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 144 of the Rules of Procedure

on Russia, notably the situation of environmental activists and Ukrainian political prisoners (2019/2734(RSP))

Ramona Strugariu, Andrus Ansip, Petras Aušrevičius, José Ramón Bautsá Díaz, Jordi Cañas, Olivier Chastel, Dacian Cioloș, Pascal Durand, Laurence Farreng, Valter Flego, Luis Garicano, Cristian Ghinea, Klemen Grošelj, Christophe Grudler, Bernard Guetta, Irena Joveva, Pierre Karleskind, Ondřej Kovařík, Ilhan Kyuchyuk, Urmas Paet, Maite Pagazaurtundúa, Dragoș Pîslaru, Frédérique Ries, Stéphane Séjourné, Michal Šimečka, Susana Solís Pérez, Nicolae Ștefănuță, Irène Tolleret, Dragoș Tudorache, Marie-Pierre Vedrenne

on behalf of the Renew Group
European Parliament resolution on Russia, notably the situation of environmental activists and Ukrainian political prisoners
(2019/2734(RSP))

The European Parliament,

- having regard to its previous resolutions on Russia, including on ‘the situation in Chechnya and the case of Oyub Titiev’ of 14 February 2019, on ‘Russia, the case of Oyub Titiev and the Human Rights Centre Memorial’ of 8 February 2018 and on ‘the closing-down of the NGO Memorial (winner of the 2009 Sakharov Prize) in Russia of 23 October 2014;

- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms;

- having regard to the International Covenant on Civil and Political Rights;

- having regard to the European Convention on Human Rights and the Protocols thereto;

- having regard to Resolution 2287 (2019) of the Parliamentary Assembly of the Council of Europe “Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting”, 25 June 2019;


- having regard to the Constitution of the Russian Federation, in particular Chapter 2 on the Rights and Freedoms of Man and Citizen;

- having regard to the EU Guidelines on Human Rights Defenders and on Torture and Ill-Treatment;

- having regard to Rule 144 of its Rules of Procedure;

A. whereas the Russian authorities and political leadership continue their repressive and authoritarian regime against their own citizens, civil society, political opposition and media workers; whereas Russia’s slide into authoritarian rule has had a negative impact on EU-Russia relations and on stability in Europe and the world;

B. whereas, as one of the last developments, Alexandra Koroleva, head of ‘Ekozaschita!’ (Ecodefence!), one of Russia’s oldest environmental groups, has fled the Russian Federation after a number of criminal cases were opened against her in connection to Russia’s “law on foreign agents”;

C. whereas Alexandra Koroleva is now seeking political asylum in Germany as she risks being imprisoned for two years if held criminally liable for unpaid fines levied against ‘Ekozaschita!’ under the so called “law on foreign agents”; whereas the case of Alexandra Koroleva is one in a
series of cases of crackdowns on civil society organisations through the use of the abusive law thus confirming the authoritarian grip Kremlin has taken over Russian society in the last decades;

D. whereas according to the Russian law on ‘foreign agents’, NGOs that receive foreign funding and are engaged in ‘political activity’ must apply for inclusion on a special government list of foreign agents subject to additional and close scrutiny by the government, and are required to state in all publications, press-releases and reports that these have been produced by a foreign agent;

E. whereas ‘Ecodefence!’ is one of the 49 Russian nongovernmental organizations (NGOs) that have applications pending before the European Court of Human Rights (application no. 9988/13) arguing that the Law on Foreign Agents violates several human rights norms including on freedom of expression and association, a conclusion endorsed by the Council of Europe’s Commissioner for Human Rights;

F. whereas the authoritarian measures of the Russian leadership are not felt only by Russia’s own citizens but also extends, through the illegal occupation and annexation of Crimea, and through the direct involvement in Donetsk and Luhansk, to innocent foreign nationals, notably Ukrainian citizens illegally captured and imprisoned in Russia; whereas the Crimean Tatar community has been particularly targeted with repressive measures;

G. whereas restrictive Russian legislation regulating political and civil rights has been extended to the occupied Crimea, resulting in the drastic curtailment of the freedoms of assembly, expression, association, access to information, and religion, as well as in credible reports of intimidation, enforced disappearances and torture;

H. whereas 10 years ago Natalia Estemirova, the board member of the human rights organization Memorial and columnist of Novaya Gazeta was abducted in Grozny (Chechnya) and killed and this murder remains uninvestigated and the perpetrators are not found to this day.

