

European Parliament resolution of 17 February 2011 on the rule of law in Russia

The European Parliament,

- having regard to its previous reports and resolutions on Russia and on EU-Russia relations, in particular its resolutions of 17 September 2009 on the murder of human rights activists in Russia⁽¹⁾, 17 June 2010 on the conclusions of the EU/Russia summit (31 May – 1 June 2010)⁽²⁾ and 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov⁽³⁾,
 - having regard to the existing Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part (PCA) and to the ongoing negotiations for a new EU-Russia agreement,
 - having regard to its annual report on human rights in the world 2009 adopted in December 2010, with special reference to the Magnitsky case,
 - having regard to the EU-Russia human rights consultations,
 - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on Human Rights Defenders and 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,
 - having regard to the Partnership for Modernisation launched at the EU-Russia Summit in May 2010 in Rostov-on-Don and to the commitment made by the Russian leadership to the rule of law as a fundamental basis for the modernisation of Russia,
 - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the European Union continues to be committed to further deepening and developing relations between the EU and Russia in accordance with the principles enshrined in the Partnership for Modernisation, based on a deep commitment to democratic principles, fundamental and human rights and the rule of law,
- B. whereas, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE), as well as a signatory of the UN declarations, Russia has committed itself to protecting and promoting human rights, fundamental freedoms and the rule of law,
- C. whereas several trials and judicial proceedings over the last years have cast doubt on the independence and the impartiality of the judicial institutions of the Russian Federation,
- D. whereas the second conviction of Mikhail Khodorkovsky and Platon Lebedev on 30 December 2010 in the second trial concerning Yukos assets has been questioned by the international community, including the EU,
- E. whereas Boris Nemtsov and some 70 others were arrested on 31 December 2010 in Moscow, following an opposition demonstration,
- F. whereas independent journalists, civil society activists, lawyers and human rights defenders have often been the victims of threats and acts of violence; whereas the anti-extremist legislation and the new provisions of the law on the Federal Security Service (FSB) are unclear and, as a result, are often used to harass NGOs, religious minorities and media organisations,
- G. whereas the cases of journalists Anna Politkovskaya, Natalia Estemirova and Anastasia Baburova and the death of lawyer Sergei Magnitsky have not yet been solved by the Russian authorities,
- H. whereas President Medvedev has on many occasions pledged to reinforce the rule of law, stating that his task is to create absolutely independent modern courts that are in keeping with Russia's level of economic development,
1. Reaffirms its belief that Russia remains an important partner for the European Union in building sustainable cooperation based on democracy and rule of law;
 2. Strongly condemns the terrorist attack at Moscow's Domodedovo airport and expresses its condolences to the families of the victims and its solidarity with those wounded in the attack; underlines the need for the Russian authorities to respond to this attack in a lawful and measured way and to allow

the Russian judicial system to work freely and independently to prosecute and convict those responsible for the attack;

3. Expresses concern over reports of politically motivated trials, unfair procedures and failures to investigate serious crimes such as killings, harassment and other acts of violence; urges the Russian judicial and law enforcement authorities to carry out their duties in an effective, impartial and independent manner in order to bring perpetrators to justice;
4. Expresses serious concern at the verdict in the recent second trial and conviction of Michail Khodorkovsky and Platon Lebedev; emphasises that serious judicial questions have been raised concerning this and previous trials against the two, and calls for an independent judicial review to be conducted in connection with the pending appeal against the verdict; demands that the Russian authorities do all in their power to improve the judicial system, in line with President Medvedev's pledges to ensure greater justice and transparency;
5. Urges the Ombudsman of the Russian Federation to commission a review of the charges and ongoing proceedings against the 2009 laureate of the European Parliament Sakharov Prize for Freedom of Thought, Mr Oleg Orlov; recalls that no effective investigations have been carried out into the murder of Natalia Estemirova, a leading member of Memorial in Chechnya;
6. Deplores the breaking up of peaceful rallies held on the last day of every second month in relation to Article 31 of the Russian Constitution, as well as the repeated arrests of opposition figures, as in the case of Boris Nemtsov;
7. Encourages the Presidents of the Council and Commission, as well as the High Representative, to continue to closely follow these cases and to raise these issues in different formats and meetings with Russia, in particular during the upcoming EU-Russia Summit;
8. Reminds the Council and the High Representative of the full array of appropriate measures they may bring to bear when faced with systematic human rights abuses and failures to uphold the rule of law;
9. Calls on the EU and Russia to step up negotiations on a new binding and comprehensive PCA and reiterates its strong support for a broad agreement that includes the issues of democracy, the rule of law and human and fundamental rights; emphasises the importance of ensuring the effective functioning of the judiciary and strengthening the fight against corruption;
10. Expresses concern over the considerable number of reported violations of human rights in Russia, including the right of peaceful assembly, and emphasises the importance of continuous dialogue on human rights as part of the EU-Russia human rights consultations, with a special focus on the steps taken by the Russian authorities with the aim of ensuring the safety of human rights defenders;
11. Stresses that full respect for human rights and the rule of law will improve Russia's image and credibility in the world, in particular with regard to its relations with the European Union, which are important and should develop into a strategic partnership, given the two sides' mutual dependence and various shared interests, with special reference to political, security, economic and energy cooperation, as well as to respect for democratic principles and procedures, the rule of law and basic human rights;
12. Calls on the Commission to urgently submit to Parliament an assessment of whether the judicial measures taken against Yukos and its executives are compatible with the requirements placed on Russia in connection with its ambition to become a full member of the WTO;
13. Points out that Russia, as a member of the Council of Europe, has signed up to fully respecting European standards as regards democracy, fundamental and human rights and the rule of law; calls, in this regard, on the Russian authorities to comply with all the rulings of the European Court of Human Rights and to implement measures to rectify violations in individual cases, including by ensuring that effective investigations are conducted and by holding the perpetrators accountable, and to adopt general measures to implement the rulings, including by making policy and legal changes to prevent similar violations from occurring in the future;
14. Reiterates its call for the human rights consultations to be stepped up and made more effective and results-oriented, with the Russian Ministries of Justice, the Interior and Foreign Affairs taking part in the meetings in both Brussels and Moscow and with the full involvement of the European Parliament at all levels; reminds the High Representative of Parliament's budget decision to set up a civil society forum;
15. Calls on the Council and Commission to offer Russia practical assistance and expertise with a view to enhancing the independence of the judiciary and of law enforcement agencies and improving the ability of the judicial system to withstand political and economic pressure; emphasises the European

Union's willingness to contribute to the setting up of such a judicial support programme and to the education and training, especially on human rights issues, of law enforcement personnel, prosecutors and judges;

16. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the government and parliament of the Russian Federation, the Council of Europe and the Organisation for Security and Cooperation in Europe.