crimea in violation of international humanitarian law”;

whereas “imposing citizenship on the inhabitants of an occupied territory can be equated to compelling them to swear allegiance to a power they may consider hostile, which is forbidden under the Fourth Geneva Convention”;

- K. the report of the UNESCO Director-General prepared pursuant to the decision of the UNESCO Executive Board “Follow-up of the situation in the Autonomous Republic of Crimea (Ukraine)” of 8 August 2017 highlights blatant violations by the occupying authorities of the rights of Crimean Tatars in education, usage of native language and freedom of press;
- L. whereas the thematic report of the Office of the United Nations High Commissioner for Human Rights "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)" published on 25 September 2017 witnesses the systematic violations of human rights by the Russian Federation in the illegally occupied Crimea and its obligations under Hague and Geneva conventions, summarizes and generalizes human rights violations recorded and documented by OHCHR during the period from February 2014 to September 2017;
1. Calls on the Government of the Russian Federation to immediately release Ahtem Ciygoz from prison as well as Mykola Semena from house arrest and drop all charges against them as well as against Ilmi Umerov. expresses resolute protest against the criminal, illegal and politically motivated sentence towards one of the leaders of Crimea Tatars` national movement, Deputy Head of Mejlis Ilmi Umerov, whom the Russian occupation authorities ordered to imprison for 2 years in penal settlement; considers this sentence as especially cynical taking into account Mr. Umerov’s age and the critical state of health; expresses concern that lack of proper health assistance in imprisonment may lead to catastrophic consequences for him; demands Russia to immediately release Ilmi Umerov;
 2. Calls for immediate release of all Ukrainians prosecuted for political reasons and held in detention facilities or prisons including those mentioned in previous resolutions, including Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksiy Chyrniy, Oleksandr Kostenko, Hayser Dzhemilev, Serhiy Lytvynov, Valentyn Vyhivskiyi, Viktor Shur, Andriy Kolomiyets, Ruslan Zeytullayev, Nuri Primov, Rustem Vaitov, Ferat Sayfullayev **and:** Mustafa Dehermendzhi, Ali Asanov, Emir-Usein Kuku, Inver Bekirov, Muslim Aliyev, Vadim Siruk, Arsen Dzhepparov, Refat Alimov, Zevri Abseitov, Remzi Memetov, Rustem Abiltarov, Enver Mamutov, Artur Panov, Evheniy Panov, Roman Suschenko and allowing all the above mentioned to return to Ukraine;
 3. deploras about the information on consequitive transfer of Ukrainian Crimean political prisoner Oleh Sentsov, who was illegally sentences 20 years in prison for false and groundless accusations, to the one of the most severe penal colonies in Russia, situated above the polar circle; recall its earlier demands to Russia to ensure immediate release of Oleg Sentsov and its secure return to Ukraine;
 4. Strongly condemns persecution of Ruslan Zeytullayev on religious grounds in the so-called case of “Hizb ut-Tahrir”; strongly regrets the fact that his imprisonment sentence has been increased twice – from 7 to 12 years and from 12 to 15 years; equally regrets the fact that Ruslan Zeytullayev was transferred to the territory of Russia; stresses that Ruslan Zeytullayev declared a hunger strike several times with one of his demands being to allow visits of Ukrainian consuls to him,
 5. Firmly condemns prison sentence of Ridvan Suleymanov and others on fabricated charges in the so-called case of “Ukrainian saboteurs”,

6. 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.
7. Calls Russia to revoke immediately the decision declaring the Mejlis of the Crimean Tatar People an extremist organization and banning its activities, and comply with the International Court of Justice Order on provisional measures in proceedings brought by Ukraine against the Russian Federation, issued on 19 April 2017, which concludes that the Russian Federation must “refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis”.
8. Supports conclusions and recommendations of the OHCHR UN report, and especially calls on Government of the Russian Federation to “end the practice of retroactive application of penal laws to acts committed before the occupation of Crimea, and refrain from using law enforcement bodies and the justice system to pressure and intimidate opponents;”
9. Calls on Russian Federation to “apply Ukrainian laws in Crimea, pursuant to General Assembly resolutions 68/262 and 71/205”;
10. Calls on Russian Federation to “stop applying legislation on extremism, terrorism and separatism to criminalize free speech and peaceful conduct, and release all persons arrested and charged for expressing dissenting views, including regarding the status of Crimea;
11. Calls on Russian Federation to stop prosecuting residents of Crimea for the views expressed by UN, EU and other international structures on the status of Crimea; considers that illegal annexation of Crimea by Russia caused start of unprecedented and massive human rights violations against local population, particularly Crimean Tatars and Ukrainians, by the occupation authorities, which in some ways exceed those of Soviet Stalinist regime; demands Russian to stop repressions against Crimean Tatars and Ukrainians on the territory of the occupied Crimea;
12. reiterates its full support to the territorial integrity of Ukraine and its sovereignty over Crimea and Sevastopol, strongly condemns continuous occupation by Russia of these Ukrainian territories and reconfirm the EU’s commitment to the non recognition policy with regard to the illegal annexation of Crimea and any change of its international legal status;
13. 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 to be enacted if Russia refuses to stop prosecution of Crimean Tatar Mejlis and other violations of human rights in Crimea; calls for imposing personal economic and visa sanctions against those, who are responsible for the fabrication of political cases and illegal verdicts, in particular judges of the Russian occupation authorities in Crimea;
14. supports the establishment of international negotiation platform on Crimea aimed at de-occupation of the peninsula
15. 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;
16. Reiterates its strong condemnation of the practice and policies imposed by the so-called authorities

resulting in discrimination against, inter alia, the indigenous Crimean Tatar people and the Ukrainian people in Crimea in political, social and economic life

17. Calls on Russian Federation to respect the right to property and the prohibition to confiscate private property; ensure security of tenure for the Crimean Tatars by putting in place a mechanism facilitating recognition of their property rights;
18. Calls on Russian Federation to “enable unimpeded freedom of movement to and from Crimea, and end deportations of Crimean residents”; Supports ICJ Order from 19 April 2017 “concluding unanimously that the Russian Federation must ‘ensure the availability of education in the Ukrainian language’”; reminds Russia of its obligation pursuant of the respective Order of the International Court of Justice of the 19 April 2017 on the Provisional Measures within the claim of Ukraine against Russia on the application of the International Convention on the Elimination of All Forms of Racial Discrimination, to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions and to ensure the availability of education in the Ukrainian language
19. Condemns illegal and null elections, organized by Russia on 10 September 2017 in the temporary occupied Crimea and request the Council to include so-called winner of this elections into the EU individual sanctions list;
20. deplore the disrespect of Russia to the numerous calls of the international community, including the UN mandate, to ensure unhindered access of the international human rights monitors and experts to the temporarily occupied territory of Crimea; calls on the need of the establishment of an effective international mechanism of monitoring of the situation in occupied Crimea, established in accordance with the existing conventional and institutional mechanisms of the United Nations and other international organizations international conventional instruments and in coordination with Ukrainian authorities;
21. demands the Russian Federation to return to the tenets of international law and reverse its illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol;
22. recalls that Russia must comply with its obligations as an occupying power, in accordance with international humanitarian law, until Crimea is de-occupied.
23. 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.