



**CONSEIL DE  
L'UNION EUROPÉENNE**

**Strasbourg, le 12 septembre 2012**

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**NOTE**

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du : Secrétariat général du Conseil de l'Union européenne  
aux : Délégations

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Objet: Session plénière du Parlement européen - Strasbourg, le 11 septembre 2012  
**Utilisation politique de la justice en Russie- *Déclaration de la haute représentante pour les affaires étrangères et la politique de sécurité***

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La Haute Représentante, Madame Catherine Ashton, a prononcé le discours qui figure à l'annexe I.

Les députés suivants sont intervenus au nom des groupes politiques:

- Mme Oomen-Ruijten (PPE, NL) a constaté que la Russie est encore en phase d'apprentissage de la démocratie et que là on assiste à un retour en arrière. Elle s'est demandé quel est le meilleur moyen pour garantir le respect de l'Etat de droit en Russie.
- M. Roucek (S&D, CZ) a manifesté son inquiétude sur les dérives de la démocratie en Russie et s'est prononcé en faveur de la continuation du dialogue avec ce pays, dans l'intérêt de la Russie elle-même.
- Mme Ojuland (ALDE, EE) a estimé que les dernières affaires judiciaires posent un véritable dilemme, à savoir s'il faut continuer avec la même stratégie vis-à-vis de la Russie. A son avis, la groupe punk "Pussy Riot" représente le désir de liberté politique de la nouvelle génération.

- Pour M. Schulz (Verts/ALE, DE), les nouvelles lois adoptées ainsi que les dernières affaires judiciaires représentent un pas en arrière, un point de non retour et la négation de l'état de droit.
- M. Migalski (ECR, PL) s'est réjoui que les groupes politiques aient trouvé un consensus autour d'une résolution commune qui devrait donner un mandat fort à la haute représentante.
- M. Kurski (EFD, PL) a parlé des dernières lois et affaires judiciaires comme des outils du régime pour harceler l'opposition et il n'a pas hésité à qualifier le régime russe de totalitaire.
- M. Remek (GUE/NGL, CZ) a dit que, sans pour autant vouloir défendre le système judiciaire russe, l'UE devait balayer devant sa porte avant de critiquer des Etats tiers et il a donné comme exemple une affaire judiciaire en République tchèque comparable à l'affaire "Pussy Riot".

Les députés intervenant à titre individuel ont réitéré la condamnation presque unanime de la dérive autoritaire en Russie et l'utilisation politique de la justice. M. Posselt (PPE, DE) a contesté les propos de la haute représentante selon lesquels la société civile russe commence à se réveiller: il a fait remarquer que la société civile est active depuis bien longtemps et c'est plutôt l'UE qui est "endormie". Ce député, suivi par M. Zala et M. Kelam (PPE, EE), a demandé que l'UE soit ferme vis-à-vis des Russes, en leur disant que cette évolution est intolérable et en décidant d'un "seuil d'avertissement" au-delà duquel l'UE en tirerait les conséquences.

Mme Ashton a clos le débat en disant partager beaucoup des préoccupations exprimées par les députés et en se disant convaincue de la nécessité de continuer à soutenir la société civile russe. Mais elle a également tenu à souligner le rôle politique et économique de la Russie, en rappelant qu'elle est un partenaire essentiel sur un certain nombre de dossiers, en premier celui du nucléaire iranien.

Le PE votera une résolution sur l'utilisation politique de la justice en Russie le 13 septembre 2012.

**EUROPEAN COMMISSION**

**Catherine Ashton**

EU High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission

**Statement on the political use of justice in Russia**

*Check Against Delivery*  
*Seul le texte prononcé fait foi*  
*Es gilt das gesprochene Wort*

European Parliament/Strasbourg  
**11 September 2012**

I am grateful for the opportunity to discuss with you some recent developments in the Russian Federation.

During our last exchange in this House in February on the conduct of the Duma and Presidential elections in Russia, we discussed our shared concerns about the irregularities and violations of the electoral process and about the violence against and detention of demonstrators.

At the same time we welcomed the political awakening of Russian civil society. We saw Russian civil society ready to engage in a dialogue with the government, and play an active role in the development of political institutions in the country. And we saw some signs of cautious but real dialogue between government and citizens emerging.

The EU has been encouraging newly-elected President Putin to pursue the political and economic reforms started by President Medvedev. We also offered our support in working on our shared modernisation agenda.

There have been some important positive developments in that respect. First and foremost let me mention Russia's accession to the World Trade Organisation (WTO) on the 22nd of August. By joining the WTO, Russia took a major step forward in its ongoing integration into the international rules-based trade system.

We strongly supported this process and expect now that Russia fully implements all the related agreements, so as to reap maximum benefits from its WTO membership.

