



Plenary sitting

B9xxxx/2022

16.11.2022

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on Recognising the Russian Federation as a state sponsor of terrorism

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on behalf of the EPP Group

European Parliament resolution on Recognising the Russian Federation as a state sponsor of terrorism

The European Parliament,

- having regard to its previous resolutions on Russia,
- having regard to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 and the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949;
- having regard to the European Convention on Combating Terrorism of January 27, 1977 and international conventions that followed;
- having regard to the Council of Europe Parliamentary Assembly Resolution 2463 of 13 October 2022,
- having regard to the EU’s Framework Decision on Combating Terrorism of 2002,
- having regard to the Rome Statute of the International Criminal Court (ICC),
- having regard to the Joint Statement by the Ministers of Foreign Affairs of Estonia, Latvia and Lithuania on the need to ensure accountability for Russia’s crimes in Ukraine of 16 October 2022,
- having regard to the Council Common Position 2001/931/CFSP and 2009/468/CFSP,
- having regard to the Rule 132 of its Rules of Procedure,

A. whereas “State terrorism” refers to acts of violence, which a state systematically directs against a civilian population of another state or against its own citizens¹; whereas the essence of terrorism can be summarised as premeditated, politically motivated violence perpetrated against non-combatant targets; whereas an establishment of terrorism, often called state or state-sponsored terrorism, is employed by governments - or more often by factions within governments - against that government’s citizens, against factions within the government, or against foreign governments or groups²;

B. whereas since 24 of February 2022 as Russia launched the illegal, unprovoked and unjustified war against Ukraine, with the unanimous support of the Russian Parliament, its troops have killed thousands of Ukrainian civilians, continue to carry out acts of terror throughout the country targeting various elements of civilian infrastructure, such as houses, schools, hospitals, train stations, theatres, the nuclear power plant in Zaporizhzhia; whereas these brutal and inhumane acts are causