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## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the situation in the North Caucasus and the case of Oleg Orlov

**Kristiina Ojuland, Marietje Schaake, Leonidas Donskis, Marielle De Sarnez, Ramon Tremosa i Balcells, Anneli Jäätteenmäki**  
on behalf of the ALDE Group

**European Parliament resolution on the situation in the North Caucasus and the case of Oleg Orlov**

*The European Parliament,*

- having regard to its previous resolutions on the Russian Federation with regard, in particular, to the ones of 17 September 2009, 12 November 2009 and 17 June 2010,
  - having regard to the existing Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, and the negotiations initiated in 2008 on a new EU-Russia agreement,
  - having regard to the EU-Russia Human Rights Consultations,
  - having regard to the Resolution 1738 (2010) of the Parliamentary Assembly of the Council of Europe on Legal remedies for human rights violations in the North Caucasus region of 22 June 2010,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas over the few last years the situation in some areas of the North Caucasus has been constantly deteriorating with widespread serious human rights violations, attacks, killings, forced disappearances and cases of ill-treatment and arbitrary detention,
- B. 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 limited or restricted by members of law enforcement bodies,
- C. whereas investigations into human rights abuses are ineffective and flawed, often resulting in impunity for the perpetrators and perpetuating a lack of trust in state institutions and the justice system as a whole,
- D. whereas those responsible for the deaths of prominent journalists and human rights activists like Anna Politkovskaya, Natalia Estemirova, Anastasia Barburova, Stanislav Markelov and Sergei Magnitsky, who lost their lives in this very struggle, have yet to be brought to justice,
- E. whereas Oleg Orlov, a life long human rights defender and the head of the Council of the Human Rights Center Memorial, was found guilty in a civil defamation suit in October 2009, having accused Chechen President Ramzan Kadyrov of being responsible of Natalia Estemirova's death,
- F. whereas on 9 February 2010, Ramzan Kadyrov publically announced that he would drop the criminal proceedings he initiated against Mr Oleg Orlov, Chairman of the

Executive Board of the Human Rights Centre “Memorial”, and Ms Ludmila Alexeeva, Chairwoman of the Moscow Helsinki Group, for defamation,

- G. whereas on 21 January 2010, Mr. Oleg Orlov and Memorial Human Rights Centre were respectively condemned by the Moscow City Civil Court to pay 20,000 roubles (approximately EUR 460) and 50,000 roubles (approximately EUR 1,150) in damages to Mr. Kadyrov and court proceedings have continued despite a public retraction of the complaint by the plaintiff, Chechnya’s President Ramzan Kadyrov,
  - H. whereas on 6 July 2010, Mr Oleg Orlov was summoned to appear before the Investigation Division of Investigatory Department and was then charged with criminal offense of "libel" under parts 2 and 3 of Article 129 of the Criminal Code, whereas Mr Oleg Orlov risks up to three years in jail,
  - I. whereas the European Court of Human Rights has condemned the Russian Federation for serious human rights violations in the region in over 150 judgments, whereas the full normalization in the North Caucasus is impossible without full accountability for human rights violations and the re-establishment of the rule of law,
  - J. whereas, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE), Russia has committed itself to protect and promote human rights, fundamental freedoms and the rule of law, and to respect the sovereignty of its neighbours,
  - K. whereas the development of a genuine partnership cannot be limited or rely only on the deepening of bilateral economic and trade relations between the EU and Russia but must go hand in hand with the respect for democratic values and the promotion of human and minority rights,
1. Expresses its deepest concern at the situation in the North Caucasus and calls 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;
  2. Urges the Russian judicial and law enforcement authorities to show determination in carrying out their investigations in order to bring perpetrators to justice in fair proceedings, stop harassment and intimidation of independent journalists, lawyers and human rights defenders and to protect and guarantee their physical integrity in accordance with relevant international and regional human rights instruments; calls, in this respect, on the Commission and the Council to closely follow the progress of these investigations as well as the ongoing ones related to murders of human rights defenders;
  3. Calls on the Russian authorities to fully implement the judgments of the European Court of Human Rights and to protect complainants against harassment and threats;
  4. Stresses once more that democracy and human rights must be at the core of the new comprehensive agreement with the Russian Federation, with regard, in particular, to the definition and inclusion of an effective and operational human rights clause, and

that the quality and depth of future relations depend on respect and support for such values;

5. Strongly supports the EU Guidelines on Human Rights Defenders as part of the EU human rights policy and calls at the same time on the Council to further develop preventive protection measures while focusing on the protection and support of human rights defenders; stresses in this regard the request of the European Parliament to set up a focal point for human rights defenders in all three institutions so as to better coordinate actions with European and international human rights bodies;
6. Reiterates the call to step up the EU-Russia human rights dialogue and to open this process to effective input from the European Parliament and the Russian State Duma, with the involvement of the respective directorates-general and ministries responsible for justice, internal affairs and foreign affairs in both Brussels and Moscow; calls for civil society, NGOs and human rights organisations to be more involved in the bi-annual EU-Russia summits;
7. Calls on the Council and the Commission to make a comprehensive assessment of the EU-Russia Human Rights Consultation in order to make it more effective and result-oriented and to present the conclusions of this evaluation before the relevant committees of the European Parliament; calls in particular for having as standing item of these consultations the protection of human rights defenders and for improving the transparency of this dialogue;
8. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.