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*Plenary sitting*

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**B8-0289/2018**

12.6.2018

## **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, notably the case of Ukrainian political prisoner Oleg Sentsov (2018/2754(RSP))

**Rebecca Harms, Heidi Hautala, Indrek Tarand, Igor Šoltes**  
on behalf of the Verts/ALE Group

**European Parliament resolution on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov (2018/2754(RSP))**

*The European Parliament,*

- having regard to its previous reports and resolutions on Russia, in particular its resolution on Russia - in particular the case of Eston Kohver, Oleg Sentsov, and Olexandr Kolchenko of 9 September 2015, the one on Russia, the arrest of Alexei Navalny and other protestors of 6 April 2017 and the one on Russia, the case of Oyub Titiev and the Human Rights Center Memorial of 8 February 2018,
  - having regard to the statement by the Spokesperson on the cases of several detainees in or from the illegally-annexed Crimea and Sevastopol of 25 May 2018,,
  - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
  - having regard to the International Covenant on Civil and Political Rights,
  - having regard to the European Convention of Human Rights and the Protocols thereto,
  - having regard to the Constitution of the Russian Federation, in particular Chapter 2 on the Rights and Freedoms of Man and Citizen,
  - having regard to the European Union Guidelines on Human Rights Defenders, on Torture and Ill-Treatment, and on Human Rights Defenders,
  - having regard to Rules 135(5) 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, has committed itself to the principles of democracy, the rule of law and respect for human rights;;
- B. whereas the human rights situation in Russia has been deteriorating over the last years and the Russian authorities have adopted a series of laws containing ambiguous provisions and which are used to place further restrictions on opposition and civil-society actors, and hinder the freedoms of expression and assembly,
- C. Whereas well known Ukrainian filmmaker Oleg Sentsov was arrested in May 2014 together with Ukrainian activist Oleksandr Kolchenko during a protest against Russia’s annexation of the Ukrainian peninsula of Crimea; whereas both were accused of setting up a terrorist group involved in two attempted arson attacks in the city of Simferopol; whereas both were abducted from Crimea in May 2014 and forcibly attributed the Russian nationality,
- D. Whereas on 25 August 2015 Sentsov was sentenced to 20 years of jail by a military

court in Rostov-on-Don and co-defendant Oleksandr Kolchenko was sentenced to 10 years in prison; whereas the trial was marred with numerous and grave procedural violations,

- E. whereas in early March-2016, Oleg Sentsov was transported to East Siberia to serve his sentence; whereas the transportation of Sentsov from the occupied Crimean peninsula to the territory of the Russian Federation is also an illegal act, which violates the humanitarian law; whereas later Sentsov was transferred to serve his sentence beyond the Arctic circle, to one of the most northern penal colonies in Russia where he is kept until now in a single cell,
- F. whereas On May 14 this year Oleg Sentsov started an endless hunger strike announcing that the only and categorical condition for its termination is the release of all Ukrainian political prisoners held in Russian jails,
- G. whereas after four years of imprisonment in harsh conditions Oleg Sentsov health has significantly deteriorated and his life is now under threat,
- H. whereas the EU, numerous international institutions and organisations have been continuously calling on Russia to release Sentsov, recognising him as a political prisoner,
- I. whereas Oleksandr Kolchenko, who was sentenced together with Oleg Sentsov, declared the hunger strike on the 31<sup>st</sup> of May 2018, demanding the release of Oleg Sentsov but later interrupted it due to his weak health conditions; whereas another prisoner, Olexander Shumkov,, who is kept in pre-trial detention in Bryansk, declared the hunger strike on the 23<sup>rd</sup> of May in support of all Ukrainian prisoners, held by Russia; whereas Volodymyr Balukh, who is kept in pre-trial detention in Simferopol, is on hunger strike for already 80 days and although he didn't reject from the food completely, after 25 days he started to eat crackers and kissel,
- J. whereas as of beginning of June 2018 at least 71 Ukrainian citizens have been detained for political reasons in different regions of the Russian Federation and in occupied Crimea;. whereas most of these arrests took place in Crimea, but all of them, no matter where they took place, should be considered as happening in the context of the international armed conflict in the territory of Ukraine starting from 2014,
- K. whereas on January 9, 2018, the head of Memorial Human Rights Center's representative office in Chechnya, Oyub Titiev, was indicted and remanded on charges of illegal acquisition and possession of a large volume of narcotics; whereas Titiev asserts that the narcotics had been in fact planted by police officers,
- L. whereas on 25 January the Supreme Court of the Chechen Republic upheld the decision of the Shalinsky City Court to remand Oyub Titiev in custody for two months; whereas his [detention was subsequently extended](#) in March for a further two months, then for one more month in April and most recently until 9 July,
- M. whereas according to Memorial, that in 2009 was awarded by the European Parliament the Sakharov Prize for the Freedom of Thought, in Russian jails there are currently 50 people that can be considered political prisoners (with the exception of

those persecuted in connection with the realization of their right to freedom of religion) that means individuals who are serving a prison sentence, as well as those being held in custody or under house arrest as a form of pre-trial detention. and are being persecuted in connection with the realization of their legitimate rights as well as those who are being unlawfully or disproportionately persecuted by the authorities for political reasons,

