

P7_TA(2012)0352

Political use of justice in Russia

European Parliament resolution of 13 September 2012 on the political use of justice in Russia (2012/2789(RSP))

The European Parliament,

- having regard to its previous reports and resolutions on Russia, in particular its resolutions of 15 March 2012¹ on the outcome of the presidential elections in Russia, of 16 February 2012² on the upcoming presidential election in Russia, of 14 December 2011³ on the State Duma elections and of 7 July 2011⁴ on the preparations for the Russian State Duma elections in December 2011,
 - having regard to the ongoing negotiations for a new agreement providing a new comprehensive framework for EU-Russia relations, as well as to the ‘Partnership for Modernisation’ initiated in 2010,
 - having regard to the International Covenant on Civil and Political Rights and to the Convention for the Protection of Human Rights and Fundamental Freedoms, which states that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law,
 - having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation shall be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and the federal law,
 - having regard to the Statement of 17 August 2012 by EU High Representative Catherine Ashton on the sentencing of ‘Pussy Riot’ punk band members in Russia,
 - having regard to the request by the Russian Prosecutor-General to vote on early dismissal of the Just Russia Member of the Duma Gennady Gutkov on 12 September 2012,
 - having regard to Rule 110(2) and (4) 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, has committed itself to the principles of democracy, the rule of law and respect for human rights; whereas because 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;
- B. whereas the European Union remains committed to further deepening and developing the relations between EU and Russia, which is shown by the Union’s commitment to engage

¹ Texts adopted, P7_TA(2012)0088.

² Text adopted, P7_TA(2012)0054

³ Text adopted, P7_TA(2011)0575.

⁴ Text adopted, P7_TA(2011)0335.

seriously in negotiating a new framework agreement for the further development of EU-Russia relations, and whereas the European Union and Russia have established deep and comprehensive relations, particularly in the energy, economic and business sectors, and have become mutually interdependent in the global economy;

- C. whereas the human rights situation in Russia has deteriorated drastically in the last few months and the Russian authorities have recently adopted a series of laws which contain ambiguous provisions and could be used to further restrict opposition and civil society actors and hinder freedom of expression and assembly; whereas such aspects should be addressed in due course as a priority issue, in particular during EU-Russia bilateral meetings and negotiations;
- D. whereas the deaths of Anna Politkovskaya, Natalia Estemirova, Anastasia Barbuurova, Stanislav Markelov and Sergei Magnitsky remain unaccounted for;
- E. whereas Mikhail Khordorkovsky and his business associate Platon Lebedev were given a guilty verdict for embezzlement by Moscow's Khamovnichesky district court on 30 December 2010; whereas the prosecution, the trial and the verdict were internationally portrayed as being politically motivated;
- F. whereas the case of Sergei Magnitsky is only one of several cases of abuse of power by the Russian law enforcement authorities, strongly violating the rule of law and leaving those guilty of causing his death still unpunished; whereas there are a multitude of other judicial cases where politically constructed reasons are being used to eliminate political competition and threaten civil society;
- G. whereas the sentencing of the members of the Russian punk group Pussy Riot to two years' imprisonment for a protest performance against President Vladimir Putin in a Moscow Orthodox cathedral is disproportionate;
- H. whereas the Duma is scheduled to vote on 12 September 2012 to lift the mandate of Gennady Gudkov for business activities during his mandate without following the necessary democratic procedures; whereas, for the sake of the rule of law, parliamentary rules should apply equally and impartially to all members of the Duma; whereas other members of the Fair Russia faction such as Dimitri Gudkov and Ilya Ponomarev face similar accusations;
- I. whereas the new NGO legislation and the legislation on the right to freedom of assembly could be used to suppress civil society, stifle opposing political views and harass NGOs, democratic opposition and the media; whereas the Russian Parliament adopted a bill in July 2012 granting the status of 'foreign agent' to Russian non-commercial organisations engaged in political activities and financed from abroad;
- J. whereas, contrary to the statements and pledges by President Putin and Prime Minister Medvedev, there is a growing pressure on the political freedoms of Russian citizens; whereas President Putin has declared the urgent need to overcome enormous corruption in Russia and has made a public commitment to strengthening the rule of law in Russia and raised concerns regarding the independence of Russia's judiciary and legal system;
- 1. Notes that meaningful, constructive EU-Russia relations depend on the efforts to strengthen democracy, the rule of law and respect for fundamental rights; underlines the fact that the medium- and long-term political and economic stability and development of Russia are

dependent on the prevalence of the rule of law and the emergence of true democratic choice;

