



21.10.2014

B8-0165/2014

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 closing down of Memorial (Sakharov Prize 2009) in Russia
(2014/2903(RSP))

Cristian Dan Preda, Davor Ivo Stier, Bogdan Brunon Wenta, Giovanni La Via, Tunne Kelam, Luděk Niedermayer, Gabrielius Landsbergis, Agnieszka Kozłowska-Rajewicz, Andrzej Grzyb, Róža Gräfin von Thun und Hohenstein, Monica Luisa Macovei, Dubravka Šuica, Seán Kelly, Michaela Šojdrová, Petri Sarvamaa, Eduard Kukan, Lara Comi, Jeroen Lenaers, Andrej Plenković, Jiří Pospíšil, David McAllister, Lorenzo Cesa, Pavel Svoboda, Jaromír Štětina, Franck Proust
on behalf of the PPE Group

B8-0165/2014

**European Parliament resolution on closing down of Memorial (Sakharov Prize 2009) in Russia
(2014/2903(RSP))**

The European Parliament,

- having regard to its previous reports and resolutions on Russia, in particular its resolution of 23 October 2012 on common visa restrictions for Russian officials involved in the Sergei Magnitsky case¹, of 13 June 2013 on the rule of law in Russia², of 13 March 2014 on Russia: sentencing of demonstrators involved in the Bolotnaya Square events³,
 - having regard to its award of the 2009 Sakharov Prize for the Freedom of Thought to Memorial, a Russian non-governmental organisation campaigning, inter alia, for the rights of political prisoners in Russia, and having regard to the growing support in the European Parliament for ‘Memorial’ as a candidate for the Nobel Peace Prize,
 - having regard to the statement by the Spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 26 March 2013 on the situation of NGOs in the Russian Federation,
 - having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation is to be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and federal law,
 - having regard to the EU-Russia human rights consultations of 28 November 2013,
 - having regard to the statement by the Human Rights Ombudsman of the Russian Federation, Vladimir Lukin, of 4 March 2014 on public demonstrations in Moscow and the steps taken by the law enforcement agencies,
 - having regard to Rule 135 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 (OSCE), has committed itself to the principles of democracy, the rule of law and respect for human rights; whereas as a result of several serious violations of the rule of law and the adoption of restrictive laws during the past months, there are increasing concerns with regard to Russia’s compliance with international and national obligations;

¹ Text adopted P7_TA(2012)0369

² Text adopted P7_TA(2013)0284

³ Text adopted P7_TA (2014)0253

- B. whereas the human rights situation in Russia has been deteriorated in recent 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 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; whereas the law was amended in May 2014 in order to allow the Ministry of Justice to register itself these NGOs as "foreign agents";
- D. whereas the implementation of such law has involved severe actions such as police raids, confiscation of property, administrative fines and other measures aimed at preventing and dissuading civil society organisations from carrying out their work
- E. whereas numerous Russian and international human rights organisations reported that disproportionate measures and aggressive actions by the security forces as well as excessive use of violence led to the outbreak of violence followed by arbitrary arrests of the protesters; whereas leaders of the opposition parties and movements are subject to harassment by the Russian authorities, with some being detained under various allegations;
- F. whereas thirteen leading rights groups jointly filed a complaint with the European Court of Human Rights challenging the “foreign agents” law; whereas the application is currently under review;
- G. whereas several trials and judicial proceedings over the past years have cast doubt on the independence and impartiality of the judicial institutions of the Russian Federation;
- H. 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;
- I. whereas Memorial is a Russian historical and civil rights society that operates since 1987 on the values of upholding democracy, law, and fundamental human rights in practical politics and public life at the initiative of a group of Soviet-era dissidents, and under the auspices of the Nobel laureate Andrei Sakharov.
- J. whereas Memorial has, through the voice of its leaders, strongly opposed and criticized Russia's aggression on Ukraine and called on President Putin to put an end to it;
- K. whereas the European Parliament awarded in 2009 the Sakharov Prize to Memorial.
- L. whereas on May 23, 2014, a Moscow court ordered Memorial Human Rights Center to

be registered as a foreign agent for its “political activity” in the field of human rights work. Subsequently the NGO refused to register under this unfair label and decided to liquidate its structure and continue its work without registration in the Russian Federation.

- M. whereas on October 13, 2014 a law suit filed by Russia’s Justice Ministry aims to liquidate the Russian Memorial Society, reportedly on the grounds that it, and its affiliated associations, were improperly registered.
- N. whereas Memorial is now facing a dissolution once Russia’s Supreme Court rules on the lawsuit on next November 13, 2014;
 - 1. Strongly condemns Russia's Justice Ministry appeal to the country's Supreme Court to close the independent rights organization Memorial and the hearing scheduled for next November 13;
 - 2. Highlights that Mikhail Fedotov, head of Russia’s presidential Human Rights Council, clearly expressed that there are no legal grounds to close Memorial and that the Supreme Court hearing should be postponed until after a planned Memorial conference on 19 November, when it is expected to announce changes to its organisational structure with the aim to comply with Russian law;
 - 3. Considers that the “foreign agent” law is in violation of Russia’s commitments to the Council of Europe and the OSCE; further 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;
 - 4. Express its deepest concern with regards to the subsequent modifications of the “foreign agent” law (May 2014) that allows now for the Justice Ministry to register groups as “foreign agents” at its own discretion, without their consent;
 - 5. Highlights that since this revision of the law, the Justice Ministry promptly registered the first five groups, and subsequently several NGO’s have been fighting without success through the courts against the efforts of the authorities to force them to register;
 - 6. Underlines that those four NGOs (The Memorial Human Rights Center, Public Verdict Foundation, AGORA, and JURIX are particularly well known for providing legal aid to victims of political manipulation of justice; persecuted civil society activists and peaceful protesters; lesbian, gay, bisexual, and transgender (LGBT) activists; and victims of police violence;
 - 7. Calls therefore on the Russian Government to respect the rights of all citizens to exercise their fundamental freedoms and universal human rights;
 - 8. 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);

9. Calls on the Russian Government to take concrete steps to address the deterioration of human rights, in particular by ceasing the campaign of harassment against civil-society organisations and activists;
10. Urges the Russian judicial and law enforcement authorities to carry out their duties in an impartial and independent manner;
11. 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;
12. Calls on the High Representative and the European External Action Service (EEAS) to ensure that the cases of all persons prosecuted for political reasons are raised in EU-Russia human rights consultations, and that Russia's representatives in these consultations are formally requested to respond in each case;
13. 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;
14. 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;
15. Urges the High Representative and the EEAS to ensure that the Union seeks every opportunity, 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;
16. 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;
17. 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.