



TEXTS ADOPTED

P9_TA(2019)0006

Russia, notably the situation of environmental activists and Ukrainian political prisoners

European Parliament resolution of 18 July 2019 on Russia, notably the situation of environmental activists and Ukrainian political prisoners (2019/2734(RSP))

The European Parliament,

- having regard to its previous resolutions on Russia and on the situation in Crimea, in particular those of 11 June 2015 on the strategic military situation in the Black Sea Basin following the illegal annexation of Crimea by Russia¹; of 10 September 2015 on Russia, in particular the cases of Eston Kohver, Oleg Sentsov and Olexandr Kolchenko²; of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars³; of 12 May 2016 on the Crimean Tatars⁴; of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea⁵; of 5 October 2017 on the cases of Crimean Tatar leaders Akhtem Chiygoz, Ilmi Umerov and the journalist Mykola Semena⁶; of 8 February 2018 on Russia, the case of Oyub Titiev and the Human Rights Centre Memorial⁷; of 14 June 2018 on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov⁸, of 25 October 2018 on the situation in the Sea of Azov⁹, of 14 February 2019 on the situation in Chechnya and the case of Oyub Titiev¹⁰, of 12 December 2018 on the implementation of the EU Association Agreement with Ukraine¹¹ and of 12 March 2019 on the state of EU-Russia political relations¹²,
- having regard to the statements by the Spokesperson of the European External Action Service of 25 May 2018 on the cases of several detainees in or from the illegally annexed Crimea and Sevastopol, of 10 January 2019 on the cases of illegally detained Ukrainian

¹ OJ C 407, 4.11.2016, p. 74.

² OJ C 316, 22.9.2017, p. 198.

³ OJ C 35, 31.1.2018, p. 38.

⁴ OJ C 76, 28.2.2018, p. 27.

⁵ OJ C 263, 25.7.2018, p. 109.

⁶ OJ C 346, 27.9.2018, p. 86.

⁷ OJ C 463, 21.12.2018, p. 31.

⁸ Texts adopted, P8_TA(2018)0259.

⁹ Texts adopted, P8_TA(2018)0435.

¹⁰ Texts adopted, P8_TA(2019)0115.

¹¹ Texts adopted, P8_TA(2018)0518.

¹² Texts adopted, P8_TA(2019)0157.

citizens, of 17 January 2019 on the continued illegal detention of Ukrainian servicemen by Russia, of 22 March 2019 on the sentencing of Pavlo Hryb, and of 17 April 2019 on the extended illegal detention of Ukrainian servicemen,

- having regard to the resolution of the Parliamentary Assembly of the Council of Europe (PACE) of 28 June 2018 on Ukrainian citizens detained as political prisoners by the Russian Federation,
- having regard to the PACE resolution of 24 January 2019 on the escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security,
- having regard to the PACE resolution of 25 June 2019 on strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting,
- having regard to the order of the International Tribunal for the Law of the Sea (ITLOS) of 25 May 2019 in Case No 26 concerning the detention of three Ukrainian naval vessels,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
- 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 UN General Assembly resolution 68/262 of 27 March 2014 entitled ‘Territorial integrity of Ukraine’ and to UN General Assembly resolution 71/205 of 19 December 2016 entitled ‘Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)’,
- having regard to the European Convention on Human Rights and the Protocol thereto, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the UN Declaration on the Rights of Indigenous Peoples,
- having regard to Article 5 of the Universal Declaration of Human Rights (UDHR), to which the Russian Federation is a party, and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, to Article 9 of the UDHR which provides that no one shall be subjected to arbitrary arrest, detention or exile, and to Articles 19 and 20 of the UDHR which provide for freedom of opinion and expression and freedom of peaceful assembly and association respectively,
- having regard to the Venice Commission report of 18 March 2019 on funding of associations,
- having regard to the Venice Commission opinion of 13 June 2016 on Russian Federal Law No 129-FZ (Federal law on undesirable activities of foreign and international non-governmental organisations),
- having regard to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

