



EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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10.9.2012

B7-0437/2012

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

**Guy Verhofstadt, Kristiina Ojuland, Leonidas Donskis,  
Marielle de Sarnez, Robert Rochefort, Sonia Alfano, Sarah Ludford,  
Edward McMillan-Scott, Marietje Schaake, Graham Watson, Jelko Kacin**  
on behalf of the ALDE Group

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

*The European Parliament,*

- having regard to its previous reports and resolutions on Russia and on EU-Russia relations, in particular its resolution of 17 February 2011 on the rule of law in Russia<sup>1</sup>,
  - having regard to the Partnership and Cooperation Agreement between the European Union and the Russian Federation<sup>2</sup>, which entered into force in 1997 and has been extended pending its replacement by a new agreement,
  - 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 statements of 10 July 2012 and 12 June 2012 by the spokesperson of High Representative Catherine Ashton on amendments to Russian NGO law and on right of assembly in Russia,
  - having regard to the EU-Russia Human Rights Consultations,
  - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on Human Rights Defenders and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,
  - having regard to the Partnership for Modernisation and the expressed commitment by the Russia leadership to the rule of law as a fundamental base for the modernisation of Russia,
  - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the European Union continues to be committed to further deepen and develop the relations between the EU and Russia in accordance with the principles enshrined in the Partnership for Modernisation, based on a deep commitment to democratic principles, respect for fundamental and human rights and the rule of law;
- B. whereas as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE) and a signatory of the UN declarations, Russia has committed itself to the protection and promotion of human rights, fundamental freedoms and the rule of law;
- C. whereas several trials and judicial proceedings against civil society activists, journalists and political opposition over the last years called into question the independence and the impartiality of the judicial institutions of the Russian Federation;

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<sup>1</sup> OJ C 188 E, 28.6.2012, p. 37.

<sup>2</sup> OJ L 327, 28.11.1997, p. 3.

- D. whereas the pre-trial, trial proceedings and verdict in the case of “Pussy Riot” punk band has been questioned by the international community including the EU;
  - E. whereas prominent opposition figures remain under legal investigation following their organisation and active participation in the peaceful demonstrations of 6 May 2012 and 12 June 2012;
  - F. whereas independent journalists, civil society activists, lawyers and human rights defenders have often been the victims of threats and acts of violence;
  - G. whereas the new NGO legislation and legislation on the right to freedom of assembly are used to suppress civil society, stifle opposing political views and are used to harass NGOs, democratic opposition, and media;
  - H. whereas the cases of journalists Anna Politkovskaya, Natalia Yestemirova and the death of lawyer Sergei Magnitsky were not yet solved by the Russian authorities;
  - I. whereas contrary to the statements and pledges by the President Putin and Prime Minister Medvedev there is a growing pressure on political freedoms of Russian citizens;
  - J. whereas in a number of mass demonstrations since the Duma elections of 4 December 2011 the Russian people have expressed their desire for more democracy including free and fair elections and a comprehensive political reform;
  - K. whereas Gennady Gudkov, member of the State Duma is facing imminent dismissal from the legislature without appropriate legal basis or due political process;
  - L. whereas freedom of expression, freedom of assembly and political pluralism are cornerstones of democracy and modern society and a source of political legitimacy;
1. Notes that meaningful and constructive EU-Russia relations depend on the efforts to strengthen democracy, the rule of law and the respect for fundamental rights inside Russia; underlines that the medium and long-term political and economic stability and development in Russia is dependent on the prevalence of the rule of law and emergence of true democratic choice;
  2. Expresses particular concern about the rule of law in Russia and the evident weaknesses in the judicial system in the country; calls on the Russian authorities to engage in judicial and administrative reforms to end political interference in the judiciary;
  3. Deplores continuous political use of justice in suppressing dissent by civil society, political opposition and free media in Russia;
  4. Reminds the Russian authorities that it is obliged to respect human rights, defend fundamental freedoms and assure independence of judiciary according to the Constitution of the Russian Federation, national legislation and its international obligations;
  5. Encouraged by the growing level of civil society engagement in Russia; underlines that this trend requires political support and encouragement; considers the amended legislations on the non-governmental organisations and the right to peaceful assembly run

contrary to the trends in the society and are detrimental to the interest of building democratic and pluralist Russia;

6. Takes note of the peaceful demonstrations for fair elections held in Moscow on 6 May and 12 June 2012; regrets that 6 May demonstration involved disproportional use of violence by police against the peaceful protesters; deplores the consequent promotion and remuneration of police officers involved in violence and legal persecution of the opposition leaders for organising “mass disorders”;
7. Calls on the Russian authorities to respect the freedom of assembly and halt continuous harassment of the leaders of the democratic opposition; considers ongoing legal proceedings against Alexey Navalny, Ilya Yashin and other activists as examples of political use of justice;
8. Expresses its serious concern at the verdict following the recent trial and conviction of Nadezhda Tolokonnikova, Maria Alyokhina and Ekaterina Samutsevich, members of the punk band “Pussy Riot”; deplores reports of the band members’ mistreatment during their pre-trial detention and reported irregularities of the trial; considers the sentence disproportionate for the peaceful, if controversial, expression of their views; calls on the Russian authorities to review this sentence in line with Russia’s international commitments, as regards respect for freedom of expression;
9. Concerned over the ongoing political persecution and a possible ejection from the legislature of Gennady Gudkov, member of the State Duma; concerned over the expected vote on Gennady Gudkov’s ejection from the State Duma in absence of an appropriate procedure and reported political motivation by the ruling elites;
10. Deplores harassment of civil society activists, human rights defenders and independent journalists by instigating groundless apartment searches, police summoning, confiscations of private property, public abuse of individuals and their families;
11. Calls on the Russian authorities to establish justice in the case of Sergei Magnitsky, bring perpetrators to justice in the murder cases of Anna Politkovskaya and Natalya Yestemirova; calls for an independent judicial review in the trials of Mikhail Khodorkovsky and Platon Lebedev;
12. Condemns the recent decisions to criminalise public information about sexual orientation and gender identity in various Russian regions and similar plans at the federal level; reminds the Russian authorities of its obligations to uphold the freedom of expression and the rights of LGBT people;
13. Underlines that the systematic failure of Russia to respect democratic principles, the rule of law and fundamental rights must be reflected in the negotiating position of the European Union as regards the work on a new Partnership and Cooperation Agreement;
14. Points out that Russia, as a member of the Council of Europe, has signed up to fully respect European standards as regards democracy, fundamental and human rights and the rule of law; calls on the Russian authorities to comply with all the rulings of the European Court of Human Rights and to implement measures to rectify violations in individual

cases, including by ensuring that effective investigations are conducted and by holding the perpetrators accountable, and to adopt general measures to implement the rulings, including policy and legal changes to prevent similar violations from recurring;

15. Calls on the Council of Europe and the OSCE to make an assessment of Russian compliance with the obligations stemming from their membership in these organisations;
16. 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.