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*Plenary sitting*

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**B8-0190/2017**

14.3.2017

## **MOTION FOR A RESOLUTION**

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

pursuant to Rule 135 of the Rules of Procedure

on Ukrainian political prisoners in Russia and the situation in Crimea  
(2017/2596(RSP))

**Rebecca Harms, Heidi Hautala, Bronis Ropė, Igor Šoltes**  
on behalf of the Verts/ALE Group

**European Parliament resolution on Ukrainian political prisoners in Russia and the situation in Crimea  
(2017/2596(RSP))**

*The European Parliament,*

- having regard to its previous resolution on the Human rights situation in Crimea, in particular of the Crimean Tatars of 2 February 2016 and to the one of 12 May 2016 on the Crimean Tatars,
- having regard to its previous resolutions on the Eastern Partnership (EaP), Ukraine and the Russian Federation,
- having regard to the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP),
- having regard to the European Council decisions of 21 March, 27 June and 16 July 2014 imposing sanctions on the Russian Federation as a follow-up to the illegal annexation of Crimea and to the Council decision of 17 June 2016 to extend these restrictive measures until 23 June 2017,
- having regard to UN General Assembly resolution 68/262 of 27 March 2014 entitled ‘Territorial integrity of Ukraine’,
- having regard to the UN General Assembly resolution of 19 December 2016 that recognizes Crimea as "temporarily occupied" by Russia and condemns the "abuses" and "discrimination" against Crimean Tatars, ethnic Ukrainians, and other groups on the peninsula,
- having regard to the ruling of the so-called Crimean Supreme Court of 26 April 2016, which found the Mejlis of the Crimean Tatar People to be an extremist organisation and banned its activity in the Crimean peninsula,
- having regard to the Minsk Protocol of 5 September 2014 and the Minsk Memorandum of 19 September 2014 on the implementation of a 12-point peace plan,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas the Russian Federation has illegally annexed Crimea and Sevastopol in open violation of international law including the UN Charter, the Helsinki Final Act, the 1994 Budapest Memorandum and the Treaty of Friendship, Partnership and Cooperation between Russia and Ukraine of 1997,

B. whereas severe restrictions on freedom of media and association are in place in Crimea, through authorities’ implementing restrictive re-registration requirements for NGOs and media outlets; whereas as a result, independent and critical voices were not able to re-register under Russian law and were forced to cease operating,

C. whereas Russia has been restricting access to Crimea for the OSCE, the UN, and the Council of Europe, not to mention human rights NGOs and independent journalists; whereas the lack of access makes human rights monitoring and reporting in Crimea very difficult;

D. whereas since the beginning of the Russian-Ukrainian conflict, at least 62 Ukrainian citizens have been illegally prosecuted for political reasons on the part of the Russian law enforcement agencies and 46 of them are still detained; whereas many of the persecuted Ukrainian citizens have already been sentenced to long-term imprisonment facing, in Russia, torture and psychological abuse, fabrication of criminal cases on trumped-up charges, as well as unfair trials,

E. whereas at least 49 criminal cases were initiated by Russian authorities against residents of Crimea and Crimean Tatars, who opposed to Russia's law adopted on 21 March, 2014 to incorporate occupied Crimea into the territory of the Russian Federation such as public and political figures that openly opposed Ukraine's territorial integrity like Mr Ilmi Umerov or Mr Mykola Semena,

F. whereas Russian law enforcement agencies initiated criminal proceedings against Crimean Tatars because allegedly involved in 'extremist' or 'terroristic' activities, namely the Crimean Tatar leaders from the representative body of Crimeans 'Mejlis' - Akhtem Chygoz, Ilmi Umerov, Mustafa Dzhemilev, Refat Chubarov or representatives of the religious organization 'Hizb ut-Tahrir' - Ruslan Zeytullayev, Rustem Vaitov, Nuri Primov, Ferrat Sayfullayev and human rights defender Emir-Useyin Kuku,

G. whereas Russian authorities prosecuted and detained independent lawyers defending the interests of Ukrainian citizens and residents of occupied Crimea, such as the counsels - Mark Feigin, Dmitry Sotnikov, Nikolay Polozov, Emil Kurbedinov, Edem Semedlyayev and Emil Kurbedinov, who have been subjected to harassment due to their professional activities,

H. whereas the Ukrainian film-maker Oleg Sentsov and the civic activist Olexandr Kolchenko, who opposed the illegal annexation of the Crimean Peninsula by Russia, were arrested in May 2014 in relation to alleged activities conducted in Crimea; whereas they were treated as Russian citizens despite holding Ukrainian citizenship,

I. whereas Russian Federation automatically and forcibly declared citizens of the Russian Federation residents of Crimea against their will, thus impeding access to Ukrainian diplomats and authorities to grant the fundamental civil rights of their citizens, unlawfully prosecuted and sentenced under the Russian jurisdiction,