- A. whereas the Russian Federation, under the obligation of the Universal Declaration of Human Rights and the European Convention on Human Rights, and 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, rule of law and respect for fundamental freedoms and human rights;
- B. whereas the European Union does not recognise the enforcement of Russian legislation in Crimea and Sevastopol and expects all illegally detained Ukrainian citizens in the Crimean peninsula and in Russia to be released immediately;
- C. whereas the EU continues to fully support Ukraine's sovereignty and territorial integrity within its internationally recognised borders and reiterates the utmost importance of the policy of non-recognition of the illegal annexation of Crimea and Sevastopol;
- D. whereas the Russian authorities and political leadership continue their repressive and authoritarian regime against their own citizens, civil society, political opposition and media workers; whereas Russia's slide into authoritarian rule has had a negative impact on EU-Russia relations and on stability in Europe and the world; whereas such repression also takes the form of disqualifying opposition candidates from elections, as currently in the case of the municipal candidates, such as Ilya Yashin, Lyubov Sobol and Ivan Zhdanov, for the Moscow elections;
- E. whereas the 2015 'undesirable organisation law' empowered the Prosecutor General of Russia to ban foreign and international organisations deemed 'undesirable' without any judicial proceedings; whereas this law is increasingly being used to penalise Russian NGOs and civil society activists;
- F. whereas use of torture and cruel and degrading treatment has been reported in various cases; whereas these allegations have not been adequately investigated to date; whereas torture has been used to obtain confessions and support false evidence of guilt; whereas Crimean lawyers who provide legal assistance to victims, human rights defenders who report cases of politically motivated enforced disappearance in Crimea and journalists who report on the situation of the Crimean Tatars have also been targeted;
- G. whereas many of the prisoners and detainees have faced harsh and inhumane conditions in prisons, causing physical and psychological risks to their health; whereas prisoners urgently require medical attention and treatment;
- H. whereas on 25 November 2018, 24 Ukrainian sailors were captured and their three vessels seized near the Kerch Strait by the Russian Federation using military force; whereas these Ukrainian servicemen have been illegally detained since 25 November 2018;
- I. whereas separatist forces supported by Russia are holding at least 130 Ukrainians prisoner in the Donbas region, including no fewer than 25 soldiers;
- J. whereas in its order of 25 May 2019, ITLOS ruled, by 19 votes to 1, that the Russian Federation 'shall immediately release the Ukrainian naval vessels *Berdyansk*, *Nikopol* and *Yani Kapu*, and return them to the custody of Ukraine', 'shall immediately release the 24 detained Ukrainian servicemen and allow them to return to Ukraine' and that both parties 'shall refrain from taking any action which might aggravate or extend the dispute';

- K. whereas by way of a response to the escalation in the Kerch Strait and the Sea of Azov, including the illegal detention of 24 Ukrainian servicemen, on 15 March 2019 the European Union added eight Russian officials to its list of persons and entities subject to restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine;
- L. whereas according to the OHCHR report of 25 June 2019, on 27 March 2019 Russia conducted 26 house searches and subsequently arrested 24 people, most of whom are Crimean Tatar activists and who now face unlawful prison terms of up to 20 years; whereas at least 37 Ukrainian citizens were unlawfully arrested by Russia in illegally occupied Crimea within the first six months of 2019; whereas nearly all of them are representatives of the indigenous Crimean Tatar people;
- M. whereas as of the beginning of June 2018 more than 70 Ukrainian citizens have been detained for political reasons in different regions of the Russian Federation and in occupied Crimea; whereas according to estimates by the Memorial Human Rights Centre, as of March 2019, 297 people are currently being held as political prisoners in Russia, up from 50 four years ago, including filmmaker Oleg Sentsov, 2018 laureate of the Sakharov Prize for Freedom of Thought;
- N. whereas in December 2017 Andrey Rudomakha, head of the NGO Environmental Watch for the North Caucasus, and his colleagues Victor Chirikov, Aleksandr Savelyev and Vera Kholodnaya were brutally attacked by masked men, after which Mr Rudomakha was diagnosed with a brain concussion and multiple facial fractures; whereas although the authorities have substantive evidence at their disposal, including CCTV footage and the assailants' fingerprints, the investigation has produced no tangible results, and the perpetrators and architects of the brutal attack continue to enjoy impunity; whereas instead, Mr Rudomakha faces an ongoing criminal investigation for 'slander' of a member of the State Duma;
- O. whereas according to the Russian law on 'foreign agents', NGOs that receive foreign funding and are engaged in 'political activity' must apply for inclusion on a special government list of foreign agents subject to additional and close scrutiny by the government, and are required to state in all publications, press releases and reports that these have been produced by a foreign agent;
- P. whereas one of the oldest and most prominent environmental defenders in the country, Alexandra Koroleva, head of the NGO Ekozaschita!(Ecodefence!), based in Kaliningrad, had to flee the country and seek asylum abroad in the light of criminal charges against her for failure to pay fines in connection with the group's continued refusal to register as a 'foreign agent'; whereas if found guilty, she could face up to two years in prison;
- Q. whereas Ekozaschita! is one of the 49 Russian NGOs that have applications pending before the European Court of Human Rights (application No 9988/13), arguing that the law on foreign agents violates several human rights norms, including on freedom of expression and association, a conclusion endorsed by the Council of Europe's Commissioner for Human Rights;
- R. whereas in recent months at least two criminal cases were opened against environmental defenders Andrey Borovikov and Vyacheslav Yegorov for repeated violations of