- N. whereas as the Russian law on “foreign agents,” requires NGOs that receive foreign funding and are engaged in “political activity” to apply for inclusion in a special government list of foreign agents, being thereof subjected to additional and close scrutiny by the government and required to state in all their publications, press-releases, and reports that these have been produced by a foreign agent,
  - O. whereas the implementation of such law has involved severe actions such as prosecutor office's raids, confiscation of property, administrative fines and other measures aimed at preventing and dissuading civil society organisations from carrying out their work,
  - P. whereas the Russian authorities are expanding their mass surveillance programmes; whereas these programmes, combined with laws restricting the freedom of NGOs, provide the Russian authorities with a very powerful tool to monitor and oppress opposition voices,
  - Q. whereas on the Russian Federation is a signatory to several international human rights treaties and, as a member of the Council of Europe, to the European Convention on Human Rights and thus has the duty to ensure the safety of all persons who may be at risk, including on account of their sexual orientation; whereas Russia has the obligation and means to investigate the crimes carried out by the Chechen authorities; whereas homosexuality was decriminalized in the Russian Federation in 1993,
  - R. whereas following Russia’s annexation of the Crimean peninsula and Moscow military support for the separatists in Eastern Ukraine in 2014 the EU adopted a series of sanctions on individuals and entities as well as on energy, defence and financial sectors of the Russian Federation,
1. Calls on the Russian authorities to immediately release Oleg Sentsov and all Ukrainian citizens illegally detained in the non-government controlled areas in the Eastern Ukraine and those held for political reasons in occupied Crimea and in Russia, with special attention to the urgent cases in which there is a threat for life and health;
  2. Insists that the treatment of all prisoners must meet international standards, and that all detainees must be given access to legal counsel, their families, and medical treatment;
  3. Urges the HR/VP to address the President of the Russian Federation with the need to start a negotiation process over Ukrainian citizens detained for political reasons by Russia in occupied Crimea and in Russia;
  4. Calls on the EEAS and the Commission to make pressure on Russia in order to establish a constant negotiation platform which would focus at the humanitarian issues related to those arrested by both sides in connection with international armed conflict

in the territory of Ukraine, namely those held in occupied Crimea and in Russia;

5. Urges the Council to create a legal frame in the EU which would allow to impose personal sanctions against those responsible for grave human rights violations torture or for aiding and abetting such practices aimed against Ukrainian citizens persecuted by the Kremlin in connection with the armed conflict in Ukraine for political reasons;
6. Calls for the release of Oyub Titiev immediately and unconditionally and for all charges against him to be dropped and for the liberation of all the political prisoners currently held in Russian prisons;
7. Urges the Russian authorities to cease the intimidation and harassment of Memorial and its staff and allow them to carry out their legitimate human rights work without any interference;
8. Calls on the governmental representatives of the EU Member States: to boycott the opening ceremony of the FIFA World Cup in Russia and calls on the EU to make a statement to condemn human rights violations in Russia and the attempt to hide and legitimize them under the cover of the football tournament;
9. Calls on the Council to extend the EU sanctions on Russia as long as Moscow does not respect the Minsk accord; calls for their extension for a 12-month period instead of 6 months as it is today and for the addition of new names on the sanction list and to take into account the possibility to introduce additional sanctions, for example related to the human rights violations in Crimea;
10. Urges the Russian authorities at all levels to recognise the crucial role of human rights defenders as pillars of democracy and watchdogs of the rule of law and publicly condemn all attacks against human rights defenders, particularly in the Chechen Republic;
11. Calls on all Member State to step up asylum request procedures for victims of human rights violations, journalists and human rights defenders in accordance with European and national law;
12. Reiterates its serious concerns about the “foreign agent” law and the way it is being implemented; considers that the definition of “political activity” carried out by NGO that accept foreign funding is so broad as to allow in practice government control over just about any organized activity relating to public life;
13. Recalls the importance of Russia’s full compliance with its international legal obligations, as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, and with the fundamental human rights and the rule of law enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR);
14. Stresses that freedom of assembly in the Russian Federation is granted under Article 31 of the Russian Constitution and under the European Convention on Human Rights, to which Russia is a signatory, obliging the Russian authorities to respect it;

15. Urges EU missions (embassies, consulates) to observe and monitor trials of Human Rights Defenders, including in regions with priority given to emblematic or precedent-setting cases like the ones under the Law on Foreign Agents, gay propaganda law and undesirable organizations law, cases where NGOs are fighting smear campaigns, and cases where HRDs/NGOs are accused of discrediting “dignity or business reputation” of public officials or organizations;
16. Calls on the Presidents of the Council and the Commission, as well as the VP/HR to continue to follow these cases closely, to raise these issues in different formats and meetings with Russia, and to report back to Parliament on the exchanges with the Russian authorities;
17. Urges the Council to develop a unified policy towards Russia that commits the 28 EU Member States and EU institutions to a strong common message on the role of human rights in the EU-Russia relationship and the need to end the crackdown on freedom of expression, assembly and association in Russia;
18. Urges the High Representative and the EEAS to ensure that the Union seeks every opportunity, within the boundaries of Russian domestic law, to continue to engage with and support Russian civil-society organisations, including those working to promote the values of democracy, human rights and the rule of law;
19. Urges the Commission and the EEAS, with regard to the ongoing programming phase of the EU financial instruments, to increase its financial assistance to Russian civil society through the European Instrument for Democracy and Human Rights and the civil-society organisations and local authorities funds, and to include the EU-Russia Civil Society Forum in the Partnership Instrument in order to ensure sustainable and credible long-term support;
20. 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.