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## TEXTS ADOPTED

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### **P8\_TA(2017)0087**

#### **Ukrainian political prisoners in Russia and situation in Crimea**

##### **European Parliament resolution of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea (2017/2596(RSP))**

*The European Parliament,*

- having regard to the Association Agreement and the Deep and Comprehensive Free Trade Area between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part,
- 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<sup>1</sup> and of 12 May 2016 on the Crimean Tatars<sup>2</sup>, as well as those regarding specific cases of Ukrainians illegally detained in Russia, such as those of 30 April 2015 on the case of Nadiya Savchenko<sup>3</sup> and of 10 September 2015 on Russia, in particular the cases of Eston Kohver<sup>4</sup>, Oleg Sentsov and Olexandr Kolchenko<sup>5</sup>,
- 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, 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 (UNDRIP),
- having regard to the Geneva Convention relative to the Protection of Civilian Persons in Time of War,
- having regard to the ‘Package of measures for the implementation of the Minsk Agreements’, adopted and signed in Minsk on 12 February 2015 and endorsed as a

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<sup>1</sup> Texts adopted, P8\_TA(2016)0043.

<sup>2</sup> Texts adopted, P8\_TA(2016)0218.

<sup>3</sup> OJ C 346, 21.9.2016, p. 101.

<sup>4</sup> Estonian citizen.

<sup>5</sup> Texts adopted, P8\_TA(2015)0314.

whole by UN Security Council resolution 2202 (2015) of 17 February 2015,

- 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 ruling of the so-called Crimean Supreme Court of 26 April 2016, which found the Mejlis of the Crimean Tatar People to be an extremist organisation and banned its activity in the Crimean peninsula,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas March 2017 marks the third sad anniversary of the illegal annexation of the Crimean peninsula by Russia;
  - B. whereas the annexation of Crimea by the Russian Federation is illegal and in violation of international law and European agreements signed by both the Russian Federation and Ukraine, notably the UN Charter, the Helsinki Final Act and the Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation;
  - C. whereas throughout the duration of annexation the Russian authorities are to be held responsible for the protection of the people and citizens of Crimea, through the de facto authorities present in the region;
  - D. whereas according to human rights organisations and public sources, at least 62 Ukrainian citizens have been illegally prosecuted for political reasons by the Russian law enforcement agencies, 49 of whom are residents of Crimea; whereas the number of Ukrainian political prisoners in Russia increased during 2016, despite the welcomed release of six Ukrainians; whereas, currently, 17 citizens of Ukraine are illegally detained in the Russian Federation and 15 in occupied Crimea; whereas at least one hundred Ukrainians are being held hostage in appalling conditions by the Russia-supported separatist forces in the Donetsk and Luhansk regions of Ukraine;
  - E. whereas the use of torture and cruel and degrading treatment has been reported in various cases; whereas these allegations have not been appropriately 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 these people and human rights defenders who report cases of politically motivated enforced disappearance in Crimea, as well as journalists who report on the situation of the Crimean Tatars, have also been targeted;
  - F. whereas many of the prisoners and detainees have faced harsh and inhumane conditions in prisons, causing physical and psychological risks to their health; whereas there are prisoners who require urgent medical attention and treatment;
  - G. whereas on 16 December 2016 the United Nations General Assembly (UNGA) defined Russia as an occupying power and condemned the temporary occupation of the territory of Ukraine – The Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and reaffirmed the non-recognition of its annexation;
  - H. whereas according to Article 70 of the Geneva Convention relative to the Protection of Civilian Persons in 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'; whereas in the UNGA resolution Russia is recognised as a State which is the Occupying Power, and obligations of the Occupying Power, including the protection of the people and citizens of Crimea, are imposed on it;