legislation on public assemblies in connection with environmental protests in the Arkhangelsk and Moscow regions;

- S. whereas the European Union and Ukraine in their joint statement following the most recent EU-Ukraine summit on 8 July 2019 called for the immediate release of all illegally detained and imprisoned Ukrainian citizens in the Crimean peninsula and in Russia, including Crimean Tatar activists;
- T. whereas four Ukrainian political prisoners – Oleg Sentsov, laureate of the 2018 Sakharov Prize for Freedom of Thought, Oleksandr Kolchenko, Oleksandr Shumkov and Volodymyr Balukh – were on hunger strike in June 2018 in protest against Russia’s continued detention of Ukrainian political prisoners;
- U. whereas the PACE has allowed the Russian Federation delegation to return to the Council of Europe, Europe’s leading human rights organisation, and on 25 June 2019 reinstated its right to vote, insisting that this reengagement be matched by compliance with its values and norms;
- 1. Calls on the Russian authorities to release without further delay and unconditionally all illegally and arbitrarily detained Ukrainian citizens¹, both in Russia and in the temporarily occupied territories of Ukraine, and to provide for their safe return, including Crimean Tatars, the recently detained Red Square peaceful demonstrators of 10 July 2019,

¹ The non-exhaustive list includes: Oleh Sentsov, Oleksandr Kolchenko, Oleksiy Chyryniy, Mykola Karpyuk, Stanislav Klykh, Valentyn Vyhivskiy, Yurii Primov, Rustem Vaitov, Ruslan Zeytullayev, Ferat Sayfullayev, Viktor Shur, Andriy Kolomiyets, Roman Sushchenko, Pavlo Hryb, Oleksiy Syzonovych, Enver Mamutov, Rustem Abiltarov, Zevri Abseitov, Remzi Memetov, Henadii Lymeshko, Yevhen Panpv, Hlib Shablii, Volodymyr Prisich, Ihor Kyiashko, Teimur Abdillaiev, Uzeir Adsullaiev, Rustem Ismailov, Aider Saledinov, Emil Dzhemadenov, Volodymyr Balukh, Dmytro Shtyblikov, Muslim Aliyev, Emir Usein Kuku, Vadym Siruk, Inver Bekirov, Refat Alimov, Arsen Dzepparov, Oleksandr Shumkov, Tofik Abdulgaziev, Izzet Abdullaev, Vladlen Abdulkadyrov, Mejit Abdurakhmanov, Bilyal Adilov, , Osman Arifmemetov, Farkhod Bazarov, , Servet Gaziev, Dzhemil Gafarov, Reza Izetov, Alim Karimov, Seyran Murtaza, Yashar Muyedinov, Erfan Osmanov, Seytveli Sietabdiev, Rustem Siethalilov, Ruslan Suleymanov, Shaban Umerov, Marlen Asanov, Seiran Sakiiev, Memet Belialov, Tymur Ibrahimov, Server Zekiriaiev, Ernes Ametov, Oleksiy Bessarabov, Volodymyr Dudka, Oleksii Stohnii, Mykola Shyptur, Evhen Karakashev, Nariman Memedeminov, Oleksandr Steshenko, Enver Seitosmanov, Server Mustafaiev, Edem Smailov, Edem Bekirov, Diliaver Gafarov, Renat Suleimanov, Eskender Abdulganiev, Rustem Emiruseinov, Arsen Abkhairov, Raim Aivazov, Aider Dzepparov, Taliat Abdurakhmanov, Seiran Mustafaiev, Arsen Kubedinov, Mustafa Dehermendzhi, Ali Asanov, Arsen Yunusov, Eskender Kantemyrov, Eskender Emirvaliev, Suleiman Kadyrov, Taliat Yunusov, Mykola Semena, Musa Abkerimov, Vitaliy Kuharenko Asan Chapukh, Bekir Dehermendzhi, Kiazim Ametov, Ruslan Trubach, Shaban Umerov, Rustem Seytkhalilov, Riza Izetov, Farid Bazarov, Dzemil Gafarov, Seyran Murtazi, Alim Kerimov, Tofik Abdulgariev, Bilyala Adilov, Medzhit Abdurakhmanov, Rustem Sheykhaliev, Alim Sheykhaliev, Seytveli Seytabdiev, Yashar Muedinov, Asan Yanikov, Enver Ametov, Ruslan Suleymanov, Akim Bekirov, Erfan Osmanov, Server Gaziev, Remzi Bekirov, Osman Arifmetov, Vlaslen Abdulkadyrov, Izzet Abdullaiev, Tair Ibragimov, Ayder Dzepparov, Eldar Kantermirov, Ruslan Mesutov, Ruslan Nagaiev, Enver Omerov, Riza Omerov, Eskander Suleymanov and Lenur Khalilov.

