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Situation in Russia, the poisoning of Alexei Navalny

European Parliament resolution of 17 September 2020 on the situation in Russia: the poisoning of Alexei Navalny (2020/2777(RSP))

(2021/C 385/13)

The European Parliament,

— having regard to its previous resolutions on Russia,

— having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,

— having regard to the Constitution of the Russian Federation, in particular Chapter 2, and specifically Article 29, which protects freedom of speech, and to the international human rights obligations to which Russia has committed itself as a member of the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the UN,

— having regard to the declaration of the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU of 3 September 2020 on the poisoning of Alexei Navalny,

— having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 24 August and 2 September 2020 on the poisoning of Alexei Navalny,

— having regard to the statement by the UN High Commissioner for Human Rights Michelle Bachelet of 8 September 2020 calling for an independent investigation into the poisoning of Alexei Navalny,

— having regard to the statement by the G7 foreign ministers of 8 September 2020 on the poisoning of Alexei Navalny,

— having regard to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention), which prohibits the use, development, production, stockpiling and transfer of chemical weapons,

— having regard to the unanimous adoption of decisions C-24/DEC.4 and C-24/DEC.5 by the 24th Session of the Conference of the States Parties to the Chemical Weapons Convention of 27 November 2019, adding Novichok organophosphorus nerve agents to Schedule 1 of the Annex on Chemicals to the Convention, and the entry into force of these decisions on 7 June 2020,

— having regard to the statement of the Charité — Universitätsmedizin Berlin hospital of 24 August 2020 stating that Alexei Navalny was the victim of a poisoning with a chemical nerve agent,

— having regard to the declaration of the German Federal Government of 2 September 2020 urgently calling on the Russian Government to make a statement on the incident and condemning the attack in the strongest possible terms,

— having regard to the statement from the Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW) of 3 September 2020 on allegations of chemical weapons use against Alexei Navalny, underlining that 'under the Chemical Weapons Convention, any poisoning of an individual through the use of a nerve agent is considered a use of chemical weapons',

— having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one is to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, and to which the Russian Federation is a party,

— having regard to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the UN General Assembly on 9 December 1998,

— having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. whereas Alexei Navalny, a leading Russian opposition politician, lawyer, blogger and anti-corruption activist, has uncovered numerous corruption affairs involving business enterprises and Russian politicians, led several public protests all over Russia and become one of the few effective leaders of the Russian opposition; whereas he had been detained, arrested and sentenced previously, in attempts to stop his political and public activities; whereas the European Court of Human Rights has declared a number of those procedures abusive and contrary to the principle of a fair trial; whereas Alexei Navalny had been physically attacked in 2017 by a medical disinfectant which left him almost blind, and by means of an alleged poisoning during his detention in 2019; whereas in neither of these cases were the perpetrators brought to justice;

B. whereas Alexei Navalny is reported to have fallen into a coma on 20 August 2020 on board a domestic Russian flight, was transported to a hospital in the Russian city of Omsk and, at the request of his family, has been receiving medical treatment at the Charité hospital in Berlin since 22 August 2020;

C. whereas the attempted assassination of Alexei Navalny took place in the run-up to Russia's local and regional elections on 13 September 2020, where he and his team had been actively engaged in introducing a 'smart voting' strategy to defeat the candidates of the Putin regime; whereas this casts a particularly worrying light on the state of democracy, fundamental freedoms and human rights in the country;

D. whereas just before his attempted poisoning, Alexei Navalny was in Novosibirsk and Tomsk, where he was investigating cases of corruption among the local governors; whereas through his anti-corruption activities in the regions, Alexei Navalny increased the awareness of such cases among the local public and as a result increased turn-out in regional elections, mobilising the opposition vote; whereas Alexei Navalny has established a system of 40 regional offices around the country, which scrutinise the local authorities on a permanent basis, but are also subject to intimidation and persecution from the Russian authorities;

E. whereas Alexei Navalny expressed his strong support for the protesters in Khabarovsk and Belarus and regarded the changes in Belarus as inspiration for the people of Russia;

F. whereas political assassinations and poisonings in Russia are systemic instruments of the regime deliberately targeting the opposition; whereas this is further exacerbated by the unwillingness of the authorities to thoroughly investigate the politically motivated or attempted murders of Anna Politkovskaya, Boris Nemtsov, Sergei Protazanov, Vladimir Kara-Murza and others; whereas representatives of the opposition are systematically subjected to verbal attacks, ad hominem campaigns and dehumanisation by the government or pro-government media;

