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Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation

Report[1]
Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)
Rapporteur: Sir Roger GALE, United Kingdom, European Conservatives Group

Summary

While regretting the lack of co-operation by the Russian Federation in the framework of the Parliamentary Assembly's monitoring procedure, the Monitoring Committee expresses its concern over a number of exacerbating negative tendencies with regard to democracy, the rule of law and human rights, which are having an impact on the fulfilment of other commitments and obligations of the Russian Federation.

At the same time, the committee stresses that the Assembly has always been committed to political dialogue as a means of reaching compromise and lasting solutions and that it constitutes the most important platform where dialogue concerning the Russian Federation's obligations under the Statute of the Council of Europe can take place with the participation of all those concerned and where the Russian delegation can be kept accountable on the basis of Council of Europe values and principles.

Therefore, the committee proposes that the credentials of the Russian Federation be ratified.

1. Reference to committee: Decision of the Assembly, Reference 4458 of 25 June 2019.

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A. Draft resolution[2]

1. The Parliamentary Assembly takes note of the presentation of credentials by the Russian Federation, after adoption of Resolution 2277 (2019) and Recommendation 2153 (2019) "Role and mission of the Parliamentary Assembly: main challenges for the future", the decision of the Committee of Ministers of 18 May 2019, as well as Resolution 2287 (2019) "Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting".

2. On 25 June 2019, the still unratified credentials of the Russian delegation were challenged on the basis of Rules 8.1 and 8.2 of the Rules of Procedure of the Assembly on the grounds that the military aggression by the Russian Federation in Eastern Ukraine, as well as its continued illegal annexation of Crimea, are in contradiction with the Statute of the Council of Europe (ETS No. 1) and with country's obligations and commitments.

3. The Assembly recalls its Resolution 1990 (2014) on the reconsideration on substantive grounds of the previously ratified credentials of the Russian Federation; Resolution 2034 (2015) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation, and Resolution 2063 (2015) on the consideration of annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015) in which it resolutely condemned the grave violations of international law committed by the Russian Federation with regard to the conflict in eastern Ukraine and the illegal annexation of Crimea.

4. The Assembly regrets the Russian Parliament's decision to suspend co-operation with the Assembly and not to submit the credentials of its delegation at the opening of parliamentary sessions in 2016, 2017, 2018, and 2019 and following the parliamentary elections in the Russian Federation in September 2016.

5. Similarly, the Assembly deplores the suspension, which has been in effect since July 2017, by the Russian Federation of the payment of its annual fees to the Council of Europe's budget for which the Russian Federation is legally liable.

6. While regretting the lack of co-operation by the Russian Federation in the framework of the Assembly's monitoring procedure, the Assembly expresses its concern over a number of exacerbating negative tendencies with regard to democracy, the rule of law and human rights, which are having an impact on the fulfilment of other commitments and obligations of the Russian Federation.

7. At the same time, it should be highlighted that the Assembly has always remained committed to dialogue as a means of reaching lasting solutions, as illustrated by the aforementioned resolutions. The Parliamentary Assembly constitutes the most important pan-European platform where political dialogue on the Russian Federation's obligations under the Statute of the Council of Europe can take place with the participation of all those concerned and where the Russian delegation can be kept accountable on the basis of Council of Europe's values and principles.

8. The Assembly refers to its Resolution 2277 (2019) "The role and mission of the Parliamentary Assembly: main challenges for the future", which proposed to set up, in addition to existing procedures, a joint procedure of reaction which could be initiated by either the Assembly, the Committee of Ministers or the Secretary General of the Council of Europe "in order to strengthen the Organisation's capacity to react more effectively in situations where member State violates its statutory obligations or does not respect the standards, fundamental principles and values upheld by the Council of Europe". In the light of the reaction of the Committee of Ministers expressed at its 129th ministerial session, the Assembly resolves to immediately start working on the establishment of such a joint mechanism which should be politically impartial and effective. It should be made operational without delay.

9. Furthermore, the Assembly notes that the Committee of Ministers "having regard to the importance of the elections of the Secretary General and of judges of the European Court of Human Rights, would welcome that delegations of all member States take part in the next June part-session of the Parliamentary Assembly", as indicated in its decision taken at 129th ministerial session.

10. Consequently, the Assembly resolves to ratify the credentials of the Russian delegation.

11. In return, the Assembly calls on the Russian Federation to fulfil all recommendations included in Resolutions 1990 (2014), 2034 (2015) and 2063 (2015).

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2. Draft resolution adopted unanimously by the committee on 25 June 2019.

12. The Russian delegation must without any further delay return to co-operation with the Monitoring Committee and all other committees of the Assembly and engage in meaningful dialogue on the fulfilment of its commitments and obligations. Access of Council of Europe's monitoring representatives should be granted.

13. Furthermore, the Assembly calls on the Russian authorities to:

13.1. release the 24 Ukrainian sailors captured in the Kerch Strait on the charge of "illegally crossing the border of the Russian Federation";

13.2. immediately pay all fees due to the Council of Europe budget;

13.3. unconditionally and fully co-operate with the joint investigation team and the Dutch prosecution service in bringing these responsible for the downing of Malaysia Airlines Flight MH 17 to justice;

13.4. take effective measures aimed at preventing violations of human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, in particular in the Chechen Republic, and prosecute the perpetrators for acts committed in the past;

13.5. co-operate fully with the international community in the investigation of the murder of Boris Nemtsov.

14. The Assembly expects that its clear offer of dialogue will be reciprocal and will lead to concrete results. It invites its Monitoring Committee to present a report on the honouring of obligations and commitments by the Russian Federation at its earliest convenience but no later than the April 2020 part-session

B. Explanatory memorandum by Sir Roger Gale, rapporteur

1. Introduction

1. By means of Resolution 2287 (2019) on the strengthening of the decision-making process of the Parliamentary Assembly concerning credentials and voting, adopted on 24 June 2019, the Assembly invited the parliaments of Council of Europe member States which were not represented in the Assembly to present the credentials of their delegations at the June 2019 part-session of the Assembly, thus derogating from Rules 6.1 and 6.3 of the Rules of Procedure relating to the transmission of credentials of national delegations and Rule 11.3 on appointments following parliamentary elections.

2. On 25 June 2019, the Parliament of the Russian Federation submitted the credentials of its delegation for ratification by the Assembly.

