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Publication | 08.09.2015

Russia

Greens/EFA motion for resolution

Tabled by ***Rebecca Harms, Indrek Tarand, Heidi Hautala, Tamás Meszerics, Barbara Lochbihler, Igor Šoltes, Ulrike Lunacek, Davor Škrlec*** *on behalf of the Greens/EFA Group.*

The European Parliament,

- Having regard to its previous resolutions on Russia and in particular the one of 13 September 2012 on the political use of justice in Russia, the one of of 13 June 2013 on the rule of law in Russia, the one of of 13 March 2014 on Russia: sentencing of demonstrators involved in the Bolotnaya Square events, the one of 15 January 2015 on Russia, in particular the case of Alexei Navalny and the one of 10 June 2015 on the state of EU-Russia relations,

- Having regard to the Statement by High Representative/Vice-President Mogherini on the verdict against Estonian police officer Kohver of 19 August 2015 and to the statements by the Spokesperson on the abduction and continued illegal detention of the Estonian police officer of 4 March 2015 and on the abduction of the Estonian police officer of 11 September 2014,

- Having regard to the Statement by High Representative/Vice-President Mogherini on the sentencing by a Russian court of Ukrainian citizens Oleh Sentsov and Oleksandr Kolchenko, 25 August 2015,

- Having regard to the Statement by High Representative/Vice-President Federica Mogherini on the continued detention of Nadiya Savchenko, 4 March 2015,

- Having regard to the conclusions of the European Union–Russian Federation human rights consultations, 28 November 2013,

- 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 its Rule 135(5) of the Rules of Procedure,

A. Whereawhereas on the 5th of September 2014 Estonian police officer Eston Kohver was abducted from Estonian soil by Russian state agents and was subsequently detained in a Russian prison for almost a

year,

B. Whereas on the 19th of August 2015 the Pskov Oblast regional court sentenced Eston Kohver to 15 years of imprisonment,

C. Whereas from the beginning the proceedings were marred by flaws since there was no public hearing of the case, the Estonian consul was not allowed to be present at the hearings and Mr. Kohver was deprived of adequate legal aid,

D. Whereas the attorney appointed by the Russian authorities repeatedly made unclear or even provocative statements, including some seeking to undermine the Estonian authorities, and provided unclear advice to Mr. Kohver; whereas the lawyer appointed by the court and court officials refused to give any information about the actual conduct of the court proceedings, and the reasoning of the judgment was not made public,

E. Whereas the deterioration of Kohver's health during his detention was ignored for a long time; whereas a doctor was not allowed to visit and examine him until 30 December 2014 and the judge in Pskov denied requests for a visit by an Estonian doctor on two occasions,

F. Whereas well known Ukrainian filmmaker Oleh Sentsov and Ukrainian activist Oleksandr Kolchenko were arrested in May 2014 during a protest against Russia's annexation of the Ukrainian peninsula of Crimea; whereas both were accused of setting up a terrorist group involved in two attempted arson attacks in the city of Simferopol; whereas both were abducted from Crimea in May 2014 and forcibly attributed the Russian nationality,

G. Whereas on 25 August 2015 Sentsov was sentenced to 20 years of jail by a military court in Rostov-on-Don and co-defendant Oleksandr Kolchenko was sentenced to 10 years in prison,

H. Whereas Sentsov and Kolchenko were tried in a military court for crimes over which civilian courts have full jurisdiction; whereas the trial was marred with numerous and grave procedural violations,

I. Whereas the case was based on testimonies given by two witnesses one of whom took back his accusations during the July 31 hearing claiming they were given under torture and ill-treatment by the security services,

J. Whereas Sentsov openly challenged the authority of the court and affirmed he was beaten in jail for 24 hours in an attempt to force a confession,

K. Whereas the defendants' lawyers appealed the sentence describing it unjust, marred by procedural irregularities and based on wrong factual information,

L. Whereas Oleh Sentsov was known for his participation in Maidan protests in Kiev in the end of 2014-beginning of 2015 as well as for his outspoken opposition to the Russian occupation in Crimea; whereas Alexander Kolchenko was targeted for his activism against the annexation of Crimea,

