P9_TA(2021)0018

The arrest of Aleksei Navalny

European Parliament resolution of 21 January 2021 on the arrest of Aleksei Navalny (2021/2513(RSP))

(2021/C 456/12)

The European Parliament,

— having regard to its previous resolutions on Russia, in particular that of 17 September 2020 on the situation in Russia: the poisoning of Alexei Navalny [1],

— having regard to the Universal Declaration of Human Rights, the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights,

— having regard to the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on 9 December 1998,

— 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),

— 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 statements of the President of the European Council and of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 17 January 2021 and of the President of the European Commission of 18 January 2021, following the detention of Alexei Navalny,

— having regard to the statements of leaders of EU Members States on the detention of Alexei Navalny upon his arrival in Moscow,

— having regard to the European Council conclusions of 1 October 2020,

— having regard to the outcome of the Foreign Affairs Council of 12 October 2020 and the political agreement reached to impose restrictive measures against those linked with the assassination attempt on Alexei Navalny,

— having regard to the judgments of the European Court of Human Rights (ECtHR) in the cases of Navalnyye v Russia of 17 October 2017, Navalnyy v Russia of 15 November 2018, and Navalnyy v. Russia (No. 2) of 9 April 2019,

— having regard to the EU Global Human Rights Sanctions Regime, also known as the European Magnitsky Act, adopted by the Council on 7 December 2020,

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

A. whereas Alexei Navalny, a leading Russian politician, lawyer and anti-corruption activist, has uncovered numerous corruption affairs involving business enterprises and Russian politicians, led several public protests all over Russia and has become one of the most effective leaders of the Russian opposition;

B. whereas Alexei Navalny is one of the biggest challengers of the Russian authorities and president Putin, and through his determination and bravery, represents a beacon of hope for all those in Russia who believe that freedom, democracy, political plurality and accountability are possible in their country;

---

[1] Texts adopted, P9_TA(2020)0232.

Thursday 21 January 2021

C. whereas on 17 January 2021, Alexei Navalny was detained at Sheremetyevo International Airport in Moscow, upon his return to Russia after receiving medical treatment in Germany following his poisoning in Russia, and was denied access to his lawyers;

D. whereas on 18 January 2021, Alexei Navalny was sentenced to 30 days in prison, pending trial, during an unprecedented and hastily organised hearing procedure which took place at a police station, without the presence of Navalny's lawyer;

E. whereas around 70 people, including journalists and supporters of Alexei Navalny, had been detained while waiting for his return;

F. whereas Alexei Navalny had been transported to Germany with the agreement of the Russian authorities to receive medical treatment after being poisoned on 20 August 2020; whereas a joint investigative journalist network project, including the Bellingcat Investigation Team, managed to identify several of the perpetrators involved in the poisoning, all of them agents of the security services of the Russian Federation;

G. whereas the Charité hospital in Berlin concluded that Alexei Navalny was poisoned with a nerve agent from the Novichok group of military grade nerve agents developed by the Soviet Union and the Russian Federation, which are only available to military structures and secret services in Russia; whereas the nature of the poisoning has been confirmed by multiple laboratories in Germany, France and Sweden, as well as by the Organisation for the Prohibition of Chemical Weapons (OPCW);

H. 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;

I. whereas the EU, together with international partners, called on the Russian authorities to thoroughly investigate the assassination attempt on Alexei Navalny using a prohibited chemical nerve agent, to fully cooperate with the OPCW to ensure an impartial international investigation, and to bring those responsible to justice; whereas no such thorough and impartial investigation by the Russian authorities has taken place to date and Russia has explicitly rejected any calls for an investigation;

J. whereas on 15 October 2020 the EU, in the absence of any Russian investigation or cooperation with the OPCW, imposed sanctions against six Russian individuals and one entity involved in the crime;

K. whereas the fact that the assassination attempt on Alexei Navalny took place during the run-up to Russia's local and regional elections in September 2020 sheds a particularly worrying light on the state of democracy, fundamental freedoms and human rights in the country;