3. On the same day, Ms Nino Goguadze (Georgia, EC), with the support of more than 30 members of the Assembly present in the Chamber belonging to at least five national delegations, challenged the still unratified credentials of the Russian delegation on the basis of Articles 8.1.a and 8.2 of the Rules of Procedure of the Parliamentary Assembly. Later, Mr Volodymyr Ariev (Ukraine, EPP/CD) challenged the credentials of the Russian delegation on procedural grounds on the basis of Article 7 with the support of more than 10 members present in the Chamber belonging to at least five national delegations.

4. The substantive grounds on which the credentials were challenged refer to military aggression by the Russian Federation in eastern Ukraine, as well as its continued illegal annexation of Crimea, and, more generally, to its non-compliance with Assembly's Resolutions 1990 (2014) and 2034 (2015) resulting in the violation of the Statute of the Council of Europe (ETS No. 1), in particular its Preamble and Article 3 and of the country's obligations and commitments to the Council of Europe.

5. In Resolution 1990 (2014) on the reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation, adopted on 10 April 2014, the Assembly strongly condemned the violation of Ukrainian sovereignty and territorial integrity, considering it a grave violation of international law and the Statute of the Council of Europe. The Assembly therefore resolved to suspend the voting rights of the Russian delegation, the right to be represented in the Bureau of the Assembly, the Presidential Committee and the Standing Committee, and the right to participate in election observation missions until the end of the 2014 session. Furthermore, the Assembly reserved the right to annul the credentials of the Russian delegation if the Russian Federation does not de-escalate the situation and reverse the annexation of Crimea.

6. Resolution 2034 (2015) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation, adopted on 28 January 2015, resolutely condemned the grave violations of international law committed by the Russian Federation with regard to the conflict in eastern Ukraine and the illegal annexation of Crimea. As an expression of its condemnation, the Assembly deprived the Russian delegation of a number of rights including the right to be appointed rapporteur, the right to be a member of an ad hoc committee on observation of elections and the right to represent the Assembly in Council of Europe bodies as well as external institutions and organisations, both institutionally and on an occasional basis for the duration of the 2015 session of the Assembly.

7. In addition to these sanctions, the Assembly resolved to suspend the voting rights of the Russian delegation, as well as the right to be represented in the Bureau of the Assembly, the Presidential Committee and the Standing Committee of the Russian delegation to the Assembly. The Assembly also decided to return to this issue, with a view to re-instating these two rights at its next (April 2015) part-session if the Russian Federation had made marked and measurable progress towards implementing the demands of the Assembly formulated in paragraphs 4.1 to 4.4, paragraphs 5.1 to 5.3, paragraphs 7.1 to 7.9, paragraph 11 and paragraphs 12.1 to 12.4 of Resolution 2034 (2015) and if the Russian Federation had given its full co-operation to the working group mentioned in paragraph 17 of this resolution. At the same time, the Assembly resolved to annul the credentials of the Russian delegation at its June 2015 part-session if no progress was made with regard to the implementation of the Minsk Protocol and Memorandum demands and recommendations of the Assembly, in particular with regard to the immediate withdrawal of Russian military troops from eastern Ukraine.

8. In Resolution 2063 (2015) on the consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015)), adopted on 24 June 2015, the Assembly, while noting the sanctions currently in place, resolved not to annul the already ratified credentials of the Russian delegation as a signal of the commitment to an open and constructive dialogue with the Russian delegation.

9. Regrettably, in response, the Russian delegation chose not to participate in the work of the Assembly in the remaining months of 2015.[3] Moreover, the Russian Parliament, reportedly anticipating that its credentials would again be challenged, and sanctions would be applied, did not submit new credentials in January 2016, 2017, 2018 and 2019. Nor did it submit credentials following the parliamentary elections in September 2016. The Russian leadership made it clear that the decision not to present the credentials was accompanied by a policy decision not to co-operate with the Assembly. In addition, on a number of occasions, the Russian leaders have publicly stated that they could not accept participation in the Assembly's work without enjoying full rights.

10. Furthermore, in an escalation of the situation, in July 2017, Russia suspended the payment of annual fees to the Organisation's budget. In Resolution 2208 "Modification of the Assembly's Rules of Procedure: the impact of the budgetary crisis on the list of working languages of the Assembly", adopted on 16 March 2018, the Assembly expressed its great concern at the unprecedented budgetary crisis affecting the Council of Europe as a whole[4].

11. While Article 9 of the Statute of the Council of Europe provides that "the Committee of Ministers may suspend the right of representation on the Committee and on the Consultative (Parliamentary) Assembly of a member which has failed to fulfil its financial obligation [i.e. payment within six month from the date when it is due] during such period as the obligation remains unfulfilled", the Committee of Ministers has decided to apply its decision of November 1994 which allows for extension of the period of non-payment to two years in "exceptional circumstances". In Recommendation 2124 (2018), adopted on 16 March 2018, the Assembly urged the Committee of Ministers to take necessary measures and to implement Article 9 of the Statute.

12. In his address to the Assembly during the 2018 October part-session, the Secretary General of the Council of Europe, Thorbjørn Jagland, said that Russia's rights to be represented in the Council of Europe's statutory organs – the Committee of Ministers and the Parliamentary Assembly – could be suspended in June 2019 for systematic failure of payment.

13. The issue of the prospects for Russia's membership in the Council of Europe has repeatedly been raised by the Russian leadership in the context of the crisis in Russia–Parliamentary Assembly relations.

14. As a result, despite a number of initiatives by the Assembly aimed at re-establishing dialogue and co-operation, such as for example the meetings between the President of the Parliamentary Assembly and the Chairperson of the State Duma in the framework of the Conference of the Commonwealth of Independent States (CIS); the visit by the Presidential Committee in Moscow in 2016 or the participation of the Chairperson of the Council of Federation in the Conference of Speakers of national parliaments organised by the Assembly, in the run-up to the time of celebrating its 70th anniversary, the Council of Europe has found itself in an unprecedented institutional and political crisis caused by the Russian Federation's refusal to participate in the Assembly.

