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B7-0436/2012

## **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 political use of justice in Russia  
(2012/2789(RSP))

**Charles Tannock, Marek Henryk Migalski, Paweł Robert Kowal, Ryszard Antoni Legutko, Tomasz Piotr Poręba, Roberts Zīle, Ryszard Czarnecki**  
on behalf of the ECR Group

**B7-0436/2012**

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

*The European Parliament,*

- having regard to the existing Partnership and Cooperation Agreement (PCA) between the European Communities and their Member States, on the one part, and the Russian Federation, on the other part<sup>1</sup>, and the negotiations initiated in 2008 on a new EU-Russia agreement,
  - 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 statement presented by the OSCE, Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary assembly of the Council of Europe (PACE) following the international election observation for the State Duma elections on 4 December 2011,
  - having regard to the Statement by EU High Representative Catherine Ashton of 11 May 2012, on the arrests of opposition leaders in Moscow and of 12 June 2012 on the new law on public rallies,
  - having regard to the to the legislation governing NGOs in Russia by the law of 20 July 2012, On Making Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organisations Performing the Functions of Foreign Agents,
  - having regard to its previous reports and resolutions on EU-Russia relations and situation in Russia as well as last Duma and presidential elections in Russia,
  - having regard to the EU-Russia human rights consultations,
  - 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 has committed itself to protecting and promoting human rights, fundamental freedoms and the rule of law as a member of the Council of Europe and Organisation for Security and Cooperation in Europe (OSCE) and signatory to numerous international treaties, including the 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 in Russian Federation under the Vladimir Putin era there is insufficient confidence in the rule of law and the independence of the judiciary, judicial processes

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<sup>1</sup> OJ L 327, 28.11.1997, p. 3.

clearly do not meet internationally recognised standards and is used in a politically motivated way;

- C. whereas the arrest of opposition activists and the prison and penal colony sentences are used politically as a methods of intimidation of political opposition leaders in Russia;
- D. whereas President Putin declared the urgent need to overcome enormous corruption in Russia and made public commitment to strengthening the rule of law in Russia and raised concerns over the independence of Russia's judiciary and legal system;
- E. whereas the new amendments to the law of 9 June 2012 on public rallies provide high fines for participants in illegal public gatherings as well as forced labour for those that hinder the movement of pedestrians and vehicles or contribute to the injury of others; whereas according to this law people who were sentenced to an administrative penalty for the second time will not be able to organise demonstrations;
- F. whereas independent non-governmental organisations and civil society activities are the cornerstones of democracy and modern society; whereas the new Duma legislation on civil activities will increase requirements for NGOs using foreign grants and will give them the status of 'foreign agents', restored criminalising 'defamation' and introduced the ability to block websites which appear to have inappropriate contents; whereas the new law on civil society leads to blocking changes in Russian society and limits its development as well as counters opposition activity by increasing its financial and political costs;
- G. whereas main non-governmental organisations announced that they will continue to receive grants from abroad but will not register as 'foreign agents', whereas they will fight the law in the courts;
- H. whereas the European Parliament pronounced the last Duma elections as not free and not fair; whereas since the taking of power in Russia by Vladimir Putin no elections in this country were recognised by Western observers as free and democratic;
- I. whereas on 26 June 2012 the committee of the U.S. Senate unanimously passed a law banning entry to United States officials suspected of human rights violations and named it as 'Magnitsky Law' in honour of Sergei Magnitsky, who died in 2009 in prison after he exposed corruption within the ranks of the Russian tax services and the Ministry of Internal Affairs; his arrest and subsequent death for many people has become a symbol of Russian injustice; whereas Russia has condemned the adoption of this law;
- J. whereas Alexander Bastyrkin, head of the Russia's Investigative Committee made death threats against Sergei Sokolov, deputy editor of the independent weekly newspaper Novaya Gazeta;
- K. whereas on 28 August 2012 the District Court in Smolensk sentenced the opposition and unregistered 'Other Russia' party activist Taisiya Osipova for 8 years in the gulag; whereas Ms Osipova pleaded not guilty; whereas her husband Sergei Fomchenkov is one of the leaders of the 'Other Russia' party;

