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P8_TA(2018)0259

Russia, notably the case of Ukrainian political prisoner Oleg Sentsov**European Parliament resolution of 14 June 2018 on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov (2018/2754(RSP))**

(2020/C 28/07)

The European Parliament,

- having regard to its previous resolutions on Russia, in particular its resolution of 16 March 2017 on the Ukrainian prisoners in Russia and the situation in Crimea ⁽¹⁾,
 - having regard to the statement of 25 May 2018 by the Spokesperson of the European External Action Service (EEAS) on the cases of several detainees in or from the illegally-annexed Crimea and Sevastopol,
 - having regard to the exchange of views in the Foreign Affairs Council on Russia of 16 April 2018,
 - having regard to the Order of 19 April 2017 of the International Court of Justice on the request for the indication of provisional measures submitted by Ukraine in the case concerning Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (*Ukraine v Russian Federation*),
 - having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and to which the Russian Federation is a party,
 - having regard to the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on 9 December 1998,
 - having regard to the Geneva Convention relative to the Protection of Civilian Persons in Time of War,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the Ukrainian filmmaker Oleg Sentsov, who opposed the illegal annexation of the Crimean Peninsula by Russia, was arrested in May 2014 in connection with alleged activities conducted in Crimea; whereas he was treated as Russian citizen despite holding Ukrainian citizenship;
- B. whereas in the case of Oleg Sentsov there have been allegations of torture and severe mistreatment leading to the illegal extraction of depositions that have subsequently been given legal value;
- C. whereas on 25 August 2015 Oleg Sentsov was sentenced by a court the jurisdiction of which the EU does not recognise, in breach of international law and elementary standards of justice;
- D. whereas Oleg Sentsov, who currently serves out a sentence in Russia's northernmost prison in Labytnangi, Yamalo-Nenets, announced an indefinite hunger strike on 14 May 2018;
- E. whereas the number of political prisoners in Russia has increased significantly in recent years; whereas the Human Rights Centre Memorial, which was awarded the Sakharov Prize in 2009, published a list on 29 May 2018 with the names of 158 political prisoners;

(1) Texts adopted, P8_TA(2017)0087.

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- F. whereas Oyub Titiev, the Chechnya office director at the Human Rights Centre Memorial, was arrested by local police on 9 January 2018 and charged with drug possession; whereas these charges have been denied by Mr Titiev and denounced as fabricated by NGOs and other human rights defenders;
- G. whereas the arrest of Oyub Titiev is part of a worrying trend of arrests, attacks, intimidations and discreditations of independent journalists and human rights defenders;
- H. whereas human rights defenders and civil society actors, particularly Crimean Tatars, have faced threats, intimidation and arrests;
- I. 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;
- J. 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;
- K. whereas restrictive Russian legislation regulating political and civil rights has been extended to temporarily 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;
- L. 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 providing legal assistance to these arrestees, human rights defenders reporting on cases of politically-motivated enforced disappearance in Crimea and journalists reporting on the situation of Crimean Tatars have also been targeted;
- M. whereas occupation authorities in Crimea have systematically and deliberately suppressed freedom of speech in Crimea, pushing out independent media and creating obstacles to the work of professional journalists; whereas on 22 March 2018, citizen journalist and Crimean Tatar activist Nariman Memedeminov, who covered wrongdoings of occupation authorities, was detained by Russian security forces and arrested on the grounds of wrongful accusations; whereas on 21 May 2018, Russian security forces detained another citizen journalist, Server Mustafaiev, after a search in his house in Russia-occupied Crimea, in particular on religious grounds;
- N. whereas Russia loses a substantial number of cases in the European Court of Human Rights and fails to implement the judgments delivered;
- O. 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 in recent years, there are grave concerns about Russia's compliance with its international and national obligations; 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;
- P. 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;

