

Thursday 10 September 2015

P8_TA(2015)0314

Russia, in particular the cases of Eston Kohver, Oleg Sentsov and Olexandr Kolchenko

European Parliament resolution of 10 September 2015 on Russia, in particular the cases of Eston Kohver, Oleg Sentsov and Olexandr Kolchenko (2015/2838(RSP))

(2017/C 316/20)

The European Parliament,

- having regard to the Russian constitution, in particular Article 118 thereof, which states that justice in the Russian Federation is administered by the courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian constitution and to federal law,
- having regard to its resolution of 12 March 2015 on the murder of the Russian opposition leader Boris Nemtsov and the state of democracy in Russia ⁽¹⁾, and to its previous reports and resolutions on Russia, especially its resolutions of 15 January 2015 on Russia, in particular in the case of Alexei Navalny ⁽²⁾, of 30 April 2015 on the case of Nadiya Savchenko ⁽³⁾, and of 10 June 2015 on the state of EU-Russia relations ⁽⁴⁾,
- having regard to the statement of 19 August 2015 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, on the verdict against Estonian police officer Eston Kohver,
- 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 Olexandr Kolchenko,
- having regard to its previous reports and resolutions on Russia, in particular its recommendation of 23 October 2012 to the Council on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case ⁽⁵⁾, its resolutions of 13 June 2013 on the rule of law in Russia ⁽⁶⁾, of 13 March 2014 on Russia: sentencing of demonstrators involved in the Bolotnaya Square events ⁽⁷⁾ and of 23 October 2014 on the closing-down of the NGO 'Memorial' (winner of the 2009 Sakharov Prize) in Russia ⁽⁸⁾, and its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case ⁽⁹⁾,
- having regard to the seventh periodic report of the Russian Federation ⁽¹⁰⁾ considered by the United Nations Human Rights Committee at its 3136th and 3137th meetings ⁽¹¹⁾, held on 16 and 17 March 2015,
- having regard to the EU-Russia human rights consultations of 28 November 2013,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

⁽¹⁾ Texts adopted, P8_TA(2015)0074.

⁽²⁾ Texts adopted, P8_TA(2015)0006.

⁽³⁾ Texts adopted, P8_TA(2015)0186.

⁽⁴⁾ Texts adopted, P8_TA(2015)0225.

⁽⁵⁾ OJ C 68 E, 7.3.2014, p. 13.

⁽⁶⁾ Texts adopted, P7_TA(2013)0284.

⁽⁷⁾ Texts adopted, P7_TA(2014)0253.

⁽⁸⁾ Texts adopted, P8_TA(2014)0039.

⁽⁹⁾ Texts adopted, P7_TA(2014)0258.

⁽¹⁰⁾ CCPR/C/RUS/7.

⁽¹¹⁾ CCPR/C/SR.3136 and 3137.

Thursday 10 September 2015

- A. whereas the Russian Federation, as a full member of the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations, has committed itself to the principles of democracy, the rule of law and respect for fundamental freedoms and human rights; whereas, as a result of numerous serious violations of the rule of law and the adoption of restrictive laws during recent months, there are grave concerns about Russia's compliance with international and national obligations; and whereas the European Union has repeatedly offered additional assistance and expertise to help Russia to modernise and abide by its constitutional and legal order, in line with Council of Europe standards;
- B. whereas Estonian police officer Eston Kohver was abducted in September 2014 from Estonian territory by the FSB and subsequently illegally detained in Russia, an action which constitutes a clear and serious violation of international law;
- C. 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;
- D. whereas in the case of both Oleg Sentsov and Olexandr Kolchenko there have been allegations of torture and severe mistreatment leading to the illegal extraction of depositions which have subsequently been given legal value;
- E. whereas Oleg Sentsov and Olexandr Kolchenko were tried in a military court for crimes over which civilian courts have full jurisdiction; whereas the trial was marred by numerous and grave procedural violations;
- F. whereas the UN Human Rights Council Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, in her report released in April 2014 following an official visit to the Russian Federation, expressed strong concern about allegations of direct and indirect threats to, and improper influence, interference and pressure on, the judiciary;
- G. whereas there is an increasing need for a firm, coherent and comprehensive EU policy towards Russia that is respected by all the Member States;
- H. whereas the Package of Measures for the Implementation of the Minsk Agreements envisaged the release and exchange of all hostages and of all those unlawfully detained, on the basis of the 'all for all' principle;
- I. whereas several trials and judicial proceedings over the last few years, including in the Navalny, Magnitsky and Khodorkovsky cases, have cast doubt on the independence and impartiality of the judicial institutions of the Russian Federation;
- J. whereas the EU has repeatedly offered additional assistance and expertise, through the Partnership for Modernisation, to support Russia's efforts to democratise and abide by its constitutional and legal order, in line with Council of Europe standards;
1. Strongly condemns the judgment handed down by the Pskov regional court as well as the entire trial of Estonian police officer Eston Kohver, who was sentenced to 15 years' imprisonment after his abduction in 2014 from the territory of Estonia, which is part of the EU; considers the case to be in breach of international law and of elementary standards of justice;
 2. Urges the Russian Federation to act in accordance with its international obligations, to release Eston Kohver immediately and to guarantee his safe return to Estonia;
 3. Expresses its deeply held belief that from the very beginning Eston Kohver was not afforded the right to a fair trial, given that there was no public hearing of the case, that the Estonian consul was not allowed to be present at the hearings, that Eston Kohver was deprived of adequate legal aid, that — moreover — he was refused visits from his wife and family, and that he has been ordered to undergo unfounded psychiatric examination, the details of which remain unknown;

