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 situation in Crimea (2017/2596(RSP))

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on behalf of the S&D Group
European Parliament resolution on Ukrainian political prisoners in Russia and situation in Crimea (2017/2596(RSP))

The European Parliament,

- having regard to its previous resolutions on Ukraine and Russia, in particular those of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatars and of 12 May 2016 on the Crimean Tatars, as well as those regarding specific cases of Ukrainians illegally detained in Russia, such as those of 30 April 2015 on the case of Nadiya Savchenko and 10 September 2015 on the cases of Eston Kohver\(^1\), Oleg Sentsov and Oleksandr Kolchenko;

- having regard to UN General Assembly Resolution 68/262 of 27 March 2014 entitled ‘Territorial integrity of Ukraine’ and to the UN General Assembly Resolution 71/205 of 19 December 2016, entitled ‘Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)’,

- having regard to the Statement of 31 January 2017 by the VP/HR Spokesperson on the human rights situation on the Crimean peninsula,

- having regard to the Statement of 27 August 2016 by the VP/HR Spokesperson on the situation of Crimean Tatar leader and deputy Chair of the Mejlis, Ilmi Umerov,

- having regard to the statement of 25 August 2015 by the VP/HR on the sentencing by a Russian court of Ukrainian citizens Oleg Sentsov and Oleksandr Kolchenko,

- having regard to the most recent reports of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine,

- having regard to the “Package of measures for the implementation of the Minsk Agreements” adopted and signed in Minsk on 12th February 2015 and endorsed as a whole by the UN Security Council resolution 2202 (2015) of 17th February 2015;

- having regard to Rule 135 of its Rules of Procedure,

A. whereas several international organisations and human rights groups denounce the fact that human rights protection in Crimea has been severely curtailed since the illegal annexation of the Crimean peninsula by the Russian Federation in early 2014;

B. whereas, according to human rights organisations and public sources, at least 62 Ukrainian citizens have been illegally prosecuted for political reasons on the part of the Russian law enforcement agencies and of those 49 are residents of Crimea; whereas the number of Ukrainian political prisoners in Russia has increased over the year 2016, despite the

\(^{1}\) Estonian.
welcomed release of six Ukrainians; whereas, currently, 17 citizens of Ukraine are illegally detained in the Russian Federation and 15 in the occupied Crimea; whereas at least a hundred Ukrainians are being kept hostages in appalling conditions by the Russia-supported separatist forces in the Donetsk and Luhansk regions of Ukraine;

C. whereas the use of torture and cruel and degrading treatment has been reported in various cases; whereas these allegations have not been appropriately investigated to date; whereas torture has been used to obtain confessions and support false evidence of guilt;

D. whereas many of the prisoners and detainees have faced harsh and inhumane conditions in prisons, causing physical and psychological risks to their health; whereas there are prisoners who require urgent medical attention and treatment;

E. whereas the Russian authorities and the de facto authorities of Crimea misuse the anti-extremism legislation in order to target individuals and organisations who express publicly their opinion about the occupation status of Crimea; whereas Oleg Sentsov and Oleksandr Kolchenko were illegally detained by the occupying authorities in Crimea, then transferred to the Russian Federation and sentenced to serve for twenty and ten years in prison, respectively, for alleged participation in a terrorist organization, but in fact because of their protest against Russia’s illegal annexation of Crimea; whereas the Russian authorities are refusing to transfer back them to Ukraine on the grounds that they are now considered to be Russian citizens; whereas Ukrainian consuls face considerable difficulties in obtaining visit permits to the Ukrainian prisoners, given that their appeals are systematically rejected without explanation;

D. Whereas arbitrary arrests, enforced disappearances, censorship and bans on peaceful gatherings have become an everyday reality in Crimea; whereas several Crimean Tatars have been arrested, are under investigation or prosecuted; whereas Crimean lawyers who provide legal assistance to them and human rights defenders who report cases of politically-motivated enforced disappearance in Crimea, as well as journalists who report on the situation of Crimean Tatars, have also been targeted;

E. Whereas a Russian court banned the Mejlis, the self-governing body of the Crimean Tatars, as an extremist organisation; whereas the Crimean Tatar leaders, Akhtem Chiygoz, Ilmi Umerov, Mustafa Dzhemilev, Refat Chubarov and other members of the Mejlis face criminal prosecution and persecution; whereas about 50% of the IDPs from Crimea are Crimean Tatars;

