



Council of the
European Union

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LIMITE

PE-QE 286

REPLY TO PARLIAMENTARY QUESTION

From:	General Secretariat of the Council
To:	Permanent Representations of the Member States
Subject:	PRELIMINARY DRAFT REPLY TO QUESTION FOR WRITTEN ANSWER E-005944/2015 - Anna Elżbieta Fotyga (ECR) The Russian justice system in light of the cases of Magnitski, the Smoleńsk plane disaster and Nadiya Savchenko

1. Delegations will find attached:
 - the text of the above question for written answer;
 - a preliminary draft reply prepared by the General Secretariat.
2. If no comments have been received from delegations by 24 June 2015 (17.00), this preliminary draft reply will be submitted to the Permanent Representatives Committee (Part 1) and to the Council for approval.

Any comments received will be examined by the Working Party on General Affairs.

Question for written answer E-005944/2015
to the Council
Rule 130
Anna Elżbieta Fotyga (ECR)

Subject: The Russian justice system in light of the cases of Magnitski, the Smoleńsk plane disaster and Nadiya Savchenko

Recent years have provided many examples of the scandalous operation of the Russian justice system – crippled by political alliances, financial dependencies and associations with Kremlin authorities, oligarchs that are obedient to them and secret services. One of the best documented cases is that of Siergiej Magnitski, a lawyer fighting against corruption, who was subjected to repressions and jailed under false charges, where he was murdered. Last year, the European Parliament called upon the Council to prohibit 32 Russian officials responsible for his death from entering the European Union and to freeze their assets. The European Parliament gave the Council similar recommendations on 23 October 2012.

The Russian public prosecution service is behaving equally as scandalously and unreliably in the case of the Smoleńsk plane disaster. Two months ago the European Parliament called for the black boxes and plane wreckage to be returned to Poland.

Furthermore, in June a year will have passed since Nadiya Savchenko, the Ukrainian navigator, deputy to the Supreme Council and delegate to the Parliamentary Assembly of the Council of Europe, was unlawfully arrested and kidnapped.

The said examples clearly show what kind of a country the Russian Federation is. Without an improvement in the area of human rights and the rule of law, Russia will never be a reliable international partner. In light of the above:

1. How has the Council implemented the said EP recommendations?
2. Is the Council considering imposing personal sanctions upon the persons responsible for the political decisions concerning the kidnap, unlawful detention and falsification of evidence against Nadiya Savchenko, who are known by name?

The Council has not adopted any restrictive measures against the individuals mentioned in the recommendation of the European Parliament referred to by the Honourable Member. The European Union nevertheless uses all opportunities to raise the case of Sergei Magnitsky with the Russian authorities and to call them to bring to justice those responsible for his death. The President of the European Council has, moreover, sent a letter to the Russian President about this specific case.

The European Union has been calling upon Russia to release Nadiya Savchenko, whom it considers to be being illegally detained by the Russian Federation. On 30 August 2014 the European Council called on the Russian Federation to release all individuals illegally detained in the Russian Federation. Restrictive measures have so far been adopted against 150 individuals and 37 entities in the light of actions they have taken undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.
