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## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on the rule of law in Russia

**Charles Tannock, Michał Tomasz Kamiński, Ryszard Antoni Legutko, Marek Henryk Migalski, Jacek Olgierd Kurski, Tomasz Piotr Poręba, Zbigniew Ziobro, Ryszard Czarnecki, Konrad Szymański, Adam Bielan, Roberts Zile, Jacek Włosowicz, Tadeusz Cymański, Mirosław Piotrowski, Paweł Robert Kowal**

on behalf of the ECR Group

**European Parliament resolution on the rule of law in Russia**

*The European Parliament,*

- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the protocols thereto,
  - having regard to the EU-Russia human rights consultation,
  - having regard to the many credible reports by Russian and international non-governmental organisations (NGOs) on the continuing grave violations of human rights in Russia, the judgments of the European Court of Human Rights concerning Russia, and the very high number of human rights cases concerning Russia that are pending before the Court,
  - having regard to the Joint Statement on the Partnership for Modernisation issued 1 June 2010 at the EU-Russia Summit in Rostov-on-Don,
  - having regard to the statement by President Van Rompuy and President Barroso following the EU-Russia Summit held in Brussels on 7 December 2010,
  - having regard to the European Parliament resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter, as well as to its previous resolutions on Russia,
  - having regard to the statements made by the High Representative/Vice President Ms Catherine Ashton, by the President of the European Parliament Jerzy Buzek and by the President of the European Commission José Manuel Barroso on the outcome of the second trial of Mikhail Khodorkovsky and Platon Lebedev,
  - having regard to Rule 110 (2) of its Rules of Procedure,
- A. whereas the Constitution of the Russian Federation guarantees its citizens full rights and liberties; whereas Russia is member of the Council of Europe and Organization for Security and Cooperation in Europe (OSCE) and signatory to numerous international treaties, including European Convention of Human Rights, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights,
- B. whereas a fully functioning civil society is a cornerstone of any democratic country and an indication of the level of freedom and rule of law,
- C. whereas in the Joint Statement on the Partnership for Modernisation (PfM) the EU and Russia stated that their relationship is based on the rule of law; whereas the PfM should serve as an integral part of a new Partnership and Cooperation Agreement, which must

include a binding section on human rights,

- D. whereas President Medvedev has pledged to end legal nihilism in Russia and claimed that corruption remains one of the main problems of the Russian law enforcement bodies and legal and administrative system,
  - E. whereas international observers have criticised the recent trial and the verdict against Mikhail Khodorkovsky and Platon Lebedev as a travesty of justice and a failed opportunity for Russia to demonstrate judicial independence,
  - F. whereas on 30 December 2010 Khodorkovsky and Lebedev have been sentenced to 14 years in prison,
  - G. whereas the European Court of Human Rights has rejected arguments of the Russian Federation and deemed admissible Mikhail Khodorkovsky's complaint that he suffered inhuman and degrading treatment and unlawful arrest and detention, and that his arrest, detention and prosecution were politically motivated, raising serious issues of fact and law under the European Convention on Human Rights,
  - H. whereas courts and public authorities have consistently sided with Yukos-connected claimants fleeing the Russian justice system or seeking compensation in numerous other cases outside of Russia, including in Cyprus, Estonia, Lithuania, the Netherlands, the United Kingdom, Switzerland and Liechtenstein,
  - I. whereas in early 2005, GML, the main shareholder in Yukos oil company, commenced arbitration proceedings against the Russian Federation under the Energy Charter Treaty for the unlawful and discriminatory expropriation without compensation of their investment in Yukos; whereas the GML case highlights that only with a legally binding and enforceable dispute resolution mechanism can the security of European investors in Russia be guaranteed,
  - J. whereas the Russian Federation's treatment of Khodorkovsky and Lebedev is not an isolated case but rather a high-profile example of a much broader malfunctioning of the Russian systems of governance and justice,
  - K. whereas Russia is ranked 140<sup>th</sup> out of 178 countries in the Reporters Without Borders' report on media freedom in the World, and is accused of strong regime control over the media and a lack of actions against perpetrators of attacks against independent journalists,
  - L. whereas the European Committee for the Prevention of Torture (CPT) has repeatedly issued public statements to draw attention to the lack of cooperation from the Russian authorities,
  - M. whereas an especially grave situation persists in the North Caucasus, where population remains subject to violence from both the armed opposition groups as well as law enforcement bodies and continues to be deprived of access to justice,
1. Expresses its condolences to the families of the victims of the terrorist attack at the