L. whereas Russia's Federal Penitentiary Service announced that Alexei Navalny was being detained pending a court hearing for violating the terms of an earlier suspended sentence, regarding the so-called Yves Rocher case, when in fact he was recovering from an assassination attempt orchestrated by the Russian authorities;

M. whereas in a ruling from 17 October 2017, ECtHR ruled that Alexei Navalny and his brother Oleg were unfairly convicted of financial crimes in the so-called Yves Rocher case in 2014 and that Russian courts handed down 'arbitrary and manifestly unreasonable' decisions in the case, and ordered the Russia Federation to pay the two brothers over EUR 80 000 in damages and costs;

N. whereas Alexei Navalny has been attacked, detained, arrested and sentenced previously, in attempts to stop his political and public activities; whereas the Russian authorities used Alexei Navalny's previous politically motivated convictions to bar him from running in the 2018 Russian presidential elections;

O. whereas on 18 January 2021, the Russian authorities launched a new criminal case against Alexei Navalny, on fraud charges related to the transfer of money to various charities;

P. whereas the rights to freedom of thought and speech, association, and peaceful assembly are enshrined in the Constitution of the Russian Federation; whereas the Russian Federation is a signatory to the Universal Declaration of Human Rights and the ECHR, and is a member of the Council of Europe, and has therefore committed to complying with international standards and the principles governing the rule of law, human rights and fundamental freedoms;

Q. 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;

R. whereas the situation of human rights and the rule of law continues to deteriorate in Russia, with systematic efforts by the authorities to silence free speech, limit the freedom of assembly, obstruct opposition activities, react with repression to any activities aimed at exposing corruption, and stifle the activities of Russian civil society;

S. whereas the violation of international law in Ukraine and Georgia and the state sponsored assassinations and physical elimination of opposition leaders, journalists and others, as in the cases of Boris Nemtsov, Anna Politkovskaya, Sergei Magnitsky and others, have gone unpunished; whereas these numerous assassination attempts by poisoning and other means, as well as the refusal to cooperate on the court case regarding the downing of flight MH17, have brought relations with the Russian Federation to a historic low point;

T. whereas since December 2020 the European Union has had in its toolbox the Global Human Rights Sanctions Regime, which targets individuals and entities responsible, involved in or associated with serious human rights violations and abuse worldwide;

1. Calls for the immediate and unconditional release of Alexei Navalny and of all other persons detained in relation to his return to Russia, whether they be journalists, team collaborators or citizens showing support;

2. Strongly condemns the detention of Alexei Navalny and his supporters, and the politically motivated repression carried out against them by the Russian authorities, including through the use of the justice system; condemns, furthermore the attempt on Alexei Navalny's life and expresses its utmost concern about the shrinking space for political opposition, dissident voices and civil society in the Russian Federation;

3. Condemns in the strongest possible terms the behaviour of the Russian Federation, which it deems inappropriate for a member of the Council of Europe and the OSCE which has committed to respecting fundamental freedoms, human rights and the rule of law as enshrined in the ECHR and the International Covenant on Civil and Political Rights; encourages the Council of Europe and the OSCE to take appropriate measures to evaluate the breaches of commitments made by the Russian Federation;

4. Recalls that the detention of political opponents is against Russia's international commitments, and insists that the judiciary be depoliticised and the rights to a fair trial and access to legal counsel be upheld; calls on the Committee of Ministers and the member states of the Council of Europe to use the powers enshrined in Article 46(4) of the ECHR to submit an infringement case against the Russian Federation to the ECtHR;

5. Calls on the Russian authorities to put an end to the harassment, intimidation, violence and repression of independent and dissident voices by ending the prevailing impunity which has already led to the loss of lives of many journalists, activists and human rights defenders and opposition politicians, and to ensure that they are able to conduct their activities without fear for their lives or for those of their family members or friends;