15. As one of the results of more general reflection of the ad hoc committee of the Bureau on the role and mission of the Parliamentary Assembly, the Committee on Rules of Procedure, Immunities and Institutional Affairs presented the first report on "Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting", which was generally perceived as an attempt to overcome the stalemate and which was debated on 9 October 2018. In the draft resolution, the committee proposed to amend procedures with the effect of limiting the possibilities of challenging credentials of delegations on substantive grounds and to restrict the scope of sanctions incurred by members of delegations whose credentials have been challenged at the plenary level in such a way that delegations whose credentials had been challenged would still have the right to take part in the election of judges to the European Court of Human Rights, the Commissioner for Human Rights, the Secretary General and the Deputy Secretary General of the Council of Europe and the Secretary General of the Parliamentary Assembly. Following the debate, the report was referred back to the Rules Committee at the request of the rapporteur to be revised in the light of the debate and submitted at a later stage (see below).

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3. Already on 18 April 2014, the Russian Duma adopted a declaration on "The anti-Russian resolution of the Parliamentary Assembly of the Council of Europe" in which it resolved that it would not participate in the work of the Assembly until all the rights of the Russian delegation had been restored. However, limited co-operation initially continued including in the framework of the Monitoring Committee and the co-rapporteurs conducted a fact-finding visit to Moscow in December 2014.

4. The suspension of payments by the Russian Federation coincided with the Turkish decision to revert to its initial status of ordinary contributor to the Council of Europe budget.

16. On 10 April 2019, the Assembly debated the text: "The Role and mission of the Parliamentary Assembly: main challenges for the future." Following the debate, the Assembly adopted Resolution 2277 (2019) and Recommendation 2153 (2019), both of which proposed to set up, in addition to existing procedures, a joint procedure of reaction which could be initiated by either the Parliamentary Assembly, the Committee of Ministers or the Secretary General "in order to strengthen the Organisation's capacity to react more effectively in situations where a member State violates its statutory obligations or does not respect the standards, fundamental principles and values upheld by the Council of Europe".

17. In its decision on "A shared responsibility for democratic security in Europe- Ensuring respect for rights and obligations, principles, standards and values," taken at its 129th session in Helsinki on 17 May 2019, the Committee of Ministers" welcomed this proposal and "noted the urgent need to develop synergies and provide for co-ordinated action by the two statutory organs, in recognition of their respective mandates, in order to strengthen the Organisation's ability to react more effectively in situations where a member State violates its statutory obligations or does not respect the standards, fundamental principles and values upheld by the Council of Europe". Furthermore, the Committee of Ministers "having regard to the importance of the elections of the Secretary General and of judges to the European Court of Human Rights, would welcome that delegations of all member States take part in the next June part-session of the Parliamentary Assembly".

18. Against this background, and following contacts between the leadership of the Russian Federation and the Parliamentary Assembly, Resolution 2287 (2019) which, besides derogating from the deadlines for submission of credentials, clarifies that "[t]he members' rights to vote, to speak and to be represented in the Assembly and its bodies shall not be suspended or withdrawn in the context of a challenge to or reconsideration of credentials" has paved the way for the Russian Delegation to submit credentials. Following the challenge on substantive grounds, the credentials were referred to the Monitoring Committee for report and to the Committee on Rules of Procedure, Immunities and Institutional Affairs for opinion. The challenge on procedural grounds was referred to the Rules Committee for report.

19. At its meeting on 25 June 2019, the Monitoring Committee appointed me as rapporteur for the present report.

20. In the sections below, I will outline the main developments with regard to Crimea and eastern Ukraine. I will also devote a short overview of other developments of direct relevance to the substantive grounds of challenge of the credentials of the Russian delegation with regard to compliance with the Council of Europe Statute and the country's obligations and commitments.

2. Developments with regard to Crimea and eastern Ukraine

21. In Resolutions 1990 (2014), 2034 (2015) and 2063 (2015) mentioned in the previous chapter, the Assembly repeatedly condemned the illegal annexation of Crimea and its continuing integration into the Russian Federation. It reiterated that this illegal annexation was a gross violation of international law, including of the United Nations Charter, the Helsinki Final Act of the Organization for Security and Co-operation in Europe (OSCE), as well as the Statute of the Council of Europe and Russia's accession commitments to this Organisation.

22. Moreover, the Assembly expressed its alarm at the deteriorating human rights situation, which was characterised by deaths, disappearances and repression against persons opposed to or critical of Russia's illegal annexation of Crimea. The Assembly further expressed its serious concern about the harassment and closure of most non-governmental organisations (NGOs) and media outlets in Crimea that were critical of Russia's illegal annexation of the region, including the Crimean Tatar television station ATR.

23. The Assembly therefore demanded that the Russian Federation, *inter alia*, reverse its illegal annexation of the Crimea; withdraw all military troops from Ukrainian territory (including Crimea); refrain from harassing and putting pressure on Crimean Tatar organisations and institutions; investigate all deaths and disappearances as well as human rights abuses by police and (para)military forces in the region; and reverse the closure of the Crimean Tatar television channel ATR.

24. Regrettably, it is clear that no progress has been made in complying with these demands. To the contrary, the harassment of Crimean Tatars, their organisations and representatives has continued unabated. On 26 April 2016, the Russian-appointed supreme court of Crimea banned the Mejlis of the Crimean Tatar People, the highest official representative body of the Crimean Tatars, and placed it on the list of extremist organisations banned in Russia on the grounds that, by opposing the illegal annexation of the Crimean

territory, they engaged in “propaganda of aggression and hatred towards Russia, inciting ethnic nationalism and extremism in society”. This ban was upheld by the Supreme Court of the Russian Federation on 29 September 2016.

25. The banning of the Mejlis of Crimean Tatar People was strongly condemned by members of the international community including the Commissioner for Human Rights of the Council of Europe and the Assembly, which in Resolution 2132 (2016) on the political consequences of the Russian aggression in Ukraine called for this measure to be reversed. On 19 April 2017, the International Court of Justice in the Hague ordered Russia to lift its ban on the Mejlis of the Crimean Tatar People, which Russia, to this very day, has refused to do.

26. In addition, the prohibition of the Crimean Tatar Television Channel ATR to broadcast from Crimea has not been lifted. In a further signal of the hardening of conditions for Crimean representatives, on 28 September 2017, a court in Simferopol convicted the Deputy Chairmen of the Mejlis, Mr Akhtem Chiygoz and Mr Ilmi Umerov, to two years in prison for “separatism”. On 25 October 2017, only after direct intervention and intense mediation by President Erdoğan of Turkey, were these two Tatar leaders released.

27. On 18 September 2016, in a further escalation of the situation, the Russian authorities organised elections for the Russian Duma in occupied Crimea without the agreement of Ukraine, in clear violation of international law. These so-called elections and their outcome are both illegal and illegitimate and were declared null and void by the Assembly in Resolution 2132 (2016) on the political consequences of the Russian aggression in Ukraine. It is clear that no-one can be considered legitimately elected in these elections or derive any rights and privileges from that illegal act under international law.

