



Doc. 14591 – Compendium of written amendments
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(Final version)

Ukrainian citizens detained as political prisoners by the Russian Federation

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A. Draft Resolution

1. The Parliamentary Assembly recalls previous resolutions relating to the situation in Ukraine, in particular Resolution 1990 (2014) on the reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation, Resolution 2034 (2015) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation, Resolution 2063 (2015) on consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2063 (2015)), Resolution 2112 (2016) on the humanitarian concerns with regard to people captured during the war in Ukraine, Resolution 2132 (2016) on the political consequences of the Russian aggression in Ukraine, Resolution 2133 (2016) on legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities and Resolution 2198 (2018) on humanitarian consequences of the war in Ukraine.
2. The Assembly recalls in particular the position it took in the aforementioned resolutions on the following issues of relevance in the present context:
 - 2.1. Crimea has been illegally annexed following a military occupation by the Russian Federation, which is as a result obliged to secure the human rights of everyone in Crimea through its extraterritorial jurisdiction based on effective control over the region;
 - 2.2. the human rights situation in Crimea has deteriorated, with deaths and disappearances of political activists who were critical of the Russian occupation and annexation, threats and actions against critical non-governmental organisations (NGOs) and media outlets, and harassment and repression of the indigenous Crimean Tatar community;
 - 2.3. the inhabitants of Crimea have been placed under immense pressure to obtain Russian passports and renounce their Ukrainian nationality, following the imposition of Russian citizenship on them by the de facto authorities;
 - 2.4. numerous Ukrainian citizens have been detained in Crimea or the Russian Federation on politically motivated or otherwise fabricated charges.
3. The Assembly is therefore deeply concerned by reports that as many as 70 or more Ukrainian citizens – widely considered, including by the European Parliament in its resolution of 14 June 2018, to be political prisoners – are still detained in Crimea or the Russian Federation on politically motivated or otherwise fabricated charges. As examples, it considers that the cases of Mr Oleh Sentsov, Mr Volodymyr Balukh and Mr Pavlo Hryb in particular meet the Assembly's definition of political prisoners, as set out in its Resolution 1900 (2012) on the definition of political prisoner.
4. As regards the cases of Mr Sentsov, Mr Balukh and Mr Hryb, the Assembly is alarmed by reports concerning

their conditions of detention. There have been allegations of torture and inhuman treatment in the cases of Mr Sentsov and Mr Balukh and denial of access to essential health care for potentially serious medical conditions in the cases of Mr Balukh, who has been on hunger strike since March 2018, and Mr Hryb. Mr Sentsov has also been on hunger strike since May 2018, as a result of which he reportedly now suffers from heart and kidney problems; it has been suggested that he has been force-fed by the Russian authorities, in possible violation of Article 3 of the European Convention on Human Rights (ETS No. 5).

5. The Assembly is also gravely concerned by the detailed reports of ill-treatment and denial of access to health care in other cases of alleged political prisoners.

6. The Assembly regrets that the Council of Europe's human rights monitoring mechanisms, in particular the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), have been unable to access Crimea in order to assess the human rights situation of people detained there and calls on the Russian Federation to facilitate such access. It also regrets that the Ukrainian Parliament Commissioner for Human Rights, Liudmyla Denysova, was recently denied access to visit Mr Sentsov in the penal colony where he is being held.

7. The Assembly therefore calls on the Russian Federation to:

7.1. release without further delay all Ukrainians detained in the Russian Federation and in Crimea on politically motivated or otherwise fabricated charges;

7.2. until their release, ensure full respect of their rights, including by respecting the prohibition on torture and inhuman or degrading treatment or punishment and ensuring the right of access to requisite medical assistance in order that health and well-being are adequately secured;

7.3. refrain from force-feeding Mr Sentsov, or any other of the detainees, unless medically necessary in order to save his or their life;

Amendment 5

Tabled by Mr Valeriu GHILETCHI, Mr Georgii LOGVYNSKYI, Mr Volodymyr ARIEV, Ms Mariia IONOVA, Mr Serhii SOBOLIEV, Mr Giorgi KANDELAKI, Ms Olena SOTNYK

In the draft resolution, after paragraph 6, insert the following paragraph:

"The Assembly commits to further observe the human rights situation in occupied Crimea, and continue to follow the situation of Ukrainian citizens detained as political prisoners by the Russian Federation. Further, the Assembly commits to follow the implementation of the decisions of the ECHR and ECJ on the violation of human rights of the people detained in Crimea and detained in the Russian Federation."

Amendment 1

Tabled by Mr Volodymyr ARIEV, Ms Mariia IONOVA, Mr Georgii LOGVYNSKYI, Mr Andrii LOPUSHANSKYI, Mr Leonid YEMETS, Mr Serhii SOBOLIEV, Ms Olena SOTNYK, Mr Oleksii GONCHARENKO

In the draft resolution, paragraph 7.1, after the words: "or otherwise fabricated charges" insert the following words: "and make every effort to expedite the release of Ukrainian hostages detained in the occupied territories of Donbass".

Amendment 2

Tabled by Mr Volodymyr ARIEV, Ms Mariia IONOVA, Mr Georgii LOGVYNSKYI, Mr Andrii

- 7.4. allow the monitoring of these detainees' state of health and conditions of detention by independent international monitors, including the CPT and the International Committee of the Red Cross, and allow Ukrainian officials, including the Ukrainian Parliament Commissioner for Human Rights, to visit them;
- 7.5. abandon the policy of imposition of Russian citizenship on Ukrainian citizens living in Crimea who do not wish to acquire it and refrain from forcibly transferring such persons from Crimea to the Russian Federation, including those subject to criminal law measures.

LOPUSHANSKYI, Ms Olena SOTNYK, Mr Oleksii GONCHARENKO

In the draft resolution, paragraph 7.3, replace the words: "unless medically necessary in order to save his or their life" with the following words: "and use only medical care to save his or their life in strict compliance with the Convention for the Prevention of Torture".

Amendment 3

Tabled by Mr Georgii LOGVYNSKYI, Mr Volodymyr ARIEV, Ms Mariia IONOVA, Mr Serhii SOBOLIEV, Mr Giorgi KANDELAKI, Mr Valeriu GHILETCHI

In the draft resolution, after paragraph 7.5, insert the following paragraph:

"lift the ban on the Mejlis, which is contrary to international standards of freedom of association, and allow entry into Crimea for leaders of the Mejlis: Mustafa Dzhemiliev and Refat Chubarov."

Amendment 4

Tabled by Mr Georgii LOGVYNSKYI, Mr Volodymyr ARIEV, Ms Mariia IONOVA, Mr Serhii SOBOLIEV, Mr Giorgi KANDELAKI, Mr Valeriu GHILETCHI

In the draft resolution, after paragraph 7.5, insert the following paragraph:

"stop the persecution of, and pressure on, the Crimean Tatar People and the persons who represent them, including lawyers and human rights defenders;"