



TEXTS ADOPTED

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Crimean Tatars

European Parliament resolution of 12 May 2016 on the Crimean Tatars (2016/2692(RSP))

The European Parliament,

- having regard to its previous resolutions on the Eastern Partnership (EaP), Ukraine and the Russian Federation,
- having regard to the reports of the Human Rights Assessment Mission on Crimea conducted by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Cooperation in Europe (OSCE) and the OSCE High Commissioner on National Minorities (HCNM),
- 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,
- having regard to UN General Assembly resolution 68/262 of 27 March 2014 entitled ‘Territorial integrity of Ukraine’,
- having regard to the Freedom House report ‘Freedom in the World 2016’, which assesses the state of political and civic freedoms in illegally annexed Crimea as ‘not free’,
- 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 statements of the spokesperson for the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 14 April 2016 on suspension of Mejlis activities of the Crimean Tatars and of 26 April 2016 on the decision of the ‘Supreme Court’ of Crimea to ban Mejlis activities,
- having regard to the statement of the Commissioner for Human Rights of the Council of Europe of 26 April 2016 urging a reversal of the ban on the Mejlis, and to the statement of

the Secretary-General of the Council of Europe of 26 April 2016 that the ban of Mejlis risked targeting the Crimean Tatar community as a whole,

- 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 and is therefore an occupying state which has violated international law, including the UN Charter, the Helsinki Final Act, the 1994 Budapest Memorandum and the 1997 Treaty of Friendship, Cooperation and Partnership between the Russian Federation and Ukraine;
- B. whereas the European Union and the international community have repeatedly voiced their concern over the situation of human rights in the occupied territories and the systematic persecution of those who do not recognise the new authorities; whereas these so-called authorities have targeted the indigenous community of Crimean Tatars, a majority of whom oppose the Russian takeover of the peninsula and boycotted the so-called referendum on 16 March 2014; whereas Crimean Tatar institutions and organisations are increasingly branded as ‘extremists’ and prominent members of the Crimean Tatar community are, or risk, being arrested as ‘terrorists’; whereas the abuses against Tatars include abduction, forced disappearance, violence, torture and extrajudicial killings that the de facto authorities have failed to investigate and prosecute, as well as systemic legal problems over property rights and registration;
- C. whereas Crimean Tatar leaders, including Mustafa Dzhemilev and Rafat Chubarov, have previously been banned from entering Crimea, and are now allowed to do so but under threat of arrest – thus sharing the same fate as numerous other members of the Mejlis and Crimean Tatar activists and displaced people; whereas more than 20 000 Crimean Tatars have had to leave occupied Crimea and move to mainland Ukraine, according to data provided by the Government of Ukraine;
- D. whereas the leader of the Crimean Tatar people, Mustafa Dzhemilev, who earlier spent 15 years in Soviet prisons, has published a list of 14 Crimean Tatars who are political prisoners of the so-called Russian authorities of Crimea, including Ahtem Çiygoz, the First Deputy Chair of the Mejlis, who is being detained in Simferopol pending trial; calls for particular attention to the state of his health and underlines the importance of his trial being public and being monitored by the Council of Europe and other international organisations;
- E. whereas the Russian Federation has been restricting access to Crimea for the Organisation for Security and Cooperation in Europe (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;
- F. whereas the entire population of Crimean Tatars, an indigenous people of Crimea, was forcibly deported to other parts of the then USSR in 1944, with no right to return until 1989; whereas on 12 November 2015 the Verkhovna Rada of Ukraine adopted a resolution in which it recognised the deportation of the Crimean Tatars in 1944 as genocide and established 18 May as a Day of Remembrance;

- G. whereas on 26 April 2016 the so-called Supreme Court of Crimea ruled in favour of a request by the so-called Prosecutor-General of Crimea, Natalia Poklonskaya, accusing the Mejlis, which had been the representative body of the Crimean Tatars since its establishment in 1991 and had enjoyed full legal status since May 1999, of extremism, terrorism, human rights violations, illegal actions and acts of sabotage against the authorities;
- H. whereas the Mejlis has now been declared an extremist organisation and included in the Russian Justice Ministry's list of NGOs whose activities must be suspended; whereas the activities of the Mejlis have consequently been banned in Crimea and in Russia; whereas this ban could apply to more than 2 500 members of 250 village and town mejlises in Crimea;
- I. whereas the decision of the so-called Prosecutor-General and so-called Supreme Court of Crimea are intrinsic parts of the policy of repression and intimidation on the part of the Russian Federation, which is punishing this minority for its loyalty towards the Ukrainian state during the illegal annexation of the peninsula two years ago;
- J. whereas there is a clear breach of international humanitarian law (including the Fourth Hague Convention of 1907, the Fourth Geneva Convention of 1949 and Additional Protocol I thereto of 1977), under which an occupying power cannot prosecute civilians for crimes occurring before the occupation and the penal laws of the occupied territory shall remain in force;
1. Strongly condemns the decision of the so-called Supreme Court of Crimea to ban the Mejlis of the Crimean Tatar People, and demands its immediate reversal; considers this decision to constitute systemic and targeted persecution of the Crimean Tatars, and to be a politically motivated action aimed at further intimidating the legitimate representatives of the Tatar community; stresses the importance of this democratically elected decision-making body representing the Crimean Tatar people;
 2. Points out that the ban on the Mejlis of the Crimean Tatar People, which is the legitimate and recognised representative body of the indigenous people of Crimea, will provide fertile ground for stigmatising the Crimean Tatars, further discriminating against them and violating their human rights and basic civil liberties, and is an attempt to expel them from Crimea, which is their historical motherland; is concerned that the branding of the Mejlis as an extremist organisation may lead to additional charges in accordance with provisions of the Criminal Code of the Russian Federation;
 3. Recalls that the banning of the Mejlis means that it will be prohibited from convening, publishing its views in the mass media, holding public events or using bank accounts; calls for the EU to provide financial support for the activities of the Mejlis while it is in exile; calls for increased financing for human rights organisations working on behalf of Crimea;
 4. Recalls the sad second anniversary of the illegal annexation of the Crimean peninsula by the Russian Federation on 20 February 2014; recalls its severe condemnation of that act, which was in breach of international law; expresses its strong commitment to the policy of non-recognition of the illegal annexation of Crimea and to the sanctions imposed in the aftermath thereof, and calls for consideration to be given to extending the list of people targeted by EU sanctions in relation to the banning of the Mejlis; calls on all Member States to adhere strictly to that list; regrets the visits to Crimea – organised without the