28. As underscored by numerous reports from credible and well-known human rights organisations and defenders, the human rights situation in the Crimea has continued to deteriorate. No credible investigations have taken place into human rights abuses in Crimea, including into disappearances and murders of activists opposing the illegal annexation of Crimea by the Russian Federation, as asked for, *inter alia*, by the Assembly.

29. In Resolution 2231 (2018) “Ukrainian citizens detained as political prisoners by the Russian Federation”, the Assembly expressed its deep concern about the existence of more than 70 persons, considered to be political prisoners, detained on politically fabricated charges in prisons in Russia and Crimea. The case of Mr Olegh Sentsov, a Ukrainian filmmaker sentenced to 20 years imprisonment by a Russian Court on the fabricated charges of plotting terrorist acts is a case in point in this respect. As mentioned by the High Commissioner for Foreign Affairs and Security Policy of the European Union, Ms Federica Mogherini, this case was in breach of international law and elementary standards of justice.

30. Despite repeated calls for his release, Mr Sentsov, who was awarded the Sakharov Price by the European Parliament, remains imprisoned in Russia. The May 2019 report of the Crimean Human Rights Group lists a total of 86 persons in custody on politically motivated criminal charges, including for belonging to an extremist organisation and spying or carrying out subversive action in favour of Ukraine. The same report also expresses its concern about the appalling conditions of detention, as well as the continuing limitation on the rights of freedom of expression and assembly of those that oppose the Russian occupation of Crimea.

31. An issue of concern is the drafting of residents of Crimea into compulsory military service in the Russian armed forces, in violation of the Geneva Convention (IV) relative to civilian persons in time of war. This treaty explicitly prohibits the conscription of persons living in an occupied territory in the armed forces of the occupying power, as well as the use of propaganda with the aim of making these persons voluntarily join the armed forces. In May 2019 alone, at least three cases brought against persons for “evading the Russian Federation Armed Forces military service” were heard by “courts” in Crimea.

32. In a development that endangers the overall stability and security of the Black Sea region, the Russian Federation has executed a significant build-up of military forces in Crimea. This includes the deployment of advanced S-400 and S-300 anti-air systems and a significant increase of troops and military hardware on the administrative boundary line with mainland Ukraine.[5] Leaked European Union diplomatic cables express concern that Russia may have deployed nuclear weapons in Crimea, which would be in violation of the 1994 Budapest Memorandum on Security Assurances, and amount to a significant escalation and security risk in the region.

5. See, for example, European Council for Foreign Relations: www.ecfr.eu/article/commentary_occupational_hazards_the_russian_military_in_crimea.

33. On 25 November 2018, tensions between Russia and Ukraine seriously escalated when vessels of the border service of the Russian Federal Security Service opened fire on, and seized, three Ukrainian naval vessels that were passing the Kerch Strait to Mariupol. These actions by the Russian Federation were in clear violation of international law treaties, including the United Nations Convention on the Law of the Sea, which gives Ukraine the right to freely navigate in its own territorial waters, as well as the 2003 treaty between Ukraine and the Russian Federation on the Use of the Sea of Azov and the Kerch Strait. The latter provides for free passage of merchant vessels and navy warships of both the Russian Federation and Ukraine in these shared territorial waters. In addition, these actions by the Russian Federation were a direct violation of the Statute of the Council of Europe and Russia's explicit accession commitment to resolve its conflict with other member States peacefully.[6]

34. The escalation of tensions and the use of military force by the Russian Federation were condemned by the Assembly in Resolution 2259 (2019) on the escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European Security. The Russian authorities continue to detain the 24 Ukrainian sailors it captured in the Kerch Strait on the charge of "illegally crossing the border of the Russian Federation". In Resolution 2259 (2919), the Assembly called for their immediate release. On 25 May 2019, the United Nations International Tribunal for the Law of the Sea (ITLOS) ordered the Russian Federation to immediately release the captured Ukrainian sailors and to allow them to return to Ukraine. Although judgments from the ITLOS are binding on its members, including the Russian Federation, the Russian authorities have refused to implement this judgment and to free the Ukrainian sailors, raising questions about the willingness of the Russian authorities to adhere to international law and international conventions it is Party to.

35. In Resolutions 2034 (2015) and 2063 (2015), the Assembly condemned Russian military aggression in eastern Ukraine and its continuing military and logistical support for the separatist forces and covert military action by Russian troops. This position was reiterated in Resolution 2132 (2016) on the political consequences of the Russian aggression in Ukraine and various other resolutions adopted since then. In these resolutions, the Assembly called on the Russian Federation to, *inter alia*, fully implement the Minsk Agreements and the Package of Measures for their implementation; withdraw its troops from Ukrainian territory and to stop the supply of weapons to the separatist forces; and to end the influx of Russian "volunteers" into the conflict in eastern Ukraine.

36. Regrettably, very little progress has been made about the implementation of the Minsk Agreements and the process is generally considered to be all but moribund.[7] Fortunately, the ceasefire agreement that is a central aspect of the Minsk Agreement seems to be mostly holding since spring 2015. However, as noted by reports from OSCE observers who have been deployed to observe the implementation of the ceasefire agreement and the withdrawal of heavy weapons from the line of contact and the agreed buffer zone, the ceasefire is regularly violated by all sides in the conflict and casualties, both civilian and military, are regularly recorded.

37. In February 2019, the Office of the United Nations High Commissioner for Human Rights (OHCHR) estimated the death toll of the conflict to be more than 13 000,[8] with more than 200 civilian casualties in 2018 alone according to OSCE estimates.

38. A key reason for the stalemate in the implementation of the Minsk Agreements is the refusal by the Russian Federation to admit that it is a Party to the conflict, and that it is providing logistical and military support and leadership to the separatist forces. The Ukrainian authorities, for their part, have repeatedly, and understandably, stated that the political provisions of the Minsk Agreements can only be fully[9] implemented when the security conditions of the Minsk Agreements are implemented, including the provision calling for the "withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine under monitoring of the OSCE".