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- Q. whereas, in reaction to the illegal annexation of Crimea and the hybrid war launched against Ukraine, the EU has adopted a series of step-by-step restrictive measures against Russia;
1. Demands that the Russian authorities immediately and unconditionally release Oleg Sentsov and all other illegally detained Ukrainian citizens in Russia and on the Crimean peninsula; recalls that currently there are in total more than 70 ^(*) Ukrainian political prisoners in Russia and in occupied Crimea;
 2. Demands the immediate and unconditional release of Oyub Titiev, Director of the Human Rights Centre Memorial in the Chechen Republic, and all other political prisoners in the Russian Federation;
 3. Demands that the Russian authorities cease the intimidation and harassment of the Human Rights Centre Memorial, its staff and other human rights defenders, and allow them to carry out their human rights work;
 4. 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;
 5. Reminds Russia of the importance of full compliance with its international legal obligations, as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, and with the principles of fundamental human rights and the rule of law enshrined in the European Convention on Human Rights and in the International Covenant on Civil and Political Rights;
 6. Stresses that freedom of assembly in the Russian Federation is granted under Article 31 of the Russian Constitution and under the European Convention on Human Rights, to which Russia is a signatory, obliging the Russian authorities to respect this freedom;
 7. Urges the Russian authorities at all levels to recognise the crucial role of human rights defenders as pillars of democracy and watchdogs of the rule of law, and to publicly condemn all attacks against human rights defenders, particularly in the Chechen Republic;
 8. Expresses its solidarity with the Ukrainian filmmaker, political activist and political prisoner Oleg Sentsov, who began a hunger strike on 14 May 2018 to press for the release of illegally detained compatriots, and is concerned about the effects of the hunger strike on Oleg Sentsov's health; recalls that Oleg Sentsov, who was arrested in Crimea shortly after Russia took control over the Black Sea peninsula in 2014 and then sentenced on the basis of testimony received under torture, is now serving a 20-year sentence on multiple terrorism charges in a high-security prison camp in the Yamal Nenets region in Russia's far north;
 9. Deplores the fact that another convict in the case, Oleksandr Kolchenko, has been sentenced to ten years in prison;
 10. Notes that another illegally detained Ukrainian citizen, Volodymyr Balukh, is on hunger strike since 19 March 2018;
 11. Calls on the responsible Russian authorities and medical services to give these imprisoned individuals proper medical attention and to respect medical ethics, including by not imposing force feeding or any unwanted treatment that may amount to torture and other forms of ill treatment;

(*) The non-exhaustive list includes: Teimur Abdullaiev, Uzeir Abdullaiev, Taliat Abdurakhmanov, Rustem Abiltarov, Zevri Abseitov, Muslim Aliiev, Refat Alimov, Kiazim Ametov, Ernes Ametov, Ali Asanov, Marlen Asanov, Volodymyr Balukh, Ali Bariev, Enver Bekirov, Memet Belialov, Oleksii Bessarabov, Rustem Vaitov, Resul Velilyaev, Valentyn Vygovskii, Pavlo Hryb, Mykola Dadeu, Konstatin Davydenko, Bekir Dehermendzhi, Mustafa Dehermendzhi, Emil Dzhemadenov, Arsen Dzhepparov, Dmitrii Dolgoplov, Volodymyr Dudka, Andriy Zakhtei, Ruslan Zeitullaiev, Server Zekiriaiev, Timur Ibragimov, Rustem Ismailov, Yevgenii Karakashev, Mykola Karpuyuk, Stanislav Klykh, Andriy Kolomiets, Oleksandr Kolchenko, Oleksandr Kostenko, Emir-Usein Kuku, Hennadii Limeshko, Serhii Litvinov, Enver Mamutov, Nariman Memedeminov, Remzi Memetov, Emil Minasov, Igor Movenko, Seiran Muradosilov, Seiran Mustafaiev, Server Mustafaiev, Yevhen Panov, Nuri Primov, Volodymyr Prysych, Ismail Ramazanov, Fevzi Sagandzhi, Ferat Saifullaiev, Aider Saledinov, Seiran Saliiev, Enver Seitosmanov, Oleg Sentsov, Oleksii Sizonovich, Vadym Siruk, Edem Smailov, Oleksandr Steshenko, Oleksii Stohniy, Renat Suleimanov, Anna Sukhonosova, Roman Sushchenko, Roman Ternovsky, Ruslan Ametov, Asan Chapukh, Oleksii Chirni, Hlib Shablii, Mykola Shiptur, Dmytro Shtyblikov, Oleksandr Shumkov, Viktor Shur.

