

Civil society warns Council of Europe that the time is not right to lift sanctions against Russia

At its June part-Session, the Parliamentary Assembly of the Council of Europe (further PACE) will vote on lifting the sanctions imposed on Russia after the illegal annexation of Crimea. The fact that the vote is taking place at all represents a significant and worrying change of Council of Europe (further CoE) policy towards Russia, as until this year the CoE adopted a principled stance on the necessity for all member states to adhere strictly to safeguarding the principles of rule of law, human rights and fundamental freedoms set out in the European Convention on Human Rights (ECHR) and the CoE statute.

However, in May 2019 a joint declaration issued after the CoE Committee of Ministers meeting in Helsinki stated that while CoE member states must accept CoE principles and values “all member States shall be entitled to participate on an equal basis”. In June, Ms Petra De Sutter, CoE Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs, recommended a derogation allowing CoE member states which are not represented by a delegation at the Assembly to appoint representatives to attend. She also recommended clarifying which sanctions should be applicable to members that had been excluded from participating in the activities of the CoE Assembly.¹

Since its establishment in 1949 the CoE has been a driving force for human rights and democratic values, and when Russia applied for CoE membership in 1995 PACE noted² Russia’s stated willingness to respect these values urged it “to settle international as well as internal disputes by peaceful means, rejecting any forms of threats of force against its neighbours”.³

Russia’s ratification of the ECHR in 1998 had a marked impact on legal standards in the areas of justice, human rights and minority rights in the country. However, from the mid 2000s the ECHR system failed to ensure that Russia addressed systemic violations committed on its territory that had been identified by the European Court of Human Rights (further ECtHR). Such breaches included: human rights violations by the security forces (including in Chechnya); effectiveness of investigations; illegal detention; secret surveillance; freedom of assembly etc.

Russia also committed violations against the citizens of neighbouring states, most notably Ukraine, Georgia and Moldova, including:

- the mass expulsion of thousands of ethnic Georgians from Russia in 2006 after the diplomatic row between Russia and Georgia;
- condoning killings, torture and enforced expulsion of ethnic Georgians from South Ossetia during the armed conflict between Russia and Georgia in 2008 in which hundreds of civilians died and over 22,000 ethnic Georgians were permanently displaced;
- Illegal annexation of Crimea in 2014 which led to mass human rights violations. Russia’s aggression in the east of Ukraine which led to killings, torture, enforced disappearances and enforced displacement in the conflict in eastern Ukraine. The civilian death toll now exceeds 3,300 persons and over 1.5 million Ukrainians have been displaced;

1 See the text of the report here: <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=27725&lang=2>

2 Opinion 193 (1996) Application by Russia for membership of Council of Europe

3 Paras. 10.7. 10.8. and 10.24. of the Opinion 193

- the refusal to withdraw its troops from Transnistria region of Republic of Moldova⁴;
- the non-enforcement of the European Court of ECHR judgments in the cases originating from the Transnistrian region of the Republic of Moldova⁵;
- The support of the separatist regime in Transnistrian region of Republic of Moldova, which systematically and flagrantly violates human rights⁶

Despite ECtHR rulings on some of these violations, Russia has to date failed to honour its obligations to pay just satisfaction.

After the 2014 annexation of Crimea, PACE ruled to apply sanctions against Russia and suspended the voting rights of the Russia delegation to PACE.⁷ PACE considered that Russia's actions on the territory of Ukraine constituted "beyond any doubt, a grave violation of international law" and that they were in clear contradiction to the commitments Russia had undertaken upon accession to the CoE as "by violating the sovereignty and territorial integrity of Ukraine, Russia has created a threat to stability and peace in Europe." In subsequent resolutions PACE called on Russia to reverse the illegal annexation of Crimea; investigate deaths, disappearances and human rights violations committed by police and (para) military forces in the region; disband paramilitary forces; cease harassing Crimean Tatar institutions and organizations; and cease pressure on independent media. The European Union⁸ and the United States⁹ also imposed sanctions/restrictive measures against Russia / Russian citizens. In an act of retaliation, Russia suspended its annual 33 million Euro contributions to the CoE in 2017.