39. With the non-implementation of the security requirements being a key obstacle to the implementation of the Minsk agreements, there have been attempts to look at additional mechanisms to provide security guarantees, in particular the deployment of a United Nations Peace Keeping Force in Eastern Ukraine. This was originally proposed by President Poroshenko in 2015 but was rejected at that time by the Russian Federation. However, in September 2017, Russia indicated in a paper distributed at the United Nations that it

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6. Opinion 193 (1996) "Application by Russia for membership of the Council of Europe", paragraphs 10.7 and 10.8.
7. Konrad-Adenauer Stiftung e.V.: The grand Stalemate of the Minsk agreements" – February 2019.
8. www.rferl.org/a/death-toll-up-to-13-000-in-ukraine-conflict-says-un-rights-office/29791647.html3.
9. Nevertheless, it should be noted that in line with the Minsk Agreements the Verkhovna Rada of Ukraine adopted the law "On interim self-government order in certain areas of the Donetsk and Luhansk regions" that outlines the areas with a special status as required by the Minsk Agreements.

would be open to a UN peacekeeping mission, albeit in a much more limited form than proposed by President Poroshenko, with the peacekeeping mission only covering the line of contact. This proposal was further discussed with the participation of international mediators from France, Germany and the United States.

40. The resulting proposal by these mediators foresaw a phased expansion of the Peace Keeping Force to include the State border between Russia and Ukraine and ultimately the whole of the Donbas region.[10] [11] However, this proposal was rejected by Russia in the summer of 2018, despite a number of countries indicating they would be ready to provide troops to such an operation.[12] When, in February 2019, the then President Poroshenko renewed his call to the United Nations to deploy a multinational peacekeeping force, it was resolutely rejected by the Russian Federation. In particular, Russia rejected proposals for such a peacekeeping force to control the Russian–Ukrainian border,[13] which has been an essential conduit for Russian military units and support to the separatist forces.

41. Despite Russian denials, there is ample evidence of continued direct Russian military involvement in eastern Ukraine. In February 2017, the Deputy Head of the OSCE observer mission stated in an interview that monitors had met soldiers in separatist units claiming to be soldiers of the Russian Army,[14] while drones deployed by OSCE observers have spotted both military convoys crossing the border between Ukraine and Russia[15] and Russian advanced electronic warfare systems inside Ukrainian territory.[16]

42. In this context, it should also be noted that the Dutch Chief Prosecutor announced on 23 May 2018 that, based on conclusive evidence, the Dutch-led Joint Investigation Team (JIT) into the downing of Malaysia Airlines flight MH17 had concluded that the BUK anti-air missile that downed the MH17 civilian airliner had been supplied by the 53rd anti-aircraft brigade based in Kursk.[17] On 19 June 2019, the Dutch Chief Prosecutor presented additional evidence that the BUK system had been provided by Russia and identified the first four suspects, three Russian citizens with Russian Military Intelligence background, and one Ukrainian citizen, and filed criminal charges against them. Regrettably, Russia has refused any co-operation with the JIT into this human tragedy that cost the lives of 298 civilians.

43. The Russian Federation continues to finance the separatist forces in the Donbas region and supply them with training and military hardware such as advanced weaponry, in violation of the Minsk Agreements.[18] The continuing logistical support is also evidenced from the fact that violations of the ceasefire agreement by separatist forces have been able to continue unabated for the last four years, which would not have been possible without a steady supply of weapons and ammunition from the Russian Federation.

44. On 11 November 2018, “elections” were organised in the so-called Donetsk and Luhansk People Republics with the support of the Russian Federation. The organisation of these “elections” is a clear violation of the Minsk Agreements and was condemned by *inter alia* the European Union and the United States.

45. On 24 April 2019, President Putin issued a decree offering passports and citizenship under a simplified procedure to residents of the areas of the Donbas not under the control of the authorities in Kyiv. The use of such a “passportisation” policy by the Russian Federation violates international law and the principles of the Minsk Agreements signed by Russia, runs counter to the principle of good neighbourly relations, and is an attack on Ukraine’s national sovereignty. It was strongly condemned by the international community, especially as the outcome of a similar passportisation policy with regard of the Georgian regions of Abkhazia and South Ossetia preluded Russia’s armed intervention in Georgia in 2008.

3. Other concerns relating to violations of international law

46. As reiterated by several Assembly resolutions, Russia’s military aggression in eastern Ukraine, and the illegal annexation of Crimea, clearly demonstrates its lack of willingness to honour its membership obligations and accession commitments to the Council of Europe with regard to its relations with its neighbours.[19] In that

10. www.ecfr.eu/article/commentary_un_peacekeeping_in_donbas_the_stakes_of_the_russia_ukraine_confl.
11. www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/donbas-peacekeeping-opportunities-and-risks.
12. www.dw.com/en/sweden-says-its-open-to-leading-un-peacekeeping-mission-in-ukraine/a-42631517.
13. www.dailysabah.com/europe/2019/02/23/row-over-un-peacekeeping-deployment-in-eastern-ukraine-escalates.
14. http://pda.pravda.com.ua/articles/id_7134551/.
15. www.rferl.org/a/osce-monitor-publishes-video-truck-convosy-between-russia-ukraine-first-evidence-illegal-crossings/29427195.html.
16. 11 August 2018: www.osce.org/special-monitoring-mission-to-ukraine/390236.
17. www.reuters.com/article/us-ukraine-crisis-mh17/investigators-identify-russian-military-unit-in-downing-of-flight-mh17-idUSKCN1IP0TR.
18. www.ecfr.eu/article/commentary_un_peacekeeping_in_donbas_the_stakes_of_the_russia_ukraine_conf l.

context, the Assembly demanded in its resolutions that Russia, *inter alia*, implements the Assembly resolutions regarding the war between Russia and Georgia; remove all obstacles to the free movement of civilians across the administrative boundary lines between South Ossetia and Abkhazia and the rest of Georgia; implement its accession commitment to withdraw the 14th Army and its equipment from the territory of the Republic of Moldova.

47. Regrettably, no progress has been recorded in this respect: quite to the contrary, with regard to Georgia, the international community has, on repeated occasions, condemned the ongoing borderisation of the administrative boundary lines and creeping annexation of these two regions by the Russian Federation.

48. These developments, as well as its recent interference in internal developments in Armenia underscore the continued refusal of the Russian Federation to honour its membership obligations and accession commitments in this respect.