I. whereas the Russian Federation is a signatory to several international human rights treaties and, as a member of the Council of Europe and to the European Convention on Human Rights, has the duty to uphold legal order and abide by its own constitution, domestic legal order and international commitments;

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

K. whereas many 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;

1. reiterates its call on the Russian Federal authorities to take urgent measures to restore the rule of law throughout the Russian Federation, and to uphold and respect the Russian Constitution, domestic Russian law and the country’s obligations under international law;

2. urges the Russian authorities to withdraw the so called “foreign agents’ law, which puts a number of civil society organisations and activists at risk and unduly paints their activities in a negative way; underlines that Russia has full access to legal and constitutional assistance from the Council of Europe Venice Commission; calls on the Russian authorities to seek support and fully implement all recommendations of the Council of Europe Venice Commission, in compliance with its international obligations in this sense,
3. deplores the ongoing attacks on civil society and the repression of voices of opposition in Russia; calls on the Russian authorities to put an end to all acts of harassment against civil society organisations, human rights defenders, pro-democracy and environmental groups and activists, journalists and all others that the Russian authorities, sometimes rather arbitrarily, identify and target as potential risks to the prevailing authoritarian regime;

4. reiterates its call on the Russian authorities to immediately release all the Ukrainian prisoners that are illegitimately detained and ensure their safe passage back home; to end unjustified judicial proceedings, reminds Russia of its responsibility under international law to protect the human and legal rights of the citizens in the occupied Crimea and in the Eastern parts of Ukraine; calls on the Russian authorities to end the repressive measures against the Crimean Tatar community and release the Crimean Tatars held in Russian detention;

5. underlines that the treatment of all prisoners must meet international standards and that all detainees should have access to legal counsel, to their families, to their diplomatic representatives and to medical treatment; stresses that the Russian authorities and judicial personnel bear full responsibility for the safety and wellbeing of those detained, especially in Crimea, in line with the Fourth Geneva Convention;

6. reminds the Russian authorities that in their de facto capacity as an occupying power exercising effective control over Crimea, they are fully responsible for the protection of Crimean citizens from arbitrary judicial or administrative measures, and, in the same capacity, they are bound by international humanitarian law to ensure the protection of human rights on the peninsula;

7. emphasises that Russian courts, whether military or civilian, are not competent to judge acts committed outside the internationally recognised territory of Russia, and points out that judicial proceedings in such cases cannot be regarded as legitimate;

8. urges Russia to ensure unconditional and unimpeded access to international human rights observers and monitoring missions; calls on international organisations such as the United Nations, the Council of Europe and the Organisation for Security and Co-operation in Europe to monitor the human rights situation in Crimea more closely and to take appropriate measures;

9. calls on the European Union’s Special Representative for Human Rights to pay continuous attention to the human rights situation on the Crimean peninsula and in the non-government controlled areas of Eastern Ukraine;

10. urges Russia to address the issues of systemic human rights violations and impunity, regular enforced disappearances and torture cases in the Chechen Republic of the Russian Federation notably against LGBTI community, follow the recommendations of the OSCE Rapporteur’s Report under the Moscow Mechanism.

11. Notes the Joint Investigation Team (JIT) report which named the suspects with murder charges over downing of Malaysia Airlines flight MH17 in 2014 as Russian national Igor Girkin, Sergey Dubinskiy, Oleg Pulatov and Ukrainian national Leonid Kharchenko, whereas Russia continues to deny and refuse legal cooperation.

12. notes the recent decision by the Parliamentary Assembly of the Council of Europe to allow the Russian delegation to take part in the proceedings, after a five year suspension following the Russian occupation and annexation of Crimea; expects that this decision will lead to an immediate improvement in respect of human rights and Council of Europe standards in Russia, and in particular as regards the implementation of rulings by the European Court of Human Rights;
13. calls on the next High Representative/Vice President to elaborate a new comprehensive EU-Russia strategy aimed at strengthening peace and stability; underlines that the necessary dialogue should be based on firm principles, including the respect of international law and the territorial integrity of Russia’s neighbours, while at the same time strengthening people-to-people contacts with the citizens of Russia; underlines that the sanctions against Russia can be lifted only when Russia fully respects its obligations;

14. reiterates its strong support for a European Union ‘Magnitsky Act’, which should sanction perpetrators of serious human rights violations and calls on the Council to pursue its work on this matter without delay; stresses that perpetrators of human right abuses should not be granted EU-visas nor be allowed to keep assets in EU Member States;

15. reiterates its call on the HR/VP, and on the EEAS, to ensure that all cases of persons prosecuted for political reasons are raised in their communications with the Russian authorities and that Russian representatives are formally requested to respond in each case and to report back to Parliament on their exchanges with the Russian authorities; asks the HR/VP and the EEAS to report back to Parliament on their exchanges with the Russian authorities;

16. urges the HR/VP and the EEA to ensure that the Union seeks every opportunity within the boundaries of Russian domestic law, to continue to engage with and support Russian civil society organisations, including those working to promote the values of democracy, human rights and the rule of law;

17. instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council and Commission, the Secretary-General of the Council of Europe, the UN High Commissioner for Human Rights, the President, Government and the State Duma of the Russian Federation, and the President, Government and Parliament of Ukraine.