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Closing down of Memorial (Sakharove Prize 2009) in Russia

Greens/EFA motion for resolution

Tabled by Tamás Meszerics, Heidi Hautala, Peter Eriksson, Helga Trüpel, Bart Staes, Ernest Urtasun, Barbara Lochbihler, Reinhard Bütikofer, Indrek Tarand on behalf of the Greens/EFA Group

The European Parliament,

- having regard to its previous reports and resolutions on Russia, in particular its resolution of 23 October 2012 on common visa restrictions for Russian officials involved in the Sergei Magnitsky case, of 13 June 2013 on the rule of law in Russia, of 13 March 2014 on Russia: sentencing of demonstrators involved in the Bolotnaya Square events,

- having regard to the statement by the Spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 26 March 2013 on the situation of NGOs in the Russian Federation,

- having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation is to be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and federal law,

- having regard to the EU-Russia human rights consultations of 28 November 2013,

- having regard to the statement by the Human Rights Ombudsman of the Russian Federation, Vladimir Lukin, of 4 March 2014 on public demonstrations in Moscow and the steps taken by the law enforcement agencies,

- having regard to Rules 135(5) of its Rules of Procedure,

A. whereas the Russian Federation, as a full member of the Council of Europe and the Organisation for Security and Cooperation in Europe, has committed itself to the principles of democracy, the rule of law and respect for human rights; whereas as a result of several serious violations of the rule of law and the adoption of restrictive laws during the past months, there are increasing concerns with regard to Russia's compliance with international and national obligations;

B. whereas the human rights situation in Russia has been deteriorated in recent years and the Russian authorities have adopted a series of laws containing ambiguous provisions and which are used to place further restrictions on opposition and civil-society actors, and hinder the freedoms of expression and assembly,

C. Whereas as the Russian law on “foreign agents,” requires NGOs that receive foreign funding and are engaged in “political activity” to apply for inclusion in a special government list of foreign agents, being thereof subjected to additional and close scrutiny by the government and required to state in all their publications, press-releases, and reports that these have been produced by a foreign agent,

D. whereas the implementation of such law has involved severe actions such as prosecutor office's raids, confiscation of property, administrative fines and other measures aimed at preventing and dissuading civil society organisations from carrying out their work,

E. whereas numerous Russian and international human rights organisations reported that disproportionate measures and aggressive actions by the security forces as well as excessive use of violence led to the outbreak of violence followed by arbitrary arrests of the protesters; whereas leaders of the opposition parties and movements are subject to harassment by the Russian authorities, with some being detained under various allegations,

F. whereas several trials and judicial proceedings over the past years have cast doubt on the independence and impartiality of the judicial institutions of the Russian Federation,

G. whereas the Russian authorities are expanding their mass surveillance programmes; whereas these programmes, combined with laws restricting the freedom of NGOs, provide the Russian authorities with a very powerful tool to monitor and oppress opposition voices,

H. Whereas Memorial is a Russian historical and civil rights society that operates since 1989 on the values of upholding democracy, law, and fundamental human rights in practical politics and public life at the initiative of a group of Soviet-era dissidents, and under the auspices of the Nobel laureate Andrei Sakharov,

I. Whereas in 2009 Memorial was awarded by the European Parliament the Sakharov Prize for the Freedom of Thought,

J. Whereas on May 23, 2014, a Moscow court ordered Memorial Human Rights Center to be registered as a foreign agent for its “political activity” in the field of human rights work; whereas subsequently the NGO refused to register under this unfair label and decided to liquidate its structure and continue its work without registration in the Russian Federation; whereas the Ministry of Justice used its new given right and enclosed the Memorial Human Rights Center and, until now, 14 other Russian NGOs in to the “foreign agents” register without their content,

K. Whereas on September 24, 2014, a lawsuit was filed before the Supreme Court of the Russian Federation by the Ministry of Justice; whereas in this complaint, the Ministry requests the closure of the "Russian Memorial”, a central branch of the Memorial network, citing “infringements” in its organisational structure,