4. Developments with regard to other commitments and obligations of the Russian Federation

49. The last Information note on the functioning of democratic institutions in the Russian Federation (AS/Mon (2016) 29 declassified) dates back to October 2016. Unfortunately, outstanding concerns in the area of democracy, rule of law and human rights and freedoms outlined therein have not been addressed and no progress has been noted. To the contrary, the events in Crimea and Ukraine have had a visible impact on the state of democracy, human rights and freedoms in the Russian Federation, exacerbating a number of negative tendencies with regard to other commitments and obligations of the country.[20]

50. The authorities have tightened control over freedom of expression with the objective of controlling information, particularly with regard to the conflict, and silencing independent criticism (including criticism made online). I have already referred to the restrictions on freedom of expression imposed on the Russian-controlled Ukrainian territories, but a repressive environment for journalists persists in the whole of the country.[21]

51. Russia is ranked 149 out of 180 countries in the Reporters without Borders 2019 World Press Freedom Index. Attacks and threats against journalists are common. In April 2017, the independent journalist Nikolai Andrushenko, co-founder of the weekly *Novy Petersburg*, known for his reporting on corruption and police brutality, died after having been severely beaten in the street. In May 2017, Dmitry Popkov, chief editor of the independent local newspaper *Ton-M* in Siberia, was shot dead in the street in the Siberian region of Krasnoyarsk. In April 2018, Maksim Borodin, an investigative correspondent for the independent website *Novy Den*, who had reported on the use of Russian private military contractors in Syria, died after falling from the balcony of his fifth-floor apartment in Yekaterinburg under suspicious circumstances. In September 2018, a human rights activist and website publisher was allegedly poisoned and received treatment in Germany. In October 2018, Denis Korotkov from *Novaya Gazeta* received death threats. In June 2019, Russian video blogger Vadim Kharchenko who reports and comments on protests against the authorities and conducts investigations into alleged police abuse of power was attacked and injured in Krasnodar.[22] The list is not exhaustive and there is no need to stress what a chilling effect it may have on other journalists.

52. Critical journalists and editors are also often persecuted on (criminal) charges which are considered as politically motivated by the international community. In October 2018, a Moscow court fined the magazine *New Times* over $US300 000 for allegedly failing to submit funding declarations on time. Editor Yevgeniya Albats claimed that the penalty was retribution for her radio interview on Ekho Moskvy with the opposition activist Alexiey Navalny. In December 2018, Aleksandr Valov, editor of *BlogSochi* who had written about corruption, was sentenced to six years in prison for extortion. In June 2018, a correspondent for the Ukrainian national information agency UKRINFORM in France, who had been detained since 2016, was sentenced to 12 years in prison for alleged espionage. In January 2019, blogger Viktor Toroptsev was sentenced to 10 days in jail for a traffic violation after he shared a video on YouTube that allegedly showed several law-enforcement officials attending the funeral of a local crime boss. In February 2019, police launched a criminal

19. Opinion 193 (1996) “Application by Russia for membership of the Council of Europe”, paragraph 10.7, “to settle international as well as internal disputes by peaceful means (an obligation incumbent upon all member States of the Council of Europe), rejecting resolutely any forms of threats of force against its neighbours;” and paragraph 10.11 “to denounce as wrong the concept of two different categories of foreign countries, whereby some are treated as a zone of special influence called the ‘near abroad’”.
20. See Human Rights Watch, 2018 report on Russia.
21. See Reporters Without Borders website.
22. See Committee to Protect Journalists website.

investigation, raided the apartment and seized the personal possessions of a journalist, Svetlana Prokopyeva, for her criticism of the authorities in relation to a suicide bombing last year.[23] In May 2019, journalist Victor Korb was charged for transcribing and publishing a 2015 speech that a Kremlin critic gave at his trial. In June 2019, editor Abdulmumin Gadzhiev was detained on terrorism charges based, according to the findings of the CPJ, on the testimony of a witness who retracted his initial statement claiming that it was made under torture.[24] Again, these are only examples. For more information, please consult the report of the Committee on Culture, Education and Media on "Attacks against journalists and media freedom in Europe" (Doc. 14229).

53. There has recently been two cases with a more positive conclusion: following an historic level of pressure from Russian civil society,[25] a well-known investigative journalist named Ivan Golunov, who had been arrested on very dubious drug trafficking charges, was released on 11 June 2019, after spending more than a month in detention; charges have since been dropped.[26] Likewise, independent journalist Igor Rudnikov was released by the court in St Petersburg a few days ago after having spent 20 months in detention on what is widely perceived as trumped-up charges.[27] However, according to the international human rights organisations, at least five other journalists are still detained in Russia on dubious charges.[28] Regrettably, this positive trend proved to be short lived when on 12 June the police arrested 100 protesters, including Alexei Navalny, who asked that the police officers who planted evidence on Mr Golunov be punished.

54. Vague and overbroad anti-extremist legislation is used to criminally persecute any criticism on social media. Since 2017, the Prosecutor's Office has had the power to extrajudicially block content shared by foreign "undesirable", organisations, as well as websites disseminating materials from these organisations. In April 2018, the authorities blocked the popular messaging application Telegram after it failed to grant the Federal Security Service (FSB) access to encrypted communications.

55. The situation is not going to improve with new pieces of legislation adopted recently by the Russian Parliament. These pieces of legislation include: the bill on "fake news" and "disrespecting authorities," which allows courts to jail and fine people and to block websites that publish offending material; amendments to the Code of Administrative Offences which would levy fines on individuals and companies for distributing print media from foreign outlets without permission from Russia's State media regulator, Roskomnadzor; and legislation enabling authorities to label individual journalists "foreign agents". The first persons have already been charged under the disrespecting authorities law. It is feared that this law effectively outlaws political opposition by declaring criticism of the authorities disrespectful.[29]

56. The situation of NGOs and human rights defenders has not improved. In its Resolution 2096 (2016) on how can inappropriate restrictions on NGO activities in Europe be prevented and Resolution 2225 (2018) on New restrictions on NGO activities in Council of Europe member States, the Assembly expressed strong concern about the so-called "foreign agents law," which stigmatises organisations who receive foreign funding and who are deemed to be engaging in political activities. As of the end of 2018, 73 organisations have been classified as "foreign agents," whilst many others have stopped accepting foreign contributions or terminated their activities. Those registered as "foreign agents" have great difficulties in pursuing their objectives.