J. whereas Russia's abuse of torture and other inhuman treatment towards citizens of Ukraine, during pre-trial investigations are common practice of abuse, as well as complete isolation or transfer of convicts to distant regions of Russia harmed the physical and psychological integrity of the convicts such as the cases of Gennadiy Afanasyev, Bohdan Yarychevskyi, Yuriy Yatsenko, Mykola Karpyuk, Stanislav Klykh, Oleksandr Kolchenko, Oleg Sentsov, Oleksandr Kostenko, Serhiy Lytvynov, Valentyn Vyhivskyi, Andriy Kolomiyets, Evheniy Panov, Andriy Zakhtiy

K. whereas the forced transfer of citizens of Ukraine to the Russian Federation is considered kidnapping, and according to the principles of international law (draft 'Code of Crimes

against the Peace and Security of Mankind’ of 1996, ‘Rome Statute of the International Criminal Court’ of 1998, and the ‘International Convention for the Protection of All Persons from Enforced Disappearance’ of 2006) can be considered a crime against humanity,

L. whereas unfair criminal prosecution, as well as non-admission of Ukrainian diplomats to the prosecuted Ukrainian citizens violate bilateral agreements between Ukraine and Russia, namely, the Treaty on Friendship, Cooperation and Partnership, concluded between Ukraine and the Russian Federation in 1999, and the Consular Convention of 1993, concluded between the Russian Federation and Ukraine,

M. whereas the process of exchange of Ukrainian citizens for Russian citizens hasn’t been carried out, which contravenes the agreements reached in the framework of the Minsk process on the settlement of the conflict in the East of Ukraine,

N. whereas on 16 January 2017, Ukraine filed a case in the ICJ to hold the Russian Federation accountable for its support for terrorism in the east of Ukraine and acts of discrimination of ethnic Ukrainians and Crimean Tatars in occupied Crimea,

1. Condemns the discriminatory policies imposed by the so-called authorities against, in particular, Crimea’s ethnic Tatar minority, the infringement of their property rights, the increasing intimidation of this community and of those that oppose the Russian annexation and the lack of the freedom of expression and association in the peninsula;

2. Reminds the Russian Federation, as an occupational power in effective control over Crimea bound by the international humanitarian law and international human rights law, of its obligation to ensure the protection of the human rights in the peninsula and calls on the Russian authorities to grant unimpeded access to Crimea for international institutions and independent experts of the OSCE, the United Nations and the Council of Europe, as well as for any human rights NGO or news media outlets that wish to visit, assess and report on the situation there; welcomes in this respect, the visit of the Ombudsman of Ukraine to prisons in Crimea; calls on the Ukrainian authorities to simplify the procedure for foreign journalists, human rights defenders and lawyers to be granted access to the peninsula;

3. Reiterates its support to the territorial integrity of Ukraine and non-recognition of the annexation of Crimea, condemns the clear violation of Ukrainian sovereignty and territorial integrity by Russia; expresses deep concerns with the continuous large-scale militarisation of the Crimean peninsula by Russia, which threatens regional and all-European security;

4. Welcomes the fact that the EU’s policy of non-recognition has remained firm and unchanged since the illegal annexation of Crimea and of the City of Sevastopol by the Russian Federation and calls on all EU political actors to refrain from engaging in any initiatives undermining the policy of non-recognition;

5. Urges the Russian authorities to provide information about the details of the criminal prosecution, the state of health and conditions of detention in prisons of Ukrainian citizens, subjected to politically motivated prosecutions in Russia and occupied Crimea;

6. Calls, in particular, on the Russian authorities to provide information about the state of health and conditions of detention in detention facilities and prisons and provide needed

medical treatments to Oleksandr Kostenko, Stanislav Klykh, Volodymyr Dudka, Dmytro Shtyblikov, Refat Alimov, Arsen Dzhapparov;

7. Calls for the unconditional release of all the Ukrainian citizens, imprisoned in Russia and the occupied Crimea for political reasons; stresses that without meeting this requirement, the Minsk Agreements cannot be considered to have been fulfilled;

8. Urges the Russian authorities to ensure prompt, effective and impartial investigations into all allegations of abuses perpetrated by law-enforcement against Crimean Tatars, lawyers, human rights activists, journalists and others;

9. Calls on the Council to adopt sanctions against those individuals involved in the illegal, politically motivated criminal prosecution of Ukrainian citizens in Russia and in the Crimean peninsula;

10. Calls upon the Russian Federation to release prisoners, such as Sentsov and Kolchenko, as well as other activists arrested in Crimea for their protest against the occupation; condemns their subsequent transfer to Russia and forcible attribution of Russian citizenship;

11. Urges the Council to find ways to support Ukraine at the International Court of Justice in the case to hold the Russian Federation accountable for its support for terrorism in the east of Ukraine and acts of discrimination of ethnic Ukrainians and Crimean Tatars in occupied Crimea;

12. Instructs its President to forward this resolution to the Council, the EEAS and the Commission, to the President and the government of Ukraine and the Verhovna Rada, to the President and the government of the Russian Federation and the Duma, to the OSCE and the Council of Europe.