2. Takes the view that Russia, as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, should meet the obligations it has signed up to; points out that recent developments have moved in the opposite direction to the reforms necessary to improve democratic standards, the rule of law and the independence of the judiciary in Russia;
3. Welcomes the Supreme Court decision of 25 July 2012 to review both the Khodorkovsky and the Lebedev cases in line with the recommendation of the Presidential Council on Human Rights of December 2011; notes the shortening of Lebedev's sentence by three years; calls for the continuation of a comprehensive review of these cases based on Russian international commitments to fair and transparent trials and the findings and recommendations of the Presidential Council on Human Rights to be fully respected and implemented with regard to the case of Mr Khodorkovsky;
4. Calls on the Russian authorities to bring the perpetrators to justice in the murder cases of Anna Politkovskaya and Natalya Yestemirova, and urges them to conduct a credible and independent investigation of the Magnitsky and other cases, and to put an end to the omnipresent impunity and pervasive corruption in the country;
5. Expresses its deep concern regarding other politically motivated trials, in particular the criminal prosecution of scientists accused of espionage for cooperating with foreign scientific institutions, the conviction of opposition activist Taisia Osipova to eight years of penal colony in a trial referred to as politically motivated, using dubious and possibly fabricated evidence and not meeting the standards of a fair trial, the detention of, and politically motivated criminal charges against, more than a dozen participants in the protest demonstration in Moscow on 6 May 2012 who were wrongly accused in connection with the alleged 'mass riots', and the criminal investigation into opposition activists, such as Alexei Navalny, Boris Nemtsov and Sergey Udaltsov;
6. Expresses its deep disappointment with the verdict and the disproportionate sentence issued by the Khamovnichesky District Court in Russia in the case of Nadezhda Tolokonnikova, Maria Alyokhina and Ekaterina Samutsevich, members of the punk band 'Pussy Riot'; notes with concern that this case adds to the recent upsurge in the politically motivated intimidation and prosecution of opposition activists in the Russian Federation, a trend that is of growing concern to the European Union; reaffirms its belief that this sentence will be reviewed and reversed in line with Russia's international commitments;
7. Takes note of the Prosecutor-General's request to vote on early termination of Gennady Gudkov's status of deputy in the Duma for business activity during to his parliamentary mandate, in contradiction of Article 289 of the Russian Criminal Code; stresses that the initiation of the parliamentary political procedure to strip Gennady Gudkov, a member of the opposition Just Russia party, of his parliamentary mandate is widely perceived as intimidation targeting the legitimate political activity of an opposition party which supported demands by the protest movement; calls on Russia to refrain from using laws arbitrarily for the purpose of clamping down on Members of the opposition;
8. Expresses, however, its concern about the deteriorating climate for the development of civil society in Russia, in particular with regard to the recent adoption of a series of laws governing demonstrations, NGOs, defamation and the internet which contain ambiguous

provisions and could lead to arbitrary enforcement; reminds the Russian authorities that a modern and prosperous society needs to recognise and protect the individual and collective rights of all its citizens; calls, in this context, on the Russian competent bodies to amend the new laws on NGOs so as to safeguard citizens' associations that receive financial support from reputable foreign funds from political persecution;

9. Expresses concern also about the law on extremism in terms of the wide discretion in the interpretation of its basic notions on 'extremist actions' and 'extremist organisations', which, according to the Venice Commission of the Council of Europe, could lead to arbitrariness and restriction of the freedoms of association, expression and belief; calls on the Russian authorities to address these concerns by amending the law;
10. Recalls that former President Medvedev established a working group on reform of the electoral system and improving respect for the rule of law and fundamental rights in Russia; recalls that the European Parliament has urged the Russian authorities to pursue these reforms and has constantly offered EU support, including through the framework provided by the Partnership for Modernisation;
11. Condemns the recently adopted legislation to criminalise public information about sexual orientation and gender identity in various Russian regions and similar plans at federal level; reminds the Russian authorities of its obligations to uphold the freedom of expression and the rights of LGBT people;
12. Calls on the HR/VP and the Commission to offer consistent, deep support to civil society activists and representatives of the new grassroots social movement; calls on the EU to exert constant pressure on the Russian authorities to meet the OSCE standards of human rights, democracy, the rule of law and the independence of the judiciary;
13. Underlines the importance of the continuous exchange of views on human rights with Russia within the EU-Russia Human Rights Consultations as a way to consolidate our interoperability in all the fields of cooperation, and demands an improvement in the format of these meetings in order to gain effectiveness, with special attention for common action against racism and xenophobia, and for this process to be opened to effective input from the European Parliament, the State Duma and the human rights NGOs, and expects the dialogue to take place alternately in Russia and in an EU Member State;
14. 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 Council of Europe and the Organisation for Security and Cooperation in Europe.