57. The Assembly, in the aforementioned resolutions was also worried about the adoption, in May 2015, of the "law on undesirable organisations". Quinze foreign NGOs have been deemed "undesirable organisations" on the grounds that they threaten the national security. This designation gives the authorities the power to issue a range of sanctions against these organisations and others who work with them. In Resolution 2225 (2018), the Assembly called on Russia to amend the legislation on NGOs in accordance with the Venice Commission's Opinions Nos. 716/2013 and 717/2013. Regrettably, this has not been done.

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23. General Rapporteur on media freedom and the safety of journalists for the Parliamentary Assembly, Lord George Foulkes, made a statement calling on the Russian authorities to drop charges against the journalist.
24. www.kavkaz-uzel.eu/articles/336786/.
25. For several days following his arrest, people stood in line for hours awaiting their turn to hold non-stop, single person pickets in front of the Interior Ministry. General Rapporteur on media freedom and the safety of journalists for the Parliamentary Assembly, Lord George Foulkes has made a statement expressing concern and calling on the Russian authorities to immediately release the journalist.
26. https://rsf.org/en/news/ivan-golunov-freed-least-six-other-journalists-still-held-russia.
27. https://rsf.org/sites/dafault/files/rsf_osvobozhdenie_igorya_rsf.
28. https://rsf.org/sites/dafault/files/rsf_yamy_-_vse_zaklyucheni2019_o.pdf.
29. www.themoscowtimes.com/2019/04/24/first-russian-found-guilty-under-disrespect-of-authorities-law-reports-a65359.

58. Other forms of harassment and intimidation hinder the work of NGOs. In January 2018, Oyub Titiyev, the head of Memorial's office in Chechnya, was arrested for alleged possession of drugs.[30] On 10 June 2019, he was granted parole following massive domestic and international campaigns on his behalf. In October 2018, Oleg Kozlovsky, an Amnesty International researcher, was detained, beaten and subjected to a mock execution by masked assailants. The attackers sought information about his local contacts and threatened to kill his wife and children. I refer those interested to the reports of the Legal Affairs Committee on "New restrictions on NGO activities in Council of Europe member States" (Doc. 14570) and "Protecting human rights defenders in Council of Europe member States" (Doc. 14567).

59. The environment for political opposition is also increasingly restrictive. As a result of the lack of co-operation with the Assembly, neither the presidential election of 18 March 2018 nor the parliamentary elections of 18 September 2016 were observed by the Parliamentary Assembly. However, the OSCE respective election observation reports pointed out numerous violations, both during the electoral campaigns and on voting day. Such violations included preferential media treatment, abuse of administrative resources, ballot stuffing, pressure on voters and illegal campaigning.[31]

60. Some opposition candidates were not permitted to register. During the presidential race, President Putin's most potent rival, Aleksey Navalny, had been disqualified before the campaign began due to a politically motivated criminal conviction, creating what the OSCE called "a lack of genuine competition".

61. In August 2018, the Justice Ministry refused once again to register Navalny's political party. He had been attempting to register a party since 2012, but his applications were always delayed or rejected on technicalities.

62. Like journalists and human rights activists, opposition politicians and activists are frequently targeted with fabricated criminal cases and other forms of administrative harassment that are apparently designed to prevent their participation in the political process. In 2018 alone, Navalny was jailed in connection with unauthorised demonstrations on separate occasions, with the length of his sentences ranging from 15 to 30 days. In November 2018, the European Court of Human Rights ruled that Article 18 of the European Convention on Human Rights (ETS No. 5) had been violated and seven arrests of Mr Navalny between 2012 and 2014 had been aimed at "suppressing political pluralism". Amnesty International has declared him a prisoner of conscience.

63. On 28 May 2019, the Assembly's Committee on Legal Affairs and Human Rights called on the Russian authorities to "re-open and continue" their investigation into the murder of opposition leader Boris Nemtsov, listing a number of "serious concerns" over its independence and effectiveness.

64. In recent years, the right to freedom of assembly in Russia has been significantly reduced as a result of legislative changes and disproportional police responses involving the excessive use of force and routine arrests. Authorisation to organise a street rally is often denied and unauthorised, albeit peaceful, demonstrations or protests are severely punished by huge fines and the detention of participants.

65. To illustrate this pattern, I will refer to the most recent events: in June 2019, 100 people were detained during peaceful protests against the arrest of Ivan Golunov. During 1st May protests in St Petersburg, over 100 people were detained including two journalists.

66. Regional authorities continue to harass non-traditional groups, such as Jehovah's Witnesses and Mormons. Antiterrorism legislation approved in 2016 grants the authorities powers to repress religious groups that are deemed extremist. In 2017, the Supreme Court upheld the Justice Ministry's decision to ban the Jehovah's Witnesses as an extremist organisation. There are an estimated 175 000 members of the group in Russia. More than 80 had been subjected to detention, house arrest, or restricted liberty as of December 2018, and several thousand had fled abroad.

67. Lesbian, gay, bisexual and transgender (LGBT) people in the Russian Federation are discriminated in many areas, including employment, education, health information, freedom of association and assembly. The restrictive environment towards LGBT people has deteriorated following the adoption, in 2013, of the Law No. 167-FZ on "gay propaganda", and, in 2014 of a governmental decree No. 93. There is widespread rhetoric by politicians and even members of the government that stigmatises LGBT people and encourages anti-LGBT

30. On 8 October 2018, while in prison, Oyub Titiev was awarded by the Parliamentary Assembly the Václav Havel Human Rights Prize for "outstanding defence of human rights in Europe and beyond".
31. Russian Federation Presidential Election, ODIHR Election Observation Mission Final Report, 18 March 2018.

sentiments and behaviour amongst the population. The situation is particularly dramatic in Chechnya, where, since 2019, there have been credible reports about a new wave of alleged increased persecution of LGBT people, human rights defenders and journalists who expose abuses.

68. A number of other outstanding concerns identified in the Information note on the functioning of democratic institutions in the Russian Federation[32] with regard to the rule of law, including independence of the judiciary, execution of judgments of the European Court of Human Rights and to human rights violations have not been addressed by the authorities. I hope that they will be the subject of a regular monitoring report once parliamentary co-operation is resumed.

69. As a result of the decision of the Russian delegation to cease contacts with the Parliamentary Assembly, no co-operation within the framework of the monitoring procedure has taken place since January 2015. It should be stressed here that full co-operation with the Monitoring Committee is an explicit accession commitment to the Council of Europe undertaken by the Russian Federation as a country. This commitment remains valid, irrespective of whether the Russian Parliament wishes to be represented in the Parliamentary Assembly and participate in its work or not.

