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### **Memorandum on restoring participation of the Russian delegation in the sessions of the Parliamentary Assembly of the Council of Europe**

As a member of International Non-Governmental Organisations (INGO) Conference of the Council of Europe, we consider unacceptable the fact that the Russian Federation, despite being a violator of human rights, rules and principles of the Council of Europe, and international law, was allowed to return to PACE – an international institution, whose primary goal is to ensure that human rights are being respected – without having fulfilled any of the conditions set forth in PACE Resolutions 1990 (2014), 2034 (2015), 2063 (2015), 2112 (2016), 2132 (2016), 2198 (2018), 2203 (2018), 2259 (2019).

Since 2014, Russian aggression towards Ukraine, occupation of Crimea and invasion in Donbas has led to large-scale violations of fundamental human rights, freedoms and dignity, and to numerous crimes against the civilian population, breaching the basic rules of international humanitarian law – in particular, 4th Geneva Convention of 1949 and its 1st Protocol, ratified by both the Russian Federation and Ukraine. According to the “Report on the situation of human rights in Ukraine” from February 2019, published by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the total number of conflict-related casualties in Ukraine (from 14 April 2014 to 15 February 2019) is 40,000–43,000, including 12,800–13,000 killed (at least 3,321 civilians and estimated 9,500 combatants), and 27,500–30,000 injured (estimated 7,000–9,000 civilians and 21,000–24,000 combatants). More than

five million people, including over 1.3 million registered internally displaced persons (IDPs) and people living in isolated communities along the contact line in eastern Ukraine, continue to bear the brunt of the armed conflict waged by Russia, along with its consequences.

The Russian Federation continues to apply its own laws in the occupied territories, in violation of international humanitarian law applicable to an occupying power – resulting in grave human rights violations, disproportionately affecting Crimean Tatars.

The Russian Federation continues to refuse executing the judgements of the European Court for Human Rights (ECtHR). It has been held de facto responsible for human rights violations – on different articles of the Convention, including the right to life, property or not to be tortured – in 20 ECtHR judgements (in 27 separate cases), relating to Moldova and the region of Transnistria. Since 2012, Russia is liable to pay compensation to 1,800 victims of human rights abuses in the Transnistrian region, amounting to 4.2 million EUR – while being ordered to stop supporting the illegal regime. What is more, the Russian authorities also continue to ignore the Council of Europe [Committee of Ministers decisions](#) (as shown in the case of “Catan and Others”). These unresolved issues also negatively reflect on the situation in Georgia and Ukraine, openly discrediting international law and the relevant bodies.

Notwithstanding the above, delegation of the Russian Federation was allowed to return to PACE; moreover, to allow this to happen, Council of Europe’s Committee of Ministers and Parliamentary Assembly even decided to change the PACE’s rules of procedure. This was an unprecedented move of changing the rules of the organisation in order to accommodate the party who does not want to follow the rules.

Publicly, the supporters of this unprecedented move explained their actions by the need to care about protecting the rights of Russian citizens and those leaving under effective Russian control. However, the human rights situation in the Russian Federation – and in the territories occupied by Russia in Georgia, Moldova and Ukraine – has continuously worsened and is showing no sign of future improvement.

Thus, already after Russian return to PACE, on 11 July 2019, 55 Crimean Tatars who gathered in Moscow for a peaceful demonstration against repressions in Crimea were detained by the Russian police – while four Crimean Tatars were illegally sentenced to prison in Russia on fabricated charges.

On 27 July 2019, a peaceful rally to support the participation of independent candidates in the elections to the Moscow city council was held in the capital of Russia. On this occasion, the police detained more than a 1,000 of demonstrators with the use of violence.