G. whereas this most recent assassination attempt is just the latest example of very serious backsliding on the protection of human rights and respect for commonly agreed democratic principles and the rule of law in the Russian Federation;

H. whereas the ongoing repression of social dissent is reinforced by the impunity of police and security forces as well as the unwillingness of the courts to prosecute the real perpetrators of those crimes, which not only go unpunished but are even rewarded by the Kremlin;

I. whereas according to the renowned Russian human rights society Memorial, there are over 300 political and religious prisoners in the Russian Federation; whereas the EU shows solidarity with all dissidents and the Russian people, who, despite the threat to their freedom and their lives and the pressure from the Kremlin and the Russian authorities, continue to fight for freedom, human rights and democracy;

J. whereas politically motivated murders and attempted murders by the Russian secret service have a direct impact on EU internal security;

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K. whereas the Charité — Universitätsmedizin Berlin hospital has concluded that Alexei Navalny was poisoned with a nerve agent from the Novichok group, which is a military grade of nerve agents developed by the Soviet Union and the Russian Federation; whereas this finding has been confirmed by a specialised laboratory of the German armed forces and multiple laboratories working independently; whereas the Novichok nerve agent was recently used in March 2018 on the territory of the EU in an attack on the former Russian intelligence operative Sergei Skripal and his daughter Yulia Skripal in Salisbury, United Kingdom, which also resulted in the accidental death of Amesbury resident Dawn Sturgess;

L. whereas Russian doctors were the first to treat Alexei Navalny for poisoning and later claimed that there were no traces of poison in his body and tried to prevent him from being transported out of the country, and whereas the Russian authorities deny any connection to the incident;

M. whereas the Novichok nerve agent is an instrument that is developed for and only available to military structures and secret services in Russia; whereas such substances are regulated by Russian law; whereas the Novichok nerve agent is a chemical weapon that can be developed only in state-owned military laboratories and cannot be acquired by private individuals; whereas should that however be the case, it is a breach of Russia's international legal commitments;

N. whereas the Council has called on the Russian authorities to conduct a thorough investigation into the attempted assassination of Alexei Navalny, has called for a joint international response and has reserved its right to take appropriate actions, including restrictive measures;

O. whereas under the Chemical Weapons Convention, any poisoning of an individual through the use of a nerve agent is considered a use of chemical weapons and whereas the use of chemical weapons by anyone under any circumstances constitutes a serious breach of international law and international human rights standards; whereas following the unanimous adoption of two proposals to that effect, including one put forward by the Russian Federation, Novichok was added to the list of controlled substances of the Chemical Weapons Convention and is therefore subject to the most stringent control guidelines under the Convention;

P. whereas the rights to freedom of thought and speech, association, and peaceful assembly are enshrined in the constitution of the Russian Federation;

Q. whereas Russian state-controlled information outlets are attempting to negate the responsibility of the Russian authorities in the attempted assassination of Alexei Navalny by spreading disinformation and diverting the focus from the continuous violations of democracy, the rule of law, fundamental freedoms and human rights in the Russian Federation;

R. whereas the 13 September 2020 regional elections in Russia resulted in a record number of complaints about the falsification of results; whereas in cities where Alexei Navalny was present before his attempted poisoning (Novosibirsk and Tomsk), his smart voting system proved to be effective and helped to defeat Putin's candidates;

S. whereas the European Parliament has officially come to the conclusion that Russia can no longer be considered a 'strategic partner', also in the light of its antagonistic foreign policy, including military interventions and illegal occupations in third countries;

1. Strongly condemns the attempted assassination of Alexei Navalny and expresses its utmost concern about the repeated use of chemical nerve agents against Russian citizens;

2. Recalls that the use of chemical weapons under any circumstances constitutes a reprehensible crime under international law, in particular under the Chemical Weapons Convention;

3. Underlines that the attempted assassination of Alexei Navalny was part of a systemic effort to silence him and other dissident voices, and to deter him and those voices from further exposing serious corruption in the regime and deter political opposition in the country in general, in particular with a view to influencing Russia's local and regional by-elections of 11-13 September 2020;