- L. whereas the new law on websites which should protect children from pornography and ‘black list’ inappropriate websites leads to arbitrary censorship of information from the democratic opposition, free media and civil society activists;
- M. whereas it is important for the EU to speak with one voice, show solidarity and display unity in its relations with the Russian Federation;
- N. whereas in the Joint Statement on the Partnership for Modernisation (PfM) the EU and Russia stated that their developing relationship is based on a deep commitment to democratic principles, fundamental and human rights and the rule of law and independence of the judiciary; whereas the PfM should serve as an integral part of a new Partnership and Cooperation Agreement;
1. Stresses that the future development of EU-Russia relations will be dependent on the efforts to strengthen democracy, the rule of law and respect for fundamental rights in Russian Federation;
  2. Notices that since the March 2012 presidential elections in Russia, a series of repressive laws have been swiftly adopted in the Russian Federation, for the first time in the post-Soviet history of Russia fundamentally restricting three fundamental freedoms together – freedom of expression, freedom of assembly, and freedom of association. This unprecedented legislative package is clearly a response by the Russian authorities to numerous public protests in winter and spring of 2012. As a result of adoption of these laws, accompanied by hostile government rhetoric towards participants of the protests, political opposition, human rights defenders, and NGOs, legal and political conditions for non-governmental organisations have significantly deteriorated;
  3. Calls on Russia to fulfil its obligations in the field of human rights, rule of law and independent judicial processes as a member of the Council of Europe and Organisation for Security and Cooperation in Europe (OSCE) and signatory to numerous international treaties, including the 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;
  4. Calls on the HR/VP and the Commission for consistent and deep support for civil society activists and representatives of new grassroots social movement against undemocratic practices of the Russian authorities; calls on the EU for applying constant pressure on the Russian authorities to meet the OSCE standards of human rights, democracy, rule of law and the independence of the judiciary;
  5. Strongly condemns the Russian Duma for the introduction of new legislation on public rallies and NGOs and calls on Russian authorities to review the new legislation on public rallies and on non-governmental organisations and for the removal of restrictions towards the activities on independent NGOs and civil society activists; calls for precise legal provisions in the new legislation to prevent the many possibilities of interpretation and political use of new law;
  6. Is deeply concerned with amendments introduced to the legislation governing NGOs in Russia by the law of 20 July 2012, that label as ‘non-commercial organisation performing

the functions of a foreign agent' non-governmental organisations receiving support from abroad;

7. Stresses that labelling non-governmental organisations as 'foreign agents' is, due to historical reasons, a wilful misrepresentation of reality that gives rise to negative connotations and causes stigmatisation of organisations receiving foreign funding thus undermining their public support in Russia;
8. Underlines that the definition of 'political activity' in the new law is deliberately vague and is not based on legal concepts, makes it impossible for NGOs and their members to understand whether they violate provisions of the law or not, and creates conditions for abusive, selective and politically motivated application of the law;
9. Calls for the EU to adopt the Foreign Affairs Council (FAC) conclusions on human rights in Russia that would highlight the EU's concern about the persistently hostile human rights climate, including space for civil society to function without undue restrictions and the safety of human rights defenders and civil society activists; is concerned about rampant impunity for ongoing torture, enforced disappearances and other serious abuses in the regions of Russian Federation and underlines the importance of Russia's full implementation of European Court of Human Rights judgments as a means to address these abuses;
10. Notes that the Partnership for Modernisation should include not only economic and technological issues and challenges, but it also must be based on wide cooperation, especially in the areas of rule of law, protection of human rights and development of a reliable legal system;
11. Welcomes the adoption by the Committee of the U.S. Senate the law banning entry to U.S. officials suspected of human rights violations; supports the legislative initiatives on the Magnitsky case in the national parliaments of the Canada, UK, Netherlands and Poland; encourages the European Commission and Member States to adopt similar laws; moreover demands that Russian authorities cease the bizarre posthumous prosecution of Sergei Magnitsky;
12. Recalls the political context and use of selective justice in the second trial, verdict and sentence to continued long imprisonment against Mikhail Khodorkovsky and Platon Lebedev; notes that political use of the court in this case is one of the worst examples of the lack of independence of the Russian judiciary; calls on President Putin to respect fully and implement the recommendations of the Presidential Human Rights Commission with regard to this case;
13. Recalls the longstanding case of Mikhail Khodorkovsky which is considered to date to be the among most egregious examples of the use of selective and politicised justice in the Russian Federation; notes that the political nature of the charges against Mr Khodorkovsky has been recognised and condemned by leading human rights organisations and legal experts; recalls that following his second trial, conviction and continued imprisonment, Amnesty International declared Mr Khodorkovsky a prisoner of conscience;

14. Strongly condemns all acts of repression carried out by the Russian authorities and directed against representatives of civil society and democratic opposition;
15. Acknowledges the margin of appreciation Russian authorities enjoy with regard to regulating the protection of public places of worship; however, is deeply concerned with disproportionate and grave sanctions imposed on the members of the punk band 'Pussy Riot';
16. Is concerned of violations legal rights of Falun Gong practitioners in Russia in the course of the legal procedure and rejection by Russian Supreme Court Falun Gong's appeal on July 4th, 2012;
17. Is strongly concerned by other politically motivated trials, in particular criminal prosecution of scientists accused of espionage for cooperating with foreign scientific institutions, criminal conviction of opposition activist Taisiya Osipova to 8 years of colony in a course of a trial referred to as politically motivated, using dubious and possible fabricated evidence and not meeting standards of a fair trial, detention of and politically motivated criminal charges against more than a dozen participants of the protest demonstration in Moscow on May 6 wrongly accused in the alleged 'mass riots', and criminal investigation against the opposition activists, such as Alexei Navalny, Boris Niemcov, Sergej Udelcov;
18. Calls on European Commission to support strengthening civil society in Russia; emphasises that without international support civil society organisations may lose their momentum and fall behind;
19. Calls on the Commission to provide support to non-governmental organisations, institutions and organisations that follow human rights issues and independence of the courts in the Russian Federation;
20. 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 Government and Parliament of Georgia, the Council of Europe and the Organisation for Security and Cooperation in Europe.