



TEXTS ADOPTED

P8_TA(2015)0006**Russia, in particular the case of Alexei Navalny****European Parliament resolution of 15 January 2015 on Russia, in particular the case of Alexei Navalny (2015/2503(RSP))**

The European Parliament,

- having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation shall 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 previous resolutions on Russia, in particular its resolutions of 23 October 2012 on common visa restrictions for Russian officials involved in the Sergei Magnitsky case¹, 13 June 2013 on the rule of law in Russia², 13 March 2014 on Russia: sentencing of demonstrators involved in the Bolotnaya Square events³, and 23 October 2014 on the closing-down of the NGO ‘Memorial’ (winner of the 2009 Sakharov Prize) in Russia⁴ and its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case⁵,
- having regard to its resolution of 11 December 2013 on the Annual Report on Human Rights and Democracy in the World 2012 and the European Union’s policy on the matter⁶,
- 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 30 December 2014 on the sentencing of Alexei Navalny and his brother Oleg Navalny by the Zamoskvoretsky Court,
- having regard to the EU-Russia human rights consultations of 28 November 2013,

¹ OJ C 68 E, 7.3.2014, p. 13.

² Texts adopted, P7_TA(2013)0284.

³ Texts adopted, P7_TA(2014)0253.

⁴ Texts adopted, P8_TA(2014)0039.

⁵ Texts adopted, P7_TA(2014)0258.

⁶ Texts adopted, P7_TA(2013)0575.

- 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 the suspended negotiations for a new EU-Russia agreement,
 - having regard to Rules 135(5) and 123(4) 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 (OSCE) and a signatory to the UN declaration, 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 during the past months, there are grave concerns about to Russia's compliance with international and national obligations; and whereas the EU has repeatedly offered additional assistance and expertise, through the Partnership for Modernisation, to help Russia to modernise and abide by its constitutional and legal order, in line with Council of Europe standards; whereas there are a multitude of judicial cases in which politically constructed reasons are used to eliminate political competition, threaten civil society and discourage citizens from participating in public rallies and protests opposing the country's current leadership;
 - B. whereas Alexei Navalny has consistently exposed massive corruption within the highest levels of the Russian state apparatus; whereas his first court verdict imposing a five-year sentence on him in July 2013 was seen as political; whereas he was placed under house arrest for two months in February 2014, and was fitted with an electronic bracelet to monitor his activities in March 2014;
 - C. whereas Alexei Navalny won 27 % of the vote in the September 2013 Moscow mayoral elections, thus confirming himself as one of the most prominent faces of the Russian opposition to the Kremlin;
 - D. whereas Alexei Navalny's second court verdict had been due on 15 January 2015, but inexplicably the court brought the date forward to 30 December 2014, when most Russians were focused on the New Year holiday; whereas the same technique of bringing the date forward was used with Mikhail Khodorkovsky;
 - E. whereas the human rights situation in Russia has deteriorated dramatically in recent years and the Russian authorities have adopted a series of laws which contain ambiguous provisions that are used to further restrict opposition and civil society actors, and hinder the freedoms of expression and assembly;
 - F. whereas in the last year legislation on NGOs and on the right to freedom of assembly has been used to suppress civil society, stifle opposing political views and harass NGOs, democratic opposition and the media; whereas, pursuant to the 'foreign agents' law, the independent rights organisation 'Memorial' was *de facto* closed down; whereas the implementation of this law has involved severe actions aimed at preventing and dissuading civil society organisations, including the Soldiers' Mothers organisation, from carrying out their work;
 - G. whereas at the end of December 2014 the Ministry of Justice of the Russian Federation substantially amended the list of 'foreign agents', adding several organisations engaging in support for the protection of human rights, including the Sakharov Centre, thus

hampering notably their activities and the protection of human rights in Russia;

- H. whereas several trials and judicial proceedings over the last few years, such as the Magnitsky, Khodorkovsky and Politkovskaya cases, have cast doubt on the independence and impartiality of the judicial institutions of the Russian Federation; whereas such high-profile cases as that of Alexei Navalny are merely the most well-known cases outside Russia of what amounts to a systematic failure of the Russian state to uphold the rule of law and to deliver justice to its citizens; whereas the current court decision represents a politically motivated attempt to punish Alexei Navalny as one of the most prominent opponents of the government;
- I. whereas there is an increasing need for a firm, coherent and comprehensive EU policy towards Russia, supported by all the Member States, with support and assistance backed up by firm and fair criticism;
1. Expresses its deepest concern at the fact that, in Russia, the law is being used as a political instrument; underlines that the conviction of the prominent lawyer, anti-corruption campaigner and social activist Alexei Navalny, imposing a 3.5-year suspended sentence on him and a 3.5-year prison sentence on his brother, Oleg Navalny, was based on unsubstantiated charges; strongly deplores that the prosecution seems to be politically motivated;
 2. Notes with concern that, even though Alexei Navalny is being kept out of prison, his brother Oleg Navalny is currently imprisoned, and that this is giving rise to concern with regard to the possible political use of a family member to intimidate and silence one of Russia's opposition leaders, Alexei Navalny; recalls that Alexei's brother, Oleg, the father of two small children and a former executive of the state-owned postal service, has never played a role in the Russian opposition movement;
 3. Urges the Russian judicial and law-enforcement authorities to carry out their duties in an impartial and independent manner, free of political interference and to ensure that the judicial proceedings in the Navalny cases, and all the other investigations and trials against opposition activists, meet the internationally accepted standards; stresses the importance of ensuring that judicial decisions are free from political interference, independent, and are taken in full compliance with the rule of law;
 4. Fully backs the campaign against corruption in Russia initiated by Alexei Navalny, and supports the efforts of Russian people to find a settlement ensuring democracy, political pluralism, unity and respect for human rights;
 5. Takes the view that the Russian Federation, as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, should meet the obligations to which it has signed up; points out that the recent developments have moved in a direction that is contrary to the rule of law and the independence of the judiciary in the country;
 6. Calls on the Presidents of the Council and the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to continue to follow such 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;

7. Stresses that freedom of assembly in the Russian Federation is enshrined in Article 31 of the Russian Constitution and in the European Convention on Human Rights, to which Russia is a signatory and which the Russian authorities are therefore obliged to comply with;
8. 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;
9. Asks the VP/HR to come up, as a matter of urgency, with a comprehensive strategy towards Russia, aimed at maintaining the territorial integrity and sovereignty of European states, and supporting, at the same time, the strengthening of democratic principles, respect for human rights and the rule of law in Russia;
10. Expresses its deep concern about the continuous wave of attacks against independent human rights organisations and civil society groups in Russia, which is another sign of the crackdown on independent voices, a trend that is of growing concern to the European Union; 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; welcomes the decision of the Board of Governors of the European Endowment for Democracy (EED) to allow the Endowment to extend its work also to Russia;
11. 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.