5. Possible ways forward and conclusions

70. As rapporteur of the Monitoring Committee, I have been mandated with the difficult task of proposing a way out of the situation that the Assembly is facing. On the basis of the Rules of Procedure, the choice is threefold. The Assembly may decide: 1) not to ratify the credentials of the delegation of the Russian Federation; 2) to ratify the credentials; or 3) to ratify the credentials whilst suspending a number of the delegation's rights bearing in mind that following the adoption of Resolution 2287 (2019) "the members' rights to vote, to speak and to be represented in the Assembly and its bodies shall not be suspended or withdrawn in the context of a challenge to or reconsideration of credentials" (Article 10.1.c).

71. From the account given in the previous chapters, it is clear that there has been a manifest lack of progress with regard to the implementation by the Russian Federation of the demands made by the Assembly in Resolutions 1990 (2014), 2034 (2015) and 2063 (2015) which, on previous occasions, were dealing with the consideration of the credentials of the Russian delegation.

72. We can also regret the Russian Parliament's decision of 18 April 2014 to suspend co-operation with the Parliamentary Assembly, which amounts to a clear rejection of the Assembly's offer of political dialogue and raises questions about the Russian Federation's commitment to fulfilling its obligations under the Statute of the Council of Europe.

73. However, in light of the debate on "Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting", it is clear that the Assembly remains committed to dialogue as a means of finding lasting solutions to these issues. It should also be recalled that, in the above-mentioned resolutions, it expressed its belief that dialogue should be the way forward in the settlement of conflicts. At that time, the Assembly considered that the rejection of the credentials would affect the goal that the Council of Europe is pursuing and deprive the Parliamentary Assembly of any possibility for political dialogue. The Russian Parliament's decision to finally submit credentials of its delegation, after four years of absence at the parliamentary level of the Council of Europe, should also be perceived as a sign of readiness to restore such dialogue. I welcome this decision and I am sure that we should not turn our backs on it.

74. Importantly, the restoration of co-operation will allow for, and must mean, re-activation of the monitoring procedure in respect of the Russian Federation, which would enable the Assembly to hold the Russian delegation accountable on the basis of the Council of Europe's values and principles.

75. Furthermore, we have to be aware of the possible consequences of the rejection of the Russian credentials, which could ultimately lead to the withdrawal of the Russian Federation from the Council of Europe. The Council of Europe membership gives Russian citizens access to the European Court of Human Rights jurisdiction. We should keep this fact in mind and take into account the needs of Russian citizens, who see the Council of Europe as a means of protecting their rights. Similarly, NGOs and activists see the Council of Europe as a tool of protection. Also, the Committee of Ministers' decision of 17 May 2019 has demonstrated the clear political will to use the Parliamentary Assembly and the Council of Europe as a platform for political dialogue with the Russian Federation. While the foreign ministers' decision is by no means binding for us, we wish to take heed of it.

32. As/Mon (2016) 29 declassified.

76. For these reasons, I propose that the Assembly, as it did in its Resolutions 1990 (2014), 2034 (2015) and 2063 (2015), ratify the credentials of the Russian delegation with conditions.

77. That leaves the question whether the Assembly should deprive the Russian delegation of certain rights and privileges.

78. I would like to recall here the opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs on "a list of rights of participation or representation that may be deprived or suspended in the context of a challenge or reconsideration of credentials" prepared for and approved by the Bureau of the Assembly on 30 September 2014. The opinion pointed out that any sanctions applied should be based on the principles of consistency and legal certainty, as well as on the principle of proportionality to the seriousness of the infringement in question".

79. Legal certainty in this context means that similar violations should lead to similar sanctions if repeated, and that similar actions by other delegations should lead to sanctions of a similar gravity. Proportionality implies that when deciding on applying sanctions – or the absence thereof – these sanctions cannot be so severe, or so light, that it would make it impossible on future occasions for the Assembly to apply sanctions for more serious, or less severe violations of a given country's membership obligations and accession commitments.

80. Therefore, while I propose that the credentials of the Russian delegation be ratified, I propose to introduce a number of conditions at the same time to express the Assembly's condemnation of Russia's continuing serious violations of international law, the Council of Europe's Statute and its own commitments and obligations. Ratifying credentials without suspending some rights of the Russian delegation would be excessively lenient for unquestionable violations, which should not be left unaddressed by the Assembly. It would give the wrong signal and be perceived as a reward for a lack of co-operation over the last four years.

81. In particular, two issues should be taken into account in this respect. Firstly, it would be unimaginable that a country that openly refuses to honour its obligations and commitments, and to implement recommendations and demands by the Assembly, would be able to represent the Assembly externally and in other bodies of the Council of Europe.

82. Secondly, a principle cause of the crisis in the relations between the Assembly and the Russian Federation has been the interference of the latter in the internal affairs of other countries, especially neighbouring States, by means that are unacceptable under international law. As stated on many occasions by the Assembly, the Russian Federation continues to refuse to honour its accession commitments with regard to its neighbours. It would therefore be unimaginable that the return of the Russian delegation to the Assembly would allow the Russian Federation, through its delegation, to use the mechanisms and privileges of the Assembly to continue, or even further, to interfere in the internal affairs of other countries. The Russian Federation should therefore be deprived of the possibility of participating in the observation of elections by the Assembly, or to be a rapporteur in the Monitoring Committee. Again, in my view this is the bare minimum. In addition, members may wish to consider the prohibition on being rapporteur in other committees of the Assembly.

83. I therefore propose that the Assembly suspend the following rights of the Russian delegation for the remaining part of 2019: the right to be elected members of the committees' bureaus; the right to be appointed rapporteur; the right to take part in the Assembly's election observation missions and the right to represent the Assembly in Council of Europe bodies, external institutions and organisations, both institutionally and on an occasional basis.

84. Furthermore, we should call on the Russian authorities to release the 24 Ukrainian sailors captured in the Kerch Strait on the charge of "illegally crossing the border of the Russian Federation"; to immediately pay all fees due to the Council of Europe budget; and to unconditionally and fully co-operate with the joint investigation team and the Dutch prosecution service in bringing these responsible for the downing of Malaysia Airlines Flight MH 17 to justice.

85. It is clear that the Assembly expects its offer of dialogue to be reciprocal and to lead to concrete results. In particular, the Russian delegation must return to co-operation with the Monitoring Committee and engage in meaningful dialogue on the fulfilment of its commitments and obligations.