- I. whereas restrictive Russian legislation regulating political and civil rights has been extended to Crimea, which has resulted in the freedoms of assembly, expression, association, access to information and religion being drastically curtailed, as well as credible reports of intimidation, enforced disappearances and torture;
  - J. whereas there are approximately 20 000 internally displaced persons from Crimea in other Ukrainian regions, the Mejlis of the Crimean Tatar People has been banned and proclaimed an extremist organisation and Ukrainian schools on the peninsula have been closed;
  - K. whereas on 16 January 2017, Ukraine filed a case at the International Court of Justice (ICJ) to hold the Russian Federation accountable for its support for terrorism in the east of Ukraine and acts of discrimination against ethnic Ukrainians and Crimean Tatars in occupied Crimea;
1. Supports the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognised borders and strongly reiterates its condemnation of the illegal annexation of the Autonomous Republic of Crimea and the City of Sevastopol by the Russian Federation; fully supports the firm and sustained determination of the EU and its Member States not to recognise this annexation and the restrictive measures taken in this respect;
  2. Recalls that the human rights situation on the Crimean peninsula has significantly deteriorated, violation of freedom of speech, media abuse and forced imposition of Russian citizenship have become systematic and fundamental human rights and freedoms are not guaranteed in Crimea;
  3. Condemns the discriminatory policies imposed by the so-called authorities against, in particular, Crimea's ethnic Tatar minority, the infringement of their property rights, the increasing intimidation of this community and of those that oppose the Russian annexation, and the lack of freedom of expression and association in the peninsula;
  4. Calls on Russia to release without further delay all illegally and arbitrarily detained Ukrainian citizens, both in Russia and in the temporarily occupied territories of Ukraine, and to provide for their safe return, including Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksiy Chyrniy, Oleksandr Kostenko, Serhiy Lytvynov, Valentyn Vyhivskiy, Viktor Shur, Andriy Kolomiyets, Ruslan Zeytullayev, Nuri Primov, Rustem Vaitov, Ferat Sayfullayev, Akhtem Chiyhoz, Mustafa Dehermendzhi, Ali Asanov, Inver Bekirov, Muslim Aliyev, Vadim Siruk, Arsen Dzhapparov, Refat Alimov, Zevri Abseitov, Remzi Memetov, Rustem Abiltarov, Enver Mamutov, Artur Panov, Evheniy Panov, Roman Suschenko and Emir-Usein Kuku, human rights defender, and others, and to allow all the above-mentioned people to travel freely, including Mykola Semena, who is being prosecuted for his journalistic work for Radio Free Europe/Radio Liberty;
  5. Stresses that the decision of the Russian Federation on 21 March 2014 to annex Crimea

remains illegal, and strongly condemns the subsequent decision of the Russian authorities to give all inhabitants of Crimea Russian passports;

6. Reminds the Russian Federation, as an occupying power with effective control over Crimea and bound by international humanitarian law and international human rights law, of its obligation to ensure the protection of human rights in the peninsula and calls on the Russian authorities to grant unimpeded access to Crimea for international institutions and independent experts of the Organisation for Security and Cooperation in Europe (OSCE), the United Nations and the Council of Europe, as well as for any human rights NGOs or news media outlets that wish to visit, assess and report on the situation there; calls on the Ukrainian authorities to simplify the procedure for foreign journalists, human rights defenders and lawyers to be granted access to the peninsula;
7. Considers that the rights of the Crimean Tatars have been gravely violated through the banning of the activities of the Mejlis and strongly reiterates its call for the immediate reversal of the related decision and its effects; deplores the legal persecution and threats of arrest of the Mejlis leaders, such as Mustafa Dzhemilev, a Member of the Ukrainian Verkhovna Rada and a Sakharov Prize nominee, and Refat Chubarov, the Chairman of the Mejlis;
8. Underlines that the Crimean Tatars, as an indigenous people of the peninsula, and their cultural heritage seem to be prime targets for repressions; calls for unrestricted access to Crimea by international institutions and independent experts from the OSCE, the United Nations and the Council of Europe;
9. Reminds the Russian authorities that despite the illegality of the annexation of Crimea, Russia is, in a de facto capacity, fully responsible for upholding the legal order in Crimea and protecting Crimean citizens from arbitrary judicial or administrative measures;
10. Expresses strong concern over the many credible reports of cases of disappearances, torture and systematic intimidation of local citizens opposed to the annexation of Crimea, and calls on Russia to immediately cease the practices of persecution, to effectively investigate all cases of human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment of detainees, and to respect the fundamental freedoms of all residents, including the freedoms of expression, religion or belief and association and the right to peaceful assembly; calls for all disappearances and kidnappings during the period of occupation of Crimea to be investigated immediately, including the case of Ervin Ibragimov;
11. Recalls that according to Russian legislation, the jurisdiction of the Russian justice system applies only to crimes committed on the territory of Russia; deplores the fact that Russian law enforcement agencies have initiated several criminal cases regarding acts committed on the territory of Ukraine and Crimea before its annexation;
12. Welcomes the recent visit of the Ukrainian Ombudsman to Crimea with the aim of meeting the prisoners; regrets that the Ombudsman was not allowed to meet all of them and expresses hope that during her future visits she will have unimpeded access to Ukrainian prisoners in Crimea as well as to those who have been transferred to the Russian Federation;

