

North Caucasus, in particular the case of Oleg Orlov

European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov

The European Parliament,

- having regard to its resolution of 17 September 2009 on the murder of human rights activists in Russia¹,
 - having regard to the award on 16 December 2009 of its Sakharov Prize to Oleg Orlov, Sergei Kovalev and Lyudmila Alexeyeva on behalf of the Human Rights Centre Memorial and all other human rights defenders in Russia,
 - having regard to the Partnership and Cooperation Agreement between the European Union and the Russian Federation, which entered into force in 1997 and has been extended pending its replacement by a new agreement,
 - having regard to the ongoing negotiations on a new agreement establishing a new, comprehensive framework for EU-Russia relations,
 - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Declaration on Human Rights Defenders and the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE) and a signatory to UN declarations, Russia has committed itself to protecting and promoting human rights, fundamental freedoms and the rule of law,
- B. whereas there are some 20 000 cases pending at the European Court of Human Rights from the Russian Federation, mainly from the North Caucasus region; whereas the European Court of Human Rights has condemned the Russian Federation for serious human rights violations in the region in over 150 judgments and stresses the importance of the prompt and complete implementation of these judgments,

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- C. whereas the situation of human rights defenders in the North Caucasus region, particularly in the Chechen Republic, Ingushetia and Dagestan, is alarming; whereas independent journalists, civil society activists, lawyers and human rights defenders in the region have often been the victims of threats and acts of violence, harassment and intimidation and their activities have been restricted by members of law-enforcement bodies; whereas the

¹ Texts adopted, P7_TA(2009)0022.

perpetrators of human rights violations continue to enjoy impunity and the rule of law continues to be flouted; whereas the civilian population remains subject to violence from both armed opposition groups and law-enforcement bodies; whereas torture and ill-treatment and arbitrary detention are common; and whereas NGOs which are independent of national governments are important for the development of civil society,

- D. whereas there is a generalised climate of fear in Chechnya, notwithstanding the undeniable successes in the area of reconstruction and the distinct improvement in the region's infrastructure; whereas the human rights situation and the functioning of the justice system and democratic institutions continue to give cause for the gravest concern,
- E. whereas successive disappearances of opponents of the government and human rights defenders have gone unpunished and are not being investigated with due diligence,
- F. whereas despite the constructive dialogue which has developed between the authorities and civil society in Ingushetia since the new President came to power there has been a worrying resurgence of violence since 2009, resulting in some cases in assassinations and disappearances of opponents of the government and journalists, without any prosecutions to date,
- G. whereas a growing number of disappeared residents of the North Caucasus republics have apparently been abducted in other Russian regions; whereas the whereabouts of Ali Dzhaniyev, Yusup Dobriev, Yunus Dobriev and Magomed Adzhiev have remained unknown since around midnight on 28 December 2009 in St. Petersburg, and whereas the whereabouts of five people, Zelimkhan Akhmetovich Chibiev, Magomed Khaybulaevich Israpilov, Dzhamal Ziyaniyevich Magomedov, Akil Dzhavatkhanovich Abdullaev and Dovar Nazimovich Asadov, three of whom are North Caucasus residents, have remained unknown since the night of 24-25 September 2010, when they went to the Historic Mosque in Moscow,
- H. whereas there are still some 80 000 internally displaced people in the North Caucasus more than 18 years after they were forced to flee their homes following a series of wars that broke out between Ingushetia and North Ossetia in 1992 and in Chechnya in 1994 and 1999; whereas these persons have difficulties in finding accommodation, in extending their residence permits, which limits their access to social services, in renewing internal passports and in obtaining 'forced migrant' status, which they need to gain access to jobs, social services and benefits,
- I. whereas on 3 September 2010 President Buzek expressed his deep solidarity with the families of the victims of the Beslan tragedy and urged the President of the Russian Federation to ensure that their rights are fully respected and that the truth behind the events of September 2004 is finally established,
- J. whereas there can be no justification whatsoever for acts of indiscriminate violence against the civilian population,
- K. taking note of the initiative by representatives of Russian and international civil society to establish a 'Natalia Estemirova Documentation Centre' for potential war crimes and other serious human rights violations committed in the course of the wars in Chechnya,

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- L. whereas the work of human rights organisations such as Memorial is essential for the creation of a stable and free society in Russia and the establishment of real and lasting stability in the North Caucasus in particular; whereas the Russian Government and the governments of the North Caucasus republics can therefore be proud of the important role played by such organisations,
 - M. whereas Natalia Estemirova, the head of Memorial in Chechnya, was abducted on 15 July 2009 in Grozny and found dead in neighbouring Ingushetia; whereas the investigation of her murder has not made any progress in finding the killers and those ultimately responsible,
 - N. whereas on 21 January 2010 Oleg Orlov and the Memorial Human Rights Centre were ordered by the Moscow City Civil Court to pay damages to Ramzan Kadyrov, the President of Chechnya,
 - O. whereas on 9 February 2010 Ramzan Kadyrov publicly announced that he would drop the criminal proceedings he had initiated against Oleg Orlov, Chair of the Executive Board of the Human Rights Centre Memorial, and Ludmila Alexeyeva, Chair of the Moscow Helsinki Group, for defamation,
 - P. whereas on 6 July 2010 Oleg Orlov was charged under Article 129 of the Russian Criminal Code and could face up to three years in jail if found guilty,
 - Q. whereas the Russian Federation's Code of Criminal Procedure (in particular its Article 72) was seriously violated in the criminal investigation against Oleg Orlov,
 - R. whereas the offices of several leading human rights organisations, including Memorial, were searched between 13 and 16 September 2010 and the organisations were ordered to provide numerous documents about their activities at short notice,
1. Condemns all acts of terrorism and underlines that there can be no justification whatsoever for acts of indiscriminate violence against the civilian population; expresses its sympathy and solidarity with the friends and families of all victims of violence, including those of the recent Moscow Metro bombings, the recent attack against the Chechen Parliament, and the countless attacks continually made on the population of the Caucasian republics;
 2. Expresses its deepest concern at the resurgence of violence and acts of terrorism in the North Caucasus; calls, on the one hand, for an end to terrorism and, on the other, on the Russian authorities to put an end to the widespread climate of impunity for human rights violations and the absence of the rule of law in the region;
 3. Recognises Russia's right to fight real terrorism and armed insurgency in the North Caucasus, but urges the authorities to do so while upholding international human rights law; warns that continuing abuses and unlawful counter-insurgency methods will further antagonise the population and, instead of bringing stability, will cause a further escalation of violence in the region;
 4. Urges the Russian authorities to do everything in their power to ensure the protection of human rights defenders, as affirmed in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms;