Ukrainian citizens detained on politically motivated charges and the 24 crew members of the Ukrainian naval vessels;

2. Calls on the Russian authorities to immediately and unconditionally end any act of harassment, including at judicial level, against Alexandra Koroleva and Ekozaschita!, and against all human rights defenders and environmental activists in the country, and allow them to carry out their legitimate work without any interference;
3. Urges the Russian authorities to withdraw the so called 'foreign agents' law and to seek support and fully implement all recommendations of the Council of Europe's Venice Commission, in compliance with its international obligations in this respect;
4. Calls on Russia to publish a full list of prisoners held in occupied Ukrainian territories in Donbas and Luhansk and to facilitate their contact with families and lawyers;
5. Strongly condemns Russia's continued violations of fundamental principles and norms of international law, particularly its refusal to comply with the decisions of international tribunals and courts; urges the Russian Federation to implement the decisions of the European Court of Human Rights on the violation of the human rights of persons detained in the Crimean peninsula and in the Russian Federation;
6. Emphasises that Russian courts, whether military or civilian, are not entitled to rule on acts committed outside the internationally recognised territory of Russia, and points out that judicial proceedings in such cases cannot be regarded as legitimate;
7. Calls on the Russian Federation to guarantee unhindered access to the occupied Ukrainian territories of Crimea and Donbas for international intergovernmental organisations, in particular, the UN Human Rights Monitoring Mission, the OSCE Human Rights Assessment Mission on Crimea, the Council of Europe Commissioner for Human Rights, other conventions and institutional mechanisms of the Council of Europe, and international humanitarian organisations, in particular the International Committee of the Red Cross;
8. Calls on the Russian authorities to ensure full cooperation with UN Special Procedures, including by extending invitations to visit the country to the Special Rapporteur on human rights and the environment, the Special Rapporteur on the situation of human rights defenders and the Special Representative on the rights to freedom of peaceful assembly and of association, so that they may report on the situation of environmental and human rights defenders;
9. Points out that human rights defenders in the Russian Federation, including environmental activists, are often subject to acts of harassment, surveillance, physical attacks, threats, raids and searches of their offices and homes, slander and smear campaigns, judicial harassment, arbitrary detention, and ill-treatment, as well as violations of the rights to freedom of expression, association and assembly;
10. Proposes that the European Union consider introducing permanent monitoring of the trials of victims of political persecution in the Russian Federation and occupied Crimea, and calls for the EU delegation to Russia and the embassies of the Member States to continue monitoring and attending the trials of human rights activists and Ukrainian political prisoners, and to organise missions involving independent physicians for Ukrainian

citizens detained for political reasons in the Russian Federation and the occupied Crimea in order to monitor their detention conditions and state of health;