13. Calls for unlimited, safe and unhindered access of the OSCE and other international human rights observers and all humanitarian actors to the Crimean peninsula and for the establishment of independent monitoring mechanisms, and for humanitarian and legal assistance to be provided, as required; supports the initiatives led by Ukraine with a view to addressing these issues within the Human Rights Council and the General Assembly; calls on the European External Action Service (EEAS) and the EU Delegation to Russia to closely follow the trial cases against Ukrainian political prisoners and to report on their treatment while in custody; expresses concern over reports of punitive psychiatric treatments being used; expects the EU Delegation, the EEAS and Member States' embassies to closely follow legal proceedings against Ukrainian citizens in Russia and to seek access to these people, before, during and after their trials;
14. Condemns the prevailing practice of transfers of detainees to distant regions of Russia, as this severely hinders their communication with their families and human rights organisations; underlines that this practice is in breach of Russian legislation in force, in particular Article 73 of the Criminal Enforcement Code, according to which sentences should be served in the region in which the convicts reside or in which the court sentence was handed down; denounces the practice of denying consular visits to the people detained and calls on the authorities to unconditionally allow such visits; urges access for the International Committee of the Red Cross (ICRC) to prisons in the occupied territories and the respect of detainees' rights to communicate with their relatives and friends at regular intervals, both by correspondence and by receiving visits;
15. Equally underlines the need for Ukraine to ensure the protection of the rights and needs of displaced Ukrainian citizens, including their right to vote and to enjoy full legal and administrative protection in their country;
16. Welcomes the decision of 22 February 2017 of the Presidium of the Supreme Court of Russia to set aside the conviction of Ildar Dadin on charges of participating in multiple unsanctioned protests, including against Russia's war against Ukraine, and to order his release from custody, following Parliament's resolution of 24 November 2016<sup>1</sup> in his defence;
17. Calls on the European Union's Special Representative for Human Rights to pay continuous attention to the human rights situation in the Crimean peninsula; underlines the overall need for the European Union to play a more visible, effective and proactive role in promoting a lasting peaceful solution;
18. Calls for EU support for Ukrainian and Crimean Tatar media projects for Crimea as well as those initiated by the European Endowment for Democracy and Radio Free Europe/Radio Liberty, and in defence of Ukrainian and Crimean Tatar schools and other initiatives to protect their cultural heritage;
19. Calls for further restrictive measures to be imposed on individuals responsible for gross human rights violations, including the freezing of their assets in EU banks;
20. Urges all sides to fully implement the provisions of the Minsk Agreements, including

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<sup>1</sup> Texts adopted, P8\_TA(2016)0446.

the end of military activities in Donbas and the exchange of hostages, and to release and return all captives without further delay; recalls the particular responsibility of the Russian Government in this respect;

21. Requests that the possibility be explored of establishing an international format for negotiations discussing the de-occupation of Crimea, with the participation of the EU and which would be based on international humanitarian law, human rights and international principles;
22. Urges the Council to find ways to support Ukraine at the ICJ in the case to hold the Russian Federation accountable for its support for terrorism in the east of Ukraine and acts of discrimination against ethnic Ukrainians and Crimean Tatars in occupied Crimea;
23. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Member States, the President of Ukraine, the governments and parliaments of Ukraine and of the Russian Federation, and the Parliamentary Assemblies of the Council of Europe and the Organisation for Security and Cooperation in Europe.