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[Publication](#) | 14.09.2009

Killings of human rights defenders in Russia

Greens/EFA motion for resolution

Tabled by **Werner Schulz, Heidi Hautala, Bart Staes**

On behalf of the Greens/EFA Group

The European Parliament,

- having regard to the UN Declaration on Human Rights Defenders of 1998,
- having regard to the UN Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms of 9 December 1998,
- having regard to the EU Guidelines on Human Rights Defenders of June 2004,
- having regard to the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities of 6 February 2008,
- having regard to the EU-Russia consultations on Human Rights,
- having regard to the ODIHR Focal Point for Human Rights Defenders and National Human Rights Institutions established in 2006
- having regard to the declaration by the Presidency on behalf of the European Union on the murders of Chechen human rights defender Zarema Sadulayeva and her husband Alik Dzhabrailov of 12 August 2009,
- having regard to its previous resolutions on the Russian Federation with regard, in particular, to the one of 25 October 2006 on the murder of Anna Politkovskaya and the ones of 13 March 2008, 19 June 2008 and 18 December 2008,
- having regard to Rule 122 of its Rules of Procedure,

A. whereas on 15 July Natalya Estemirova, one of the most well-known human rights activists in Chechnya was abducted and lately found murdered in Ingushetia; whereas Estemirova had long investigated for Memorial killings and kidnappings in Chechnya and regularly scrutinised the conduct of both security forces and Islamic militants;

B. whereas in Karelia, on 22 July the body of Andrei Kulagin, the head of the human rights organisation Spravedivost, was discovered in a quarry near Petrozavodsk two months after his disappearance;

C. whereas on 11 August 2009 the bodies of human rights defender Zarema Sadulayeva and her husband

Alik Dzhabrailov were discovered in the boot of a car in a suburb of Grozny, a day after they were abducted by armed men who identified themselves as members of the security forces;

D. whereas, in May 2009, President Medvedev has ordered a working group of parliamentarians and human rights activists to consider the legislation on NGOs, which was amended for the stricter in 2006;

E. whereas the Russian Supreme Court cancelled the retrial of four men accused and acquitted of involvement in the murder of Anna Politkovskaya and sided with her family ordering prosecutors to begin a new investigation into this case;

F. whereas President Medvedev has argued that the supremacy of the law should become one of Russia's basic values and promised that one of his key tasks will be ensuring the independence of Russia's legal system from executive and legislative branches of power,

G. whereas in many cases police investigators and judicial authorities of the Russian Federation have failed to demonstrate a full commitment to identifying the perpetrators of offences against human rights defenders and bringing them to justice; whereas impunity prevails for human rights violations by law enforcement officials, particularly in the North Caucasus;

H. whereas a trial for defamation is due to start on 10 September in Moscow, on the basis of a complaint lodged by Chechen President Ramzan Kadyrov against Oleg Orlov, Chairman of the Memorial Human Rights Centre, for slander following Mr Orlov's statement published on Memorial's website on 15 July 2009 in which he accused President Kadyrov of being involved in Natalia Estemirova's killing;

I. whereas freedoms of expression, association and assembly in Russia have been curtailed and threatened in recent years and human rights defenders, independent civil society organizations, political opponents, and ordinary citizens have all been victims of this rollback on civil and political rights;

J. whereas numerous complaints have been lodged by Russian citizens by the European Court of Human Rights in Strasbourg symbolizing the growing mistrust of Russian public opinion in the judicial system of the federation;

K. whereas the Russian Federation is a member of the OSCE and whereas the issue of human rights defenders forms an integral part of OSCE commitments that contain an obligation for states to "respect the right of their citizens to contribute actively, individually or in association with others, to the promotion and protection of human rights and fundamental freedoms;

L. whereas on 10 November 2008 the Council decided to resume the negotiations with Russia on a new partnership and cooperation agreement; whereas the EU is supposed to share with Russia a strategic partnership based on the values of democracy, human rights and the rule of law;

M. whereas the European Union Guidelines on Human Rights Defenders of 2004 and the second review of their implementation in 2008 contain suggestions for practical measures by EU member states and other states willing to implement them, to support and protect human rights defenders;

1. Expresses its firm condemnation of murders of human rights defenders in Russia and expresses its solidarity with the families of the victims;

2. Urges the Russian authorities to guarantee that an investigation into these murders be conducted promptly, thoroughly and transparently and that the perpetrators be brought to justice; calls, in this respect, on the Commission and the Council to closely follow the progress of these investigations as well as the ongoing ones related to murders of human rights defenders;

3. Calls on the Russian authorities to put an end to the ongoing and widespread impunity for violence against human rights defenders and to protect and guarantee the physical integrity of human rights defenders in conformity with relevant international and regional human rights instruments; calls in particular on the Russian authorities to adopt preventive protection measures as regards human rights defenders such as starting investigation as soon as threats faced by them are known by the prosecutor and the judicial system;
4. Calls on the Council and the Commission to pay particular attention to the trial for defamation which is due to start on 10 September in Moscow on the basis of the complaint lodged by Chechen President Ramzan Kadyrov against Oleg Orlov from Memorial;
5. Welcomes the initiative taken by President Medvedev to amend the NGO law with a view to easing some restrictions and registration complications for Russian NGOs and looks forward to the new draft law;
6. Calls on the Council and the Commission to make a comprehensive assessment of the EU-Russia Human Rights Consultation in order to make it more effective and result-oriented and to present the conclusions of this evaluation before the relevant committees of the European Parliament; calls in particular for having as standing item of these consultations the protection of human rights defenders and for improving the transparency of this dialogue;
7. Strongly supports the EU Guidelines on Human Rights Defenders as part of the EU human rights policy and welcomes the Czech initiative which promotes the creation of European Shelter cities for human rights defenders in danger; calls at the same time on the Council to further develop preventive protection measures instead of focusing on the protection and support of human rights defenders; stresses in this regard the request of the European Parliament to set up a focal point for human rights defenders in all three institutions so as to better coordinate actions with European and international human rights bodies;
8. Stresses once more that democracy and human rights must be at the core of the new comprehensive partnership and cooperation agreement with the Russian Federation, with regard, in particular, to the definition and inclusion of an effective and operational human rights clause, and that the quality and depth of future relations depend on respect and support for such values;
9. Asks President Medvedev to reassess the treatment of imprisoned opposition personalities (like Michail Chodorkovski and Platon Lebedev); underlines that this would facilitate the elaboration of a closer partnership between the Russian Federation and the European Union;
10. Remains extremely concerned about the legislation on extremism, which can have an effect on the free flow of information and can lead the Russian authorities to further restrict the right to free expression of human rights defenders;
11. Calls on the Russian authorities to comply with all the rulings of the European Court of Human Rights and to ratify the protocol on the reform of this body without delay; urges the Russian Federation also to ratify Additional Protocol 14 to the European Convention on Human Rights;
12. Instructs its President to forward this resolution to the Council, the Commission and the Member States and the Government and the Parliament of the Russian Federation.

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