consent of the Ukrainian authorities – by some politicians from EU Member States, including members of their national parliaments and of the European Parliament, and calls on parliamentarians to refrain from such visits in the future;

5. Reconfirms its full commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognised borders and its free and sovereign choice to pursue a European path; calls on all parties to immediately pursue peaceful reintegration of the occupied Crimean peninsula into the Ukrainian legal order through political dialogue and in full compliance with international law; believes that the restoration of Ukrainian control over the peninsula is fundamental for the reestablishment of cooperative relations with the Russian Federation, including the suspension of Crimea-related sanctions;
6. Condemns the severe restrictions on the freedoms of expression, association and peaceful assembly, including at traditional commemorative events such as the anniversary of the deportation of the Crimean Tatars by Stalin's totalitarian Soviet Union regime and at cultural gatherings of the Crimean Tatars;
7. Condemns restrictions on free media in Crimea, in particular the withdrawal of the licence of the largest Crimean Tatar television channel, ATR; calls for the reopening of that channel and of the children's television channel Lale and the radio station Meydan; considers that these acts deprive the Crimean Tatar people of a vital instrument for maintaining their cultural and linguistic identity; notes the establishment of the new station TV Millet, and calls for its full editorial independence to be ensured;
8. Strongly regrets the systematic restrictions on freedom of expression on the pretext of extremism, and the monitoring of social media with the aim of identifying activists who do not recognise the new order and who criticise the validity of the 'referendum' held on 16 March 2014; recalls that a hundred UN General Assembly member states took the same stance with the adoption of resolution 68/262;
9. Recalls that the indigenous Crimean Tatar people have suffered historic injustices which led to their massive deportation by Soviet authorities and to the dispossession of their lands and resources; regrets the fact that discriminatory policies applied by the so-called authorities are preventing the return of these properties and resources, or are being used as an instrument to buy support;
10. Urges the Russian Federation, which under international humanitarian law bears ultimate responsibility as the occupying state in Crimea, to uphold the legal order in Crimea and protect citizens from arbitrary judicial or administrative measures and rulings, thus fulfilling its own commitments as a member of the Council of Europe, and to conduct independent international investigations of any violations of international law or human rights committed by the occupying forces and the so-called local authorities; calls for the reactivation of the contact group for the families of disappeared persons;
11. Calls for permanent and unimpeded access to Crimea for the relevant international human rights bodies, with the aim of monitoring the human rights situation;
12. Welcomes the Ukrainian initiative to establish an international negotiation mechanism in the 'Geneva Plus' format for the re-establishment of Ukrainian sovereignty over Crimea, which should include direct engagement by the EU; calls on the Russian Federation to

start negotiations with Ukraine and other parties on the de-occupation of Crimea, to lift trade and energy embargos and to revoke the state of emergency in Crimea;

13. Calls for the preservation of the historical and traditional multicultural environment of Crimea and for full respect for Ukrainian, Tatar and other minority languages and distinctive cultures; condemns legal pressure on Crimean Tatar cultural and educational organisations, including those dealing with Crimean Tatar children;
14. Calls on the Russian Federation to investigate all cases of torture of prisoners illegally apprehended in Crimea, including Ahtem Çiygoz, the First Deputy Chair of the Mejlis, Mustafa Degermendzhi and Ali Asanov, who were arrested in Crimea by the so-called local authorities for their peaceful protest against the occupation, and to guarantee their safe return to Ukraine; reiterates its call for the release of Oleg Sentsov and Oleksandr Kolchenko; urges the Russian Federation to end the politically motivated prosecution of dissidents and civic activists; condemns their subsequent transfer to the Russian Federation and the forcible attribution of Russian citizenship; calls on the Russian Federation to cooperate closely with the Council of Europe and the OSCE in the abovementioned cases;
15. Calls on the European External Action Service and the Council to strengthen pressure on the Russian Federation to allow international organisations access to Crimea for the purpose of monitoring the human rights situation in view of the ongoing gross violations of fundamental freedoms and human rights in the peninsula, and of establishing permanent international monitoring and convention-based mechanisms; stresses that any international presence on the ground should be well coordinated, agreed with Ukraine and supported by the major international human rights organisations;
16. Reiterates its grave concern regarding the situation of LGBTI people in Crimea, which has substantially worsened following the Russian annexation;
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, the Commission, the governments and parliaments of the Member States, the President, Government and Parliament of Ukraine, the Council of Europe, the Organisation for Security and Cooperation in Europe, the President, Government and Parliament of the Russian Federation, and the Mejlis of the Crimean Tatar People.