L. whereas since its foundation in 1992, the Society “Russian Memorial” has consisted in a number of independent NGOs, united within the society; whereas the Ministry of Justice requests the closure of the Society, for failing to have a clear vertical structure, with headquarters and departments in other regions,

M. Whereas the first hearing in this case has been set for November 13, 2014, a few days before a Conference of members of the Society “Memorial” planned for November 19, 2014, which was notified to the Ministry of Justice, and was precisely aimed at determining what changes shall be brought to the organisational structure of the society, so as to conform with new Russian laws,

N. Whereas opposition newspaper Novaya Gazeta said last week it had received a reprimand from the state media watchdog claiming that one of the newspaper's articles, headlined "If we are not the West, then who are we?" and penned by outspoken commentator Yulia Latynina, violated a law against extremism; whereas two reprimands within the space of a year give authorities legal grounds to shut down a media outlet,

1. Expresses its deep concern over Russia's Justice Ministry appeal to the country's Supreme Court to close the independent rights organization Memorial and urges it to recall the lawsuit before the hearing scheduled for next November 13;

2. Highlights that the Mikhail Fedotov, head of Russia’s presidential Civil Society and Human Rights Council, clearly expressed that there are no legal grounds to close Memorial and that the Supreme Court hearing should be postponed until after a planned Memorial conference on 19 November, when it is expected to announce changes to its organisational structure;

3. Reiterates its serious concerns about the “foreign agent” law (July 2012) and the way it is being implemented; considers that the definition of “political activity” carried out by NGO that accept foreign funding is so broad as to allow in practice government control over just about any organized activity relating to public life;

4. Express its deepest concern the subsequent modifications of the “foreign agent” law (June 2014) that allows now the Justice Ministry the authority to register groups as “foreign agents” at its own discretion, without their consent;

5. Highlights that since this revision of the law, the Justice Ministry promptly registered the first 15 groups, and subsequently several NGO’s have been fighting without success through the courts the efforts by the authorities to force them to register;

6. Underlines that many of those NGOs are particularly well known for providing legal aid to victims of political manipulation of justice; persecuted civil society activists and peaceful protesters; lesbian, gay, bisexual, and transgender (LGBT) activists; and victims of police violence;

7. Calls therefore on the Russian Government to respect the rights of all citizens to exercise their fundamental freedoms and universal human rights and to put an end to any act of harassment, including at the judicial level, against the Historical, Educational, Human Rights and Charitable Society “Russian Memorial”, the Human Rights Centre “Memorial”, their members, as well as all human rights defenders in the Russian Federation, and ensure in all circumstances that they are able to carry out their legitimate activities without any hindrance;

8. Recalls the importance of Russia’s 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 fundamental human rights and the rule of law enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR);

9. Urges the Russian judicial and law enforcement authorities to carry out their duties in an impartial and

independent manner;

10. 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 it;

11. Calls on the High Representative and the European External Action Service (EEAS) to ensure that the cases of all persons prosecuted for political reasons are raised in EU-Russia human rights consultations, and that Russia's representatives in these consultations are formally requested to respond in each case;

12. Calls on the Presidents of the Council and the Commission, as well as the VP/HR to continue to follow these cases closely, to raise these issues in different formats and meetings with Russia, and to report back to Parliament on the exchanges with the Russian authorities;

13. Urges the Council to develop a unified policy towards Russia that commits the 28 EU Member States and EU institutions to a strong common message on the role of human rights in the EU-Russia relationship and the need to end the crackdown on freedom of expression, assembly and association in Russia;

14. Urges the High Representative 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;

15. Urges the Commission and the EEAS, with regard to the ongoing programming phase of the EU financial instruments, to increase its financial assistance to Russian civil society through the European Instrument for Democracy and Human Rights and the civil-society organisations and local authorities funds, and to include the EU-Russia Civil Society Forum in the Partnership Instrument in order to ensure sustainable and credible long-term support;

16. 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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