



Plenary sitting

B8-0114/2019

12.2.2019

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 situation in Chechnya and the case of Oyub Titiev
(2019/2562(RSP))

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on behalf of the ALDE Group

B8-0114/2019

**European Parliament resolution on the situation in Chechnya and the case of Oyub Titiev
(2019/2562(RSP))**

The European Parliament,

- having regard to its previous resolutions on Russia, including the case of Oyub Titiev and the Human Rights Center Memorial, the resolutions on the implementation of the Council's LGBTI Guidelines, particularly in relation to the persecution of (perceived) homosexual men in Chechnya of 16 May 2017 and on the closing-down of the NGO 'Memorial' (winner of the 2009 Sakharov Prize) in Russia of 23 October 2014;
 - 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 on 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 EU Guidelines on Human Rights Defenders and on Torture and Ill-Treatment;
 - having regard to the EU Guidelines on the rights of LGBTI persons;
 - having regard to the OSCE Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation of 21 December 2018;
 - having regard to its award of the 2009 Sakharov Prize for Freedom of Thought to 'Memorial', a Russian NGO campaigning, inter alia, for the rights of political prisoners in Russia;
 - having regard to Rule 135 of its Rules of Procedure;
- A. whereas there are numerous reports of systematic and serious human rights abuses in Chechnya, showing the failure of the Chechen and Russian authorities to uphold the rule of law in Chechnya and in the Russian Federation;
- B. whereas the complaints lodged with the Russian Federal authorities have failed to address the alarming human rights situation in Chechnya and the investigation started by the Russian Human Rights Ombudsman Tatyana Moskalkova did not lead to any results and she published no report;
- C. whereas Memorial and other human rights organisations and defenders remain subjected to targeted campaigns of intimidation and the human rights situation in the whole of the Russian Federation has deteriorated in recent years as the Russian authorities have adopted a series of laws placing restrictions on civil society actors, and hinders the

freedoms of expression and assembly; whereas the NGO law of 2012 has severely restricted NGOs ability to work independently and operate in an effective way; whereas under this law, Memorial has been designated as a “foreign agent” by the Russian Ministry of Justice;

- D. whereas Oyub Titiev, the Chechnya office director at the 2009 Sakharov Prize winning human rights organization ‘Memorial Human Rights Centre’, has been detained since 9 January 2018 in Chechnya, charged with possession of drugs; whereas his case is currently being heard by the Shali City Court and a judgement is expected in the near future; whereas the charges against him have been denied by himself and denounced as fabricated by NGOs and other human rights defenders;
- E. whereas credible reports state that the persecution of LGBTI persons, first reported in Spring 2017, has recently resumed and reportedly resulted in the death of two detained victims; whereas this new wave of persecution started after the publication in December 2018 of an OSCE report under the so called ‘Moscow mechanism’, which confirmed the systematic use of torture and extrajudicial killing of LGBTI persons in Chechnya in Spring 2017; whereas the report also confirm that Chechen state officials encourage or pressure families to carry out so called ‘honour killings’ or encourage LGBTI individuals to commit suicide;
- F. whereas the Russian Federation is a signatory to several international human rights treaties and, as a member of the Council of Europe and to the European Convention on Human Rights, has the duty to ensure the safety of all people who may be at risk, including on account of their sexual orientation; whereas the Russian Federation has the means and an obligation to investigate crimes carried out by the Chechen authorities;
1. reiterates its call on the Russian Federal authorities to take urgent measures to restore the rule of law in Chechnya and throughout the Russian Federation, and to uphold and respect the Russian Constitution, domestic Russian law and the country’s obligations under international law;
 2. calls the Russian authorities to withdraw Article 284.1 of the Criminal Code, which allows the authorities to declare undesirable any national or international NGO deemed to threaten state security, national defense capacity, public order, the health of the population or constitutional order;
 3. calls on the Commission to engage with international human rights organisations and Russian civil society, despite the Russian legislation on ‘foreign agents’, and continue to offer support to Memorial and other human rights and civil society organisations;
 4. reiterates its support for a European Union ‘Magnitsky Act’, which should sanction perpetrators of serious human rights violations and calls on the Council to pursue its work on this matter without delay; stresses in this regards that the perpetrators of the human right abuses in Chechnya should not be granted EU-visas nor be allowed to keep assets in EU Member States; equally, calls on international sports personalities and artists to refrain from publicity events in Chechnya, or those sponsored by the Chechen leadership;
 5. deplores the ongoing attacks on civil society and the repression of voices of opposition in Russia; calls on the Russian authorities to put an end to all acts of harassment against the Memorial Society, the Memorial Human Rights Centre, their members, and all human rights defenders in the Russia and to ensure that they are able to carry out their legitimate activities in all circumstances without any interference; notes with concern the shutdown of Russian NGOs in order to avoid the “foreign agent” stigma and legal persecution;

6. reiterates its call for the immediate release of Oyub Titiev and urges the Chechen authorities to drop the charges against him; urges the Russian authorities to ensure that Russian legislation is fully upheld and that Oyub Titev can enjoy his full legal rights, including a fair trial, and protection from judicial harassment, criminalisation and arbitrary arrest;
7. underlines that the Russian Federal authorities has the obligation and the means to ensure that Chechen authorities fully comply with the country's domestic legislation and international human rights obligations; condemns the reported statements by the Chechen leader, Ramzan Kadyrov, that following the judgement against Oyub Titev, human rights organisations and activists will be banned from Chechnya;
8. reiterates that the predecessor of Oyub Titiev, Natalia Estemirova, was killed in 2009 and no one has yet been brought to justice for this crime and urges authorities to pursue genuine investigations in this regard;
9. denounces the renewed persecution of LGBTI persons in Chechnya and condemns all statements by the Chechen authorities that condone and incite violence against LGBTI people, including the statement by the Chechen President and Government spokespersons denying the existence of homosexuals in Chechnya, condemns the killing of individuals by family members in so called 'honour killings' and deplores Chechen authorities support and encouragement of these crimes; deplores the death threats against **Igor Kochetkov**, Executive Director of the Russian LGBT Network and expect the Russian authorities to grant him full protection; calls for an investigation into the suspected disappearance of the singer Zelim Bakaev;
10. reminds the Russian and Chechen authorities that regional, cultural and religious value systems should not be used as an excuse to condone or engage in the discrimination, violence, torture, and/or detention of individuals or groups, including on the grounds of sexuality or gender identity;
11. calls in addition on the Commission and on the Member States to assist those who have fled Chechnya and to bring this campaign of abuse into the open; furthermore, calls on the Member States to offer protection for such victims, journalists and human rights defenders in accordance with European and national law; encourages European LGBTI organisations to actively support Russian counterparts, for example by publishing content online in Russian, so as to convey a true message on issues related to sexual orientation and gender identity, in light of the Russian law on 'homosexual propaganda';
12. 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 and Commission, the Secretary-General of the Council of Europe, the UN High Commissioner for Human Rights, the Government and Parliament of the Russian Federation, and the Chechen authorities.