6. Considers that the assassination attempt on Alexei Navalny and his immediate arrest upon return to Russia are aimed at deterring further exposure of serious corruption in the regime and are part of a systemic effort to silence and eliminate him, political opposition and other dissident voices in the country, in particular with a view to the upcoming parliamentary elections in autumn 2021; believes that in acting in this way, the regime reveals its disdain towards the people, ruthlessly pursues remaining in power, and deprives the people of any chance of democracy and freedom; expresses its solidarity with the democratic forces in Russia, which are committed to an open and free society;

7. Highlights its determination to closely monitor the development of Alexei Navalny's situation and his wellbeing, both physical and mental, for which the Russian authorities are solely responsible;

8. Condemns the Russian Federation's repeated use of chemical nerve agents against Russian citizens and recalls that the use of chemical weapons under any circumstances constitutes a reprehensible crime under international law, in particular under the Chemical Weapons Convention; continues to urge the Russian authorities to provide full and complete disclosure of its Novichok programme to the OPCW and, without any further delay, to investigate, bring to justice and hold to account those responsible for the crime committed against Alexei Navalny; reiterates its call for an international investigation into breaches of Russia's international commitments in the area of chemical weapons;

9. Calls on the Council to take an active stance on this matter at its next meetings and to significantly strengthen the EU's restrictive measures vis-à-vis Russia, including by sanctioning the individuals and legal entities involved in the decision to arrest and imprison Alexei Navalny; considers, moreover, that the EU should impose additional targeted restrictive measures under the EU Global Human Rights Sanctions Regime against all individuals who were involved in or bear responsibility for the attacks against Alexei Navalny;

10. Urges the Council to introduce sanctions against Russian oligarchs related to the regime and members of President Putin's inner circle as well as media propagandists who possess assets in the European Union and enjoy freedom of travel to the Member States; believes that these sanctions should also be extended to their immediate family members; maintains that the European Union should no longer be a welcoming place for Russian wealth of unclear origin;

11. Calls on the EU and its Member States to devise a new strategy for the EU's relations with Russia, centred around support for civil society, which promotes democratic values, the rule of law, fundamental freedoms and human rights; calls on the EU and its Member States to critically review cooperation with Russia in various foreign policy platforms and on projects such as Nord Stream 2, the completion of which the EU must stop immediately;

12. Calls on the Russian Government and State Duma to revise the legal framework for elections and the legislation on foreign agents and undesirable organisations in order to facilitate pluralism and free and fair elections in accordance with international standards and create a level playing field for opposition candidates; demands that the Russian Government guarantees all democratic parties equal access and equal chances during the upcoming Duma elections, as non-registration of parties is an abuse of the registration procedure that destroys political competition and pluralist democracy; underscores that there is an ever increasing convergence of attitudes and tactics between the regime in Russia and the dictatorship in Belarus; observes that both regimes are fearing the growing demand for change among their people, which is why stealing elections presents itself as a convenient political solution to them;

13. Regrets that Alexei Navalny was not allowed to address the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE), as scheduled on 19 January 2021, while the Russian parliamentary delegation has recently been allowed to return to PACE;

14. Reiterates its call on the European External Action Service and the Member States to continue closely monitoring the human rights situation in the Russian Federation and calls on the EU Delegation in Russia and the embassies of the Member States to continue monitoring court cases of civil society organisations, opposition politicians and activists, including the case of Alexei Navalny; calls for the EU to increase its support to Russian dissidents, non-governmental organisations and civil society organisations, and independent media and reporters;

15. Calls on the EU Member States to coordinate their positions on Russia and speak with one voice in bilateral and multilateral forums with the Russian authorities; stresses, moreover, that the EU should take advantage of the change of administration in Washington to strengthen transatlantic unity in protecting democracy and fundamental values against authoritarian regimes; recalls that Parliament stands by the Russian people in their struggle for fundamental freedoms, human rights 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 the State Duma of the Russian Federation.