4. Reiterates that the case of Alexei Navalny is one element of a wider Russian policy focusing on oppressive internal policies and aggressive actions worldwide, spreading instability and chaos, restabilising its sphere of influence and dominance, and undermining the rules-based international order;

5. Asks for the immediate launch of an international investigation (with the involvement of the EU, the UN, the Council of Europe, their allies and the OPCW) and emphasises its resolve to contribute to such an investigation; calls on the OPCW to establish a detailed investigation into breaches of Russia's international commitments in the area of chemical weapons; calls on the Russian authorities to fully cooperate with the OPCW to ensure an impartial international investigation and to hold to account those responsible for the crime committed against Alexei Navalny;

6. Calls on the Foreign Affairs Council to take an active stance on this matter at its meeting on 21 September 2020; demands that the EU establishes as soon as possible a list of ambitious restrictive measures vis-à-vis Russia and strengthens its existing sanctions against Russia; urges the deployment of such sanctions mechanisms as would allow for the collection and freezing of the European assets of corrupt individuals in accordance with the findings of Alexei Navalny's Anti-Corruption Foundation;

7. Calls on the Russian authorities to put an end to the harassment, intimidation, violence and repression of their political opponents by ending the prevailing climate of impunity, which has already led to the loss of lives of many journalists, human rights defenders and opposition politicians; underlines the need to ensure that such individuals are able to carry out their legitimate and useful activities without any interference and without fearing for their lives or for those of their family members and friends;

8. Calls for the EU to continuously demand that Russia repeal or amend all laws incompatible with international standards, including the illegally enacted recent changes to the Russian Constitution and its legal framework for elections and the legislation on foreign agents and undesirable organisations in order to facilitate pluralism and free and fair elections and create a level playing field for opposition candidates;

9. Expresses its solidarity with the democratic forces in Russia, which are committed to an open and free society, and its support for all individuals and organisations who are the targets of attacks and repression;

10. Underlines the duty of the Russian Federation, as a member of the UN Security Council, to respect international law and the relevant agreements and conventions, and to comply fully with its international commitments, including cooperation with the OPCW in investigating any breach of the Chemical Weapons Convention;

11. Urges the Russian Federation to address the questions raised by the international community urgently and to provide immediate, full and complete disclosure of its Novichok programme to the OPCW;

12. Stresses that the Russian Federation, as a member of the Council of Europe and the OSCE, has committed to respecting fundamental freedoms, human rights and the rule of law as enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights;

13. Calls on the VP/HR and the European External Action Service to ensure that the cases of all persons prosecuted for political reasons are raised in EU-Russia human rights consultations, when resumed, and to formally request that Russia's representatives in these consultations respond in every case; calls on the Presidents of the Council and the Commission, and the 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 exchanges with the Russian authorities;

14. Calls on the Member States to coordinate their positions vis-à-vis Russia and to speak with one unified voice in bilateral and multilateral forums with Russian authorities;

15. Reiterates that it is of the utmost urgency to launch a thorough and strategic reassessment of the EU's relations with Russia, which would include the following principles:

(a) to call on the VP/HR to review EU policy vis-à-vis Russia and the five guiding principles for the EU's relations with Russia and to develop a new comprehensive strategy, which will be conditional on further developments in the area of democracy, the rule of law and respect for human rights by the Russian leadership and authorities;

(b) to call on the Member States to continue to isolate Russia in international forums (such as the G7 and other formats) and to critically review the EU's cooperation with Russia through various foreign policy platforms;

(c) to call on the Council to prioritise the approval of the EU Magnitsky-style human rights sanctions mechanism and its implementation in the near future, which will include a list of individuals and could also include sectoral sanctions aimed at the Russian regime;

(d) in the light of the Navalny case reiterates its previous position to halt the Nord Stream 2 project;

(e) to call on the Council to adopt an EU strategy to support Russian dissidents, non-governmental organisations and civil society organisations, and independent media/reporters, making full use of human rights defender mechanisms, creating additional opportunities for young Russians to study in the EU, and assisting with the launch of a Russian university in exile in one of the Member States;

(f) to call on the Council to immediately start preparations and adopt an EU strategy for future relations with a democratic Russia, including a broad offer of incentives and conditions to strengthen domestic tendencies towards freedom and democracy;

16. 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 Organization for Security and Co-operation in Europe, and the President, Government and Parliament of the Russian Federation.