We welcome the recent release of 24 Ukrainian Navy servicemen, apprehended by Russian authorities in the Kerch Strait on 25 November 2018 and 11 political prisoners including Oleg Sentsov, Edem Bekirov, Stanislav Klykh, Pavlo Gryb, Volodymyr Balukh but at the same time strongly condemn the fact that this release was conditioned by Russian government on the parallel release by Ukrainian authorities of 35 Russian and Ukrainian citizens accused of being responsible for killings and other criminal acts including downing the MH17. Thus, this release

cannot be considered a genuine step of good will implementation of the PACE resolutions and the decision of the International Tribunal for the Law of the Sea (from 25 May 2019) which demanded from Russia to unconditionally release captured Ukrainian citizens. It is obvious that by demanding release of perpetrators of crimes in exchange for release of the victims of international law violations, Russian Federation's actions are aimed to secure its impunity, including for downing the MH17.

After that release, still at least 87 Ukrainian citizens have been identified as being prosecuted for political motives in both Crimea and Russia, including dozens of peaceful Crimean Tatar activists. Moreover, today, more than 200 Ukrainians are still being held as hostages in the occupied territories of Donetsk and Luhansk oblasts. These cases prove, once again, that the Russian Federation continues to repeatedly and brutally violate international humanitarian law and the core principles of the Council of Europe.

Russian Federation was allowed to return to PACE, allegedly, in order to conduct dialogue to help to resolve these problems. Thus, in order to maintain its credibility as values-based organisation, PACE shall now use all means to force Russian Federation to fulfill its commitments and obligations listed in the Statute of the Organisation and in the law of the Recommendations and Resolutions issued by the Council of Europe. The standards of the Council of Europe should be equal for all member states and neglect of the standards will seriously undermine the trust to the Council of Europe on the European and global arena.

Therefore, we call on the Parliamentary Assembly of the Council of Europe to:

- Secure that Russia's delegation will not include deputies from annexed or occupied by Russia territories, for instance from Crimea. Otherwise, PACE will in fact show acceptance of the illegal annexation of Crimea by the Russian Federation;
- Demand from the Russian Federation to immediately release all remaining Ukrainian political prisoners and stop the politically motivated persecution of civic activists, journalists, peaceful believers in Islam, and others who have been subjected to trumped-up charges and show trials;
- Demand from the Russian Federation to restore the possibility for the Mejlis of Crimean Tatars to freely operate in Crimea, and to open full unrestricted access to the Ukrainian peninsular for the Council of Europe's monitoring mechanisms;
- Demand the full cooperation of the Russian Federation with the international investigation of MH17 and the upcoming international trial in order to bring all those responsible to justice;
- Demand implementation of other pending provisions of the PACE Resolutions 1990 (2014), 2034 (2015), 2063 (2015), 2112 (2016), 2132 (2016), 2198 (2018), 2203 (2018), 2259 (2019), including the demands to seize the illegal occupation of Crimea and to withdraw from Donbas;
- Demand full implementation of all previous ECHR's decisions against Russian federation, and to demand legal confirmation of the Russian Federation that all future ECHR decisions shall be obligatory to implement, cancelling the actual legal provisions allowing for neglecting these decisions;

- Demand a full unrestricted access to the territory of the Russian Federation for the Council of Europe's monitoring mechanisms;
- Reinforce Russian Federation's obligation to fulfil all its obligations and commitments stemming from the membership in the Council of Europe;
- Introduce the effective monitoring on Russian Federation's fulfillment of its commitments and obligations, and to prepare a report and hold a debate on this subject no later than at January 2020 session.

We stand by the position that the actions of the Parliamentary Assembly of the Council of Europe, as seen in the case of restoring Russia's participation in PACE sessions, jeopardise the confidence in, and the image of, PACE. In future, such moves might cast doubt on the decisions and recommendations of PACE bodies – especially, considering its mission of holding governments of the member states to account over their human rights record and maintaining certain democratic standards.

Therefore, we also call to the human rights and other civil society organisations of all Council of Europe's countries, including the Russian civil society, to start an international NGO coalition whose aim is to uphold democratic values – and unite efforts to counter actions of international and EU institutions, which might pose a threat to democracy and security in Europe, as well as turn a blind eye to the violation of the principle of territorial integrity and human rights by the Russian Federation.

***Members of the Steering Committee of the Eastern Partnership Civil Society Forum***

***DEMAS – Association for Democracy Assistance and Human Rights***

***Ukrainian Helsinki Human Rights Union (UHHRU)***