11. Urges the Russian authorities at all levels to recognise the crucial role of environmental defenders in protecting the environment and in ensuring respect for environmental rights and to publicly condemn all attacks, intimidation, harassment and criminalisation of environmental defenders;
12. Urges the Russian authorities to stop curtailing the peaceful and legitimate activities of environmental organisations by fabricating criminal cases against local environmental activists, arresting participants in peaceful local protests and imposing disproportionately heavy fines on them;
13. Calls on the Russian authorities to take the appropriate legal steps and use all available legal tools to prevent and put a stop to the attacks against environmental activists; urges the Russian authorities to ensure effective investigation and accountability in the case of Andrey Rudomakha and other cases of attacks against environmental defenders;
14. Calls for the European Union's Special Representative for Human Rights, the EU delegation to Russia and the embassies of EU Member States to pay continuous attention to the situation of the environmental defenders; calls for the EU and its Member States to take extra steps to support the Russian environmental and human rights defenders;
15. Expresses its concern about reports of the conditions of detention, including allegations of torture and ill-treatment and denial of access to essential health care, and therefore reiterates its call on the Russian authorities to ensure full respect for the rights of all detained persons, to ensure that all prisoners receive proper medical attention and treatment, and to respect medical ethics, including no imposition of unwanted treatment or force-feeding in the case of hunger strikes that may amount to torture and other ill-treatment;
16. Welcomes the Council decision to prolong the restrictive measures; reiterates its strong belief that the EU sanctions must not be lifted until Russia complies with its international obligations, including respecting the Minsk agreements; calls for Member States to remain firm and united in their commitment to the agreed sanctions against Russia and to consider targeted measures against the individuals responsible for the detention and trial of the political prisoners; calls on the international community to intensify pressure to secure the release of all political prisoners detained in Russian-occupied territory;
17. Calls on the next Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to elaborate a new comprehensive EU-Russia strategy aimed at strengthening peace and stability; underlines that the necessary dialogue should be based on firm principles, including respect for international law and the territorial integrity of Russia's neighbours, while at the same time strengthening people-to-people contacts with the citizens of Russia; underlines that the sanctions against Russia can only be lifted when the country fully respects its obligations; stresses, however, that the EU should also stand ready if necessary to adopt further sanctions, including targeted personal sanctions, and to limit access to finances and technology if Russia's violation of international law continues;

18. Reiterates its support for a European human rights violations sanctions regime, the so-called 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 that perpetrators of human rights abuses should not be granted EU visas nor be allowed to keep assets in Member States;
19. Reiterates its strong condemnation of the act of aggression committed by the Russian Federation against Ukraine on 25 November 2018 near the Kerch Strait off the coast of illegally occupied Crimea; underlines that ITLOS ordered Russia to release the vessels and the servicemen immediately and unconditionally; underscores that failure to implement the ITLOS order constitutes another gross violation of international obligations; considers Russia's 'conditions' for releasing the vessels and the servicemen outlined in its note to Ukraine of 25 June 2019 to be in clear contravention of the order and possibly violate it even further by aggravating or extending the dispute;
20. Calls on the European Union's Special Representative for Human Rights to pay continuous attention to the human rights situation on the Crimean peninsula and in the non-government controlled areas of Eastern Ukraine;
21. Calls on the Russian Federation to fully implement the resolutions of the UN General Assembly of 27 March 2014 entitled 'Territorial integrity of Ukraine', of 19 December 2016 entitled 'Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)', of 19 December 2017 and of 22 December 2018, and the order of the International Court of Justice regarding provisional measures in the case Ukraine v. Russia regarding the application of the International Convention on the Elimination of All Forms of Racial Discrimination;
22. Recalls with concern that many of the Russian court judgements against Ukrainian political prisoners are related to espionage (including in the cases of Pavlo Hryb, Oleksiy Stogniy, Gleb Shabliy, Volodymyr Prysych, Volodymyr Dudka, Dmitry Shtyblikov, Yevlen Panov, Andriy Zakhthey, Valentyn Vygovskyi, Viktor Shur and Dmytro Dolgopолоv), which recalls the repressive period of the 1930s to the mid-1950s of the last century, when many citizens of the then Soviet Union were detained and convicted on these grounds;
23. Protests against the decision issued by Russia's Prosecutor General, declaring the Ukrainian World Congress a threat to Russia's national security;
24. Expects that the PACE decision of 25 June 2019 will lead to an immediate improvements with regards to respect for human rights and Council of Europe standards in Russia, and in particular as regards the implementation of rulings by the European Court of Human Rights;
25. 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, the President, Government and Parliament of the Russian Federation, and the President, Government and Parliament of Ukraine.