Thursday 10 September 2015

4. Strongly condemns the illegal sentencing and imprisonment of Oleg Sentsov and Olexandr Kolchenko; calls on the Russian Federation to release them immediately and guarantee their safe return to Ukraine; demands that the Russian authorities immediately investigate, in an impartial and effective manner, the allegations of torture made by defendants and witnesses in the case, which were rejected by the prosecutor during the trial; calls for this investigation also to be opened to international observers;
5. Calls for the release of all illegally detained Ukrainian citizens, including Nadiya Savchenko, this being in line with the agreed Package of Measures for the Implementation of the Minsk Agreements and the commitment to release all hostages and all those detained in connection with the conflict in Ukraine;
6. Deplores the fact that in the Russian Federation law and justice are being used as political instruments in breach of international law and standards, thus allowing the sentencing of the Ukrainian film-maker Oleg Sentsov and of Olexandr Kolchenko to 20 years' and 10 years' imprisonment respectively for expressing their views reflecting an active pro-Ukrainian position against the illegal annexation of Crimea by the Russian Federation; points out, in any case, that they should not have been tried in a military court and that all testimony gained through torture and other illegal methods should be excluded;
7. Strongly condemns the blatant violation of the territorial integrity of Ukraine and Estonia through the illegal kidnapping of citizens of both countries so that they could be charged before a Russian court;
8. Emphasises that Russian courts are not competent to judge acts committed outside the internationally recognised territory of Russia, and points out that the judicial proceedings in all three cases should not be regarded as legitimate; calls on the Council and the Commission to address these cases in their contacts with the Russian authorities and to report back to Parliament; calls on the Member States to do the same in bilateral meetings;
9. Emphasises that the Russian authorities and judicial personnel bear full responsibility for the safety and well-being of those detained, and that their right to family visits, to contact with their diplomatic representatives, to adequate medical assistance, to judicial and consular counsel and to comprehensive access for both them and their legal representatives to all documents and evidence pertaining to the charges against them must be fully respected;
10. Reiterates its condemnation of the government's continued crackdown on dissidents by targeting independent NGOs through the so-called 'foreign agents law' and the persistent and multiform repression of activists, political opponents and critics of the regime;
11. Reminds Russia of the importance of full compliance with its international legal obligations, and of the fact that judicial decisions have to be taken in an effective and impartial manner and must be independent, comply fully with the law and be based on legitimate evidence, without any political interference; takes the view that the Russian Federation, as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, should honour the obligations to which it has signed up;
12. Calls on the Council to establish a common EU list of the officials responsible for the abduction, illegal detention and sentencing of Eston Kohver, Nadiya Savchenko, Oleg Sentsov and Olexandr Kolchenko, to impose and implement an EU-wide visa ban on these officials, and to freeze any financial assets that they, or their immediate family, may hold within the European Union;
13. Calls for increased permanent monitoring of human rights violations in Russia and in the territories currently annexed by Russia; expresses its deep concern at the deteriorating state of human rights and calls on the Russian authorities to respect such rights, including the right of freedom of expression, association and assembly and the rule of law, in Russia and in Crimea following its illegal annexation; notes that Russia continues to breach the European Convention on Human Rights;

Thursday 10 September 2015

14. Urges the President of the European Council and the VP/HR to come up with a comprehensive policy strategy which would enable the EU to regain the initiative and to pursue a more clear-cut policy towards Russia;
 15. 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 Council of Europe, the Organisation for Security and Cooperation in Europe and the President, Government and Parliament of the Russian Federation.
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