M. Whereas another Ukrainian citizen, Alexander Kostenko, was last February kidnapped directly in Ukraine and brought back to the Crimean territory where he was tortured and beaten;; whereas he had to wait months before having the possibility to consult a doctor concerning his broken hand, an injury resulting from this beating; whereas Kostenko was on 26 August sentenced to 4 years and 2 months of prison, a sentence which was brought to 3 years and 11 months;

N. Whereas the Minsk agreements signed in February 2015 foresee the release of all hostages,

O. Whereas a petition calling for Sentsov release has been signed by top directors including European film-makers Mike Leigh, Ken Loach and Agnieszka Holland and growing concern and protest have been expressed also by prominent members of the Russian film-making community,

P. Whereas these trials take place in the Russian Federation in a context of repression, which has again been reinforced in the past weeks with the introduction of two new pieces of legislation providing police and security forces with new means to suppress and repress social dissent with regard, in particular, to the drawing up of a "patriotic stop list" by the Parliament and the labelling of the Committee Against Torture (CAT) as "foreign agent",

1. Believes that the respect for human rights, democratic principles and fundamental freedoms should be at the core of the framework for relations between the EU and the Russian Federation as well as for bilateral cooperation in international fora and organisations;

2. Condemns the abduction of Eston Kohver and calls on the Russian Federation to act according to its international obligations, release Mr. Kohver immediately and guarantee his safe return to Estonia;

3. Calls on the Russian authorities to take immediate steps to overturn the convictions of Oleg Sentsov and Aleksandr Kolchenko under disproportionate terrorism-related charges and present them with appropriate charges or release them;

4. Stresses that the cases of Sentsov and Kolchenko are in clear violation of international law and highlights, in any case, that Oleg Sentsov and Aleksandr Kolchenko could not be tried in a military court, and that all testimony gained through torture and other ill-treatment and other illegal methods had to be excluded;

5. Urges the Russian authorities to investigate the allegations of torture claimed by defendants and witnesses of the case, which were rejected by the prosecutor during the trail;

6. Reiterates its rejection and condemnation of Russia's annexation of Crimea; stresses, in this regard, that Russian courts have no jurisdiction on acts and facts taking place outside the borders of the internationally-recognised territory of Russia;

7. Calls upon the government of Russia to take concrete and immediate steps to comply with all the judgements against Russia of the European Court of Human Rights;

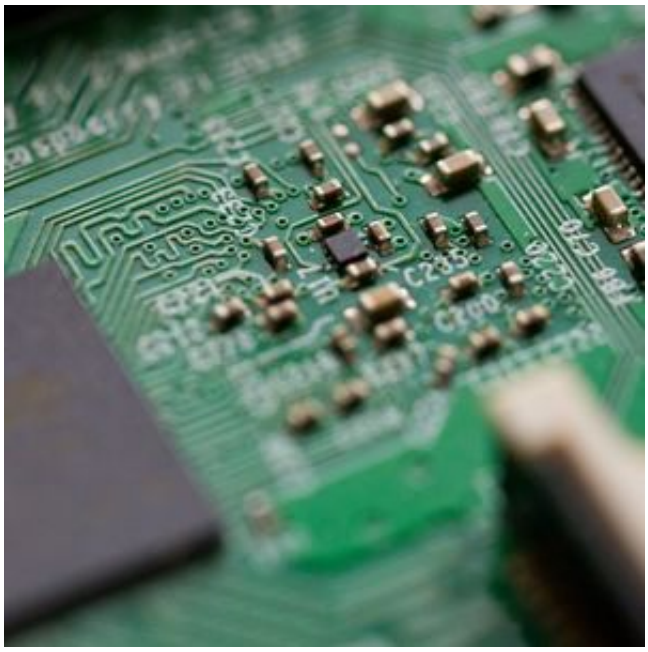
8. Urges Chancellor Merkel and President Holland to raise the case of Sentsov and Kolchenko at the meetings of the Quadrilateral Contact group on the crisis in Ukraine;

9. 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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