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12. Expresses its deep concern that many of the Ukrainian political prisoners, such as Mykola Karpiyuk, Volodymyr Prysych, Oleksiy Chirniy and Yevhen Panov, have been seriously tortured;
13. Expresses its deep concern regarding the worrying trend of arrests, attacks, intimidations and discreditations of independent journalists and human rights defenders working in Russia, in particular in Chechnya; highlights the significance of civil society and of organisations such as Memorial, and the message that civil society activists everywhere must be free to exercise their most basic rights of freedom of thought and expression; calls on the Chechen and Russian authorities to abide by their domestic legislation and international commitments and uphold the rule of law;
14. Expresses serious concern about the climate of impunity that allows these acts to take place, and calls for the development of legal and other measures to prevent, monitor and effectively prosecute perpetrators of such violence, in cooperation with civil society; underlines the fact that Russia and its Government carries the ultimate responsibility for investigating these acts, bringing the perpetrators to justice and protecting all Russian citizens from unlawful abuse;
15. Draws attention to the fact that Russian authorities in occupied Crimea detained several Crimean Tatars in May 2018, including Sever Mustafayev, Edem Smailov and family members of the political prisoner Nuri Primov;
16. Condemns Russia's violations of international law in occupied Crimea, including the enforcement of Russian legislation, the heavy militarisation of the Crimean peninsula, which threatens the regional security, and the massive and systematic human rights violations targeting, in particular, ethnic Ukrainians and Crimean Tatars;
17. Welcomes the release of Crimean Tatar leaders Akhtem Chygoz and Ilmi Umerov, who were sentenced to prison by Russian courts in the temporarily occupied Ukrainian territory of Crimea in September 2017, and who were allowed by the Russian authorities to leave the peninsula on 25 October 2017; extends its gratitude to all those who worked for their release, including Russian human rights organisations such as Memorial;
18. Reminds the Russian authorities that in their *de facto* capacity as 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;
19. 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;
20. Reiterates its serious concerns about the 'foreign agent' law and the way it is being implemented; considers that the definition of 'political activity' carried out by NGOs that accept foreign funding is so broad as to allow, in practice, government control over just about any organised activity relating to public life;
21. 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 Cooperation in Europe to monitor the human rights situation in Crimea more closely and to take appropriate measures;
22. 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;
23. Calls on the Council and the Member States to remain firm and united in their commitment to the agreed sanctions against Russia and to prolong them, and to consider targeted measures against the individuals responsible for the detention and trial of the political prisoners;

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24. Underlines that it is important that the Delegation of the European Union to Russia and the embassies of EU Member States monitor the trials of human rights defenders;
 25. Calls on the Presidents of the Council and the Commission, as well as on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), to continue to follow the cases of non-compliance of international legal obligations closely and to raise these issues in different formats and meetings with Russia;
 26. Reiterates its call on the VP/HR, and on the EEAS, to ensure that all cases of persons prosecuted for political reasons are raised in EU-Russia human rights consultations, when resumed, and that Russia's representatives in these consultations are formally requested to respond in each case and to report back to Parliament on their exchanges with the Russian authorities;
 27. Urges the VP/HR and the EEAS 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;
 28. Calls on the EU to make a statement to condemn human rights violations in Russia and the attempt to hide them under the cover of the FIFA World Cup;
 29. 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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