5. Stresses that the lasting impunity in Chechnya contributes to destabilisation across the whole North Caucasus region;
6. Strongly condemns any form of collective punishment against individuals suspected of having ties to insurgents, including the practice of burning homes belonging to families of active or alleged members of the armed opposition; asks the authorities to take concrete steps to prevent any recurrence of such violations and to punish the officials responsible for them at all levels;
7. Urges Russia to provide unhindered access to the North Caucasus for international human rights organisations, the media and international governmental institutions, such as the Council of Europe, the International Committee of the Red Cross, the OSCE and the UN; furthermore, calls in particular on the competent authorities to create circumstances that allow Memorial and other human rights organisations fully to resume their activities in the North Caucasus in a safe environment;
8. Expresses its deep concern at the growing number of disappeared residents of the North Caucasus republics who have apparently been abducted in other Russian regions and looks to the General Public Prosecutor's Office of the Russian Federation to clarify and confirm the whereabouts of these citizens;
9. Urges the Russian federal authorities to ensure that long-term solutions for internally displaced persons (IDPs) are translated into action; calls for enhanced national government action to support the UNHCR operations to continue housing programmes for IDPs and to facilitate measures to improve IDPs' access to services and benefits; stresses that ongoing monitoring of IDPs is needed to ensure that their rights are not further violated; urges the Russian Government to formally recognise the concept of IDPs and to adapt its legislation accordingly;
10. Calls on the Russian federal authorities to investigate the murder of Natalia Estemirova swiftly, thoroughly and effectively and bring both those responsible for and those involved in her brutal murder to justice;
11. Rejects and condemns the cynical and absurd attempts to implicate Memorial in the crime of aiding terrorist organisations;
12. Condemns the opening of a criminal investigation against Oleg Orlov and urges the competent authorities to reconsider the decision to open the criminal trial; points out that statements like Oleg Orlov's are legitimate in a democracy and should be subject to neither civil-law nor criminal-law penalties;
13. Calls on the Russian authorities - should the trial continue - to ensure that there are no further violations of the law in the investigation and the court proceedings against Oleg Orlov and to comply in all circumstances with the United Nations Declaration on Human Rights Defenders, the Universal Declaration of Human Rights and the international and regional human rights instruments ratified by the Russian Federation;
14. Recalls that Oleg Orlov was awarded the European Parliament's 2009 Sakharov Prize and is thus under the European Parliament's special moral and political protection; urges the Russian Government to allow Oleg Orlov to attend the 2010 Sakharov Prize award ceremony in Strasbourg without hindrance;

15. Condemns the intimidating search of the offices of human rights organisations and expects a clarification of the legality and aims of these actions;
16. Deplores the fact that the continued human rights abuses are having a very negative impact on Russia's image and credibility in the world and casting a shadow over relations between the European Union and the Russian Federation, which are important and should develop into a strategic partnership, given the two sides' mutual dependence and various shared interests, in particular with regard to political, security, economic and energy cooperation, but also to respect for democratic principles and procedures and for basic human rights;
17. Strongly supports the recommendations of the resolution adopted by the Parliamentary Assembly of the Council of Europe on 22 June 2010 on legal remedies for human rights violations in the North Caucasus, which could do much to help put an end to the impunity enjoyed by the perpetrators of human rights violations and restore the people's trust in law-enforcement agencies;
18. Calls on the Russian authorities to comply with all the rulings of the European Court of Human Rights and to implement measures to rectify violations in individual cases, including by ensuring that effective investigations are conducted and by holding the perpetrators accountable, and to adopt general measures to implement the rulings, including policy and legal changes to prevent similar violations recurring;
19. Recommends that the state authorities at federal, regional and local level start a constructive dialogue with civil society activists so that functioning democratic structures can develop;
20. Calls for the EU-Russia human rights consultations to be stepped up and urges that this consultation process be opened up to effective input from the European Parliament, the Duma, the Russian judicial authorities and civil society and human rights organisations; calls on Russia to respect fully its obligations as a member of the OSCE and of the Council of Europe;
21. Draws particular attention to the situation of thousands of North Caucasus refugees in EU Member States, with special reference to the diaspora from Chechnya living in Austria, which amounts to at least 20 000 people, including many minors; expresses serious concern, in that connection, at the murder of a Chechen refugee in Vienna in May 2010 and the grave allegations regarding the Chechen President's implication in that crime; calls for the EU Member States to implement a more coordinated, coherent and visible policy on the protection of North Caucasus refugees on European soil, in accordance with their humanitarian and human rights obligations;

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22. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Russian Federation, the OSCE and the Council of Europe.