We, the undersigned civil society organizations, believe that sanctions constitute an essential tool for delegitimising Russia's illegal actions against Ukraine and for preventing the further spread of the conflict.

Lifting CoE sanctions on Russia without any of the conditions for which they were initially imposed being met contradicts the principles enshrined in the Statute of CoE and legitimises Russia's illegal actions in Ukraine. Such an act would send a strong signal to the Russian authorities that most flagrant violations of the international law are accepted and tolerated by European states. It would also risk setting a detrimental precedent whereby CoE compromises its principles upon threat of non-payment of membership fees.

Furthermore, normalising the forceful annexation of a territory of a sovereign state, accompanied by flagrant violations of international humanitarian law and human rights will create a serious security threat not only for Ukraine but for the entire region.

And finally, lifting the sanctions would constitute a blatant and total disregard of the suffering inflicted upon thousands of victims of Russian aggression in Ukraine, Georgia and Moldova.

For the above reasons we call on PACE and the Committee of Ministers to demonstrate unity in upholding the values and principles on which the Council of Europe is based and fully keep sanctions in place until Russia meets the conditions for which these sanctions were imposed.

4 See: <https://www.un.org/press/en/2018/ga12030.doc.htm>

5 See: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680937585

6 See: <https://freedomhouse.org/report/freedom-world/2018/transnistria>

7 Resolution 1990 (2014), Reconsideration on substantive grounds of the previously rarified credentials of the Russian delegation

8 On EU restrictive measures see: https://europa.eu/newsroom/highlights/special-coverage/eu-sanctions-against-russia-over-ukraine-crisis_en

9 On US sanctions see: <https://2009-2017.state.gov/e/eb/tfs/spi/ukrainerussia/index.htm>

SIGNATURES:

1. Article 42 (Georgia)
2. Association UMDPL (Ukraine)
3. Belarussian Helsinki Committee (Belarus)
4. Bir Duino (Kyrgyzstan)
5. Bulgarian Helsinki Committee (Bulgaria)
6. Center for Civil Liberties (Ukraine)
7. Center for Participation and Development (Georgia)
8. Crimean Human Rights Group (Ukraine)
9. CrimeaSOS (Ukraine)
10. Crude Accountability (United States)
11. Georgian Young Lawyers' Association (Georgia)
12. German Russian Exchange – DRA (Germany)
13. Helsinki Association (Armenia)
14. Helsinki Citizens' Assembly – Vadanzor (Armenia)
15. Helsinki Foundation for Human Rights (Poland)
16. Human Rights Center "Memorial" (Russia)
17. Human Rights Center (Azerbaijan)
18. Human Rights Center (Georgia)
19. Human Rights Center Viasna (Belarus)
20. Human Rights Center ZMINA (Ukraine)
21. Human Rights Club (Azerbaijan)
22. Human Rights Education and Monitoring Center (Georgia)
23. Human Rights Initiative (Ukraine)
24. Human Rights Matter (Germany)
25. Human Rights Monitoring Institute (Lithuania)
26. International Partnership for Human Rights (Belgium)
27. International Society for Fair Elections and Democracy (Georgia)
28. Kazakhstan International Bureau for Human Rights and the Rule of Law (Kazakhstan)
29. Macedonian Helsinki Committee (Macedonia)
30. Media Initiative for Human Rights (Ukraine)
31. Norwegian Helsinki Committee (Norway)
32. Promo Lex (Moldova)
33. Protection of Rights without Borders (Armenia)
34. Public Alternative (Ukraine)
35. Public Association "Dignity" (Kazakhstan)
36. SOLIDARUS (Russia/Germany)
37. Truth Hounds (Georgia/Ukraine)
38. Ukrainian Helsinki Human Rights Union (Ukraine)