1. Supports the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognised borders and strongly reiterates its condemnation of the illegal annexation of the autonomous Republic of Crimea and the City of Sevastopol to the Russian Federation; fully supports the firm and sustained determination of the EU and its member states not to recognise it and the restrictive measures taken in this respect;

2. Calls on Russia to release without further delay all illegally and arbitrarily held Ukrainian citizens, both in Russia and the temporarily occupied territories of Ukraine, and to provide for their safe return;

3. Expresses serious concern over the deterioration of the human rights situation in the Crimean peninsula and condemns the reported serious violations and abuses committed
against its residents; recalls that the Russian Federation, as an occupying power, has the responsibility to ensure the safety of the whole population and the respect of human, cultural, and religious rights of the indigenous Tatars and all other minorities of Crimea; calls on Russia and the de facto local authorities to immediately cease the practices of persecution, to effectively investigate all cases of human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment of detainees, as well as to respect the fundamental freedoms of all residents, including the freedoms of expression, religion or belief and association and the right to peaceful assembly;

4. Considers that the rights of the Crimean Tatars have been gravely violated through the banning of the activities of the Mejlis and strongly reiterates its call for the immediate reversal of the related decision and its effects;

5. Notes the case of the Crimean journalist Mykola Semena, who is facing charges of separatism, as another proof of the on-going repression and deterioration of free expression and free media; strongly demands that all criminal charges for separatism in the occupied Crimea are dropped and that measures are taken to ensure that journalists are able to perform their work independently and without undue interference;

6. Underlines that the Russian courts are not competent to judge acts committed outside the internationally-recognised territory of Russia; considers it totally unacceptable that people face charges of separatism for expressing openly their opinion about the status of Crimea; recalls, in this respect, that an overwhelming majority of the UN member states adopted UN General Assembly resolution 68/262, which affirmed the international community’s clear commitment to Ukraine’s sovereignty, political independence, unity and territorial integrity within its internationally recognized borders and declared the non-recognition of any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol;

7. Denounces the practice of denying consular visits to the people detained and calls on the authorities to unconditionally allow such visits;

8. Urges the Russian authorities, while releasing all political prisoners, to already take immediate, to immediately take steps to improve the conditions of all Ukrainian detainees, to guarantee their human rights up to international norms, to ensure access to medical and legal services, and to investigate all reports of abuse in an effective way;

9. Calls for unlimited, safe, and unhindered access of the OSCE and other international human rights observers and all humanitarian actors to the Crimean peninsula and for the establishment of independent monitoring mechanisms, and for providing humanitarian and legal assistance, as required; supports the initiatives led by Ukraine with a view of addressing these issues within the Human Rights Council and the General Assembly; calls on the EEAS and the EU delegation in Russia to closely follow the trial cases against Ukrainian political prisoners and to report on their treatment while in custody;

10. Calls on the European Union's Special Representative for Human Rights to pay continuous attention to the human rights situation in the Crimean peninsula; underlines the overall need for the European Union to play a more visible, effective, pro-active role in promoting a lasting peaceful solution;
11. Urges all sides to fully implement the provisions of the Minsk Agreements, including the end of military activities and the exchange of hostages, and to release and return all captives with no further delay; recalls the particular responsibility of the Russian government in this respect; supports the EU’s restrictive measures to be sustained until the full implementation of the Minsk agreements and the restoration of Ukraine’s territorial integrity; urges ICRC’s access to prisons in the occupied territories and the respect of detainees’ right to communicate with their relatives and friends at regular intervals, both by correspondence and by receiving visits;

12. Emphasises that the EU and Member States must provide support for civil society organisations working to secure the release of prisoners and support to their family members, as well as those promoting peace-building, conflict resolution, reconciliation and intercultural dialogue in Ukraine;

13. Expresses its deep concern with the ongoing militarisation of the Crimea and points to the serious threat this poses to regional and European stability and security; urges Russia to immediately withdraw all its troops, weaponry, and military support to its proxies from Ukrainian territory; calls for the restoration of full control by the legitimate Ukrainian government over the full territory and the borders of Ukraine;

14. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the Governments and Parliaments of the Member States, the President, Government and Parliament of the Russian Federation and the President, Government and Parliament of Ukraine, as well as the Council of Europe and the OSCE.