Domodedovo airport, which claimed dozens of innocent lives;

2. Recalls President Medvedev's public commitment to strengthening the rule of law in Russia and raising concerns over the independence of Russia's judiciary and legal system; in this regards regrets that these words contradicts the reality on the ground in the light of the recent detentions of 70 opposition members during a legally held demonstration in Moscow;
3. Believes that the Khodorkovsky - Lebedev trial was rife with obvious irregularities and sees the case as a failed opportunity for Russia to demonstrate judicial independence and calls for an independent judicial review in the pending appellate proceedings;
4. Encourages the Presidents of the Council and Commission, as well as the High Representative, to continue to closely follow the case paying utmost attention to the ongoing pending appeal proceeding and to raise the issue in different formats and meetings with Russia, in particular during the upcoming EU-Russia Summit;
5. Calls for an independent judicial review in the pending appeal proceedings and for an official investigation into allegations of political interference in the independence of the judicial process in the case, considering among other factors out-of-court statements made by public officials prior to the verdict;
6. Calls on the European Commission and the Council to consider what the conduct of the trial means for the rule of law Russia in general and for the Partnership for Modernisation in particular;
7. Notes that the YUKOS case, following the expropriation of that company, highlights the need for a legally binding and independently enforceable framework in energy relations with Russia and calls on the EU Member States and the European Commission to encourage Russia to return to the Energy Charter process to ensure that Russia can be held to account and ensure investment reciprocity;
8. Reiterates that the EU expects Russia to respect the commitments agreed upon at the international level, notably as members the Organization for Security and Cooperation in Europe and of the Council of Europe, in particular with regard to promoting democracy and respect for human rights and private property;
9. Raises concerns with the Russian Government about the bleak human rights situation and the shrinking space for Russia's civil society, urging it to uphold freedom of expression and association by bringing legislation and practice regulating civil society into line with Russia's international commitments, to take prompt and effective steps to foster a favourable working climate for human rights organisations and independent charitable organisations engaged in the promotion of cultural links between Russia and EU Member States;
10. Condemns, in this regard, the regular brutal dispersal of peaceful rallies organized on 31<sup>st</sup> of every second month in relation to Article 31 of the Russian Constitution, as well as repeated arrests of opposition figures like Lev Ponomarev, Boris Nemcov, Oleg Orlov or Eduard Limonov; reminds that such violent suppression of demonstrations were condemned by the Russian Ombudsman;

11. Condemns threats made by Roskomnadzor, an authority supervising media activity in Russian Federation, towards 'Novaya Gazeta' for its journalists' investigations into the death of Amastasia Baburova and Stanislav Markelov;
12. Reiterates its call on Russian authorities to stop intimidation and harassment of human rights defenders and refrain from harsh administrative measures against lawfully-engaged organisations, to investigate the murders and beatings of journalists, lawyers and activists and bring the perpetrators of such acts to justice;
13. To this end takes note of serious questions raised by the Parliamentary Assembly of the Council of Europe and independent human rights organisations about standards of justice in Russia, including the lack of judicial independence, the denial of fair trials to defendants in politically controversial cases and consequent growing numbers of political prisoners within the Russian penal system, and the harassment and persecution of defence lawyers and other professional service providers;
14. Welcomes the adoption of the police reform bill, introducing significant changes to the work of the Russia's law enforcement agency, defining police officers' rights and duties and setting limits to their authority; believes it will deliver substantial change in the work of Police and will contribute to the security and transparency in the Russian society; however notes objections raised by the NGO's and opposition that the new law leaves space for different interpretations which could be used to violate the citizens' rights;
15. Welcomes President Medvedev's declarations concerning the urgent need to overcome enormous corruption in Russia; considers it as a first step towards the modernization of the Russian legal system;
16. Reiterates its call on the Russian judicial authorities to press ahead with the investigation of the death of Sergey Magnitsky and calls for an EU entry ban and accounts freeze for the 60 Russian officials involved in this case;
17. Reiterates its call on Russian authorities to fully implement the judgments of the ECHR and – apart from paying due financial compensation – to comply with the courts' orders to carry out meaningful investigations, uncover the underlying causes of abuses and introduce necessary reforms to prevent these from taking place in the future;
18. Calls on the High Representative/Vice President and the EEAS to continuously monitor human rights situation and rule of law in Russia and to regularly – at least twice a year – inform the European Parliament about developments in this area;
19. Instructs its President to forward this resolution to the Council, to the Commission, to the Council of Europe, to the Secretary General of the United Nations, to the Russian State Duma and to the President of the Russian Federation.