There had been some encouraging initial steps in Spring to further develop Russia's democratic institutions, notably the easing of party registration rules and requirements for presidential candidates as well as direct elections of regional governors.

However, these have been the only positive political reforms this year so far. To allow for a truly pluralistic parliamentary system, without undue obstacles to the work of a viable opposition, much more remains to be done.

Upon President Putin's return to the Kremlin, I also encouraged him to engage in a constructive dialogue with citizens and civil society so as to find the best way forward and ensure a good future for Russia.

Since May, however, we have been seeing less and less dialogue and openness on the side of the authorities, and rather more intolerance of any expression of dissenting views. Instead of stronger safeguards for the exercise of fundamental rights and freedoms, we have seen a string of measures all chipping away at them.

At least four major pieces of new legislation went through the Duma at unusual, some say unconstitutional, speed, before the summer recess. Their common aim seems to have been to further reduce the available space for independent civil and political activity in the country.

Immediately after the inauguration of the new President on 7 May, a number of opposition leaders and activists who organised and participated

in the 6 May demonstrations were arrested and fined. Many faced serious criminal charges.

Soon after, on 8 June, President Putin signed into law restrictive amendments effectively limiting the scope for demonstrations.

I reacted to these developments with a public statement. I stressed that the government should, including via legislation, guarantee freedom of assembly to its citizens. I also cautioned that strong measures to curtail this right were likely to prove counterproductive.

A few weeks later another law was passed forcing Russian NGOs receiving foreign funding to present themselves as "foreign agents" in all their activities. Given the history of such a term, foreign funding is thus considered by law to turn its recipients into "spies".

I reiterated my serious concerns over these developments as well as the overall worsening situation for civil society in Russia. Grassroots civil society movements, be it human rights NGOs or election monitoring organisations such as Golos, are important components of democratic societies. They do an essential job in Russia today, key to Russia's modernisation. In Russia's proper interest, they should be allowed to work freely, and have the means to do that.

We have supported some NGOs in their activities and will continue to offer our support to their contribution to the modernisation of Russia. We do so because the EU has a strong interest in a stable, prosperous and democratic Russia, and we have been offering our full support to all those in Russia who share this goal.

By doing that, however, we neither impose our objectives on these Russian organisations nor do we aim in any way to control their activities. In no way do these Russian organisations become our or anybody else's agents. Let me state very clearly: All Russian NGOs I know would undoubtedly prefer to receive Russian funding. But there is barely any public funding available for activities that can potentially be perceived as being critical of the authorities. Nor do many businessmen dare to offer support.

I will not go into the details now of the laws on libel and internet freedom. The key issue is how they will be interpreted and applied. We will pay attention to that.

Most recently, on 17 August, three young women, members of the punk band "Pussy Riot", were sentenced to two years in prison each for a peaceful, less-than-one-minute long performance. We all understand that this provocative stunt in the Christ-the-Saviour cathedral hurt religious feelings. But it was a non-violent expression of political opinion. Under Russian law, it should have been sanctioned as a minor offence, but not as a serious crime.

On the same day I issued a statement to express my deep disappointment with the disproportionate sentence and recalled Russia's commitments to respect its international obligations to ensure fair, transparent and

independent legal process. Serious irregularities in the trial have been reported, including the conditions of pre-trial detention.

Taken together, Mr President, the package of legislation limiting the freedom of assembly, restricting NGOs, curtailing the freedom of the internet, the Pussy Riot case, an upsurge in prosecution of opposition activists including Alexey Navalny and the sentencing of Mrs Osipova, the dismissal of an opposition-minded Duma deputy and a continuous lack of progress on the Magnitsky case – this constitutes a trend that is of very serious concern to the European Union.

This trend raises serious questions as to the state of the rule of law in the country, in particular the use of legal and law enforcement structures and other instruments for political purposes rather than for protecting and safeguarding the rights and freedoms of the citizens of Russia.

In conclusion, I would like to stress once again the importance of having an economically successful, modern, and democratic Russia at the border of the EU. Russia is sometimes a challenging neighbour, but it remains an important partner of the EU on many issues and in many fields.

We remain ready to support Russia in all its positive reform efforts, working closely together in our Partnership for Modernisation, the full integration into the international rules-based system, and the development of citizens' rights and freedoms which must be the basis for stability and prosperity.

But we should not shy away from our responsibilities as a strategic partner, who is also tied by common international obligations and responsibilities, to express our concerns with recent developments. The recent set of steps taken by the government sets the country on the wrong path, and wastes the opportunity for effective modernisation and democratic development provided by the political awakening of Russia's new middle classes.

I would like to thank the European Parliament for working consistently together with me and my services on both these strands. Let me also take this opportunity to express my gratitude to Parliament in particular for your strong support for civil society cooperation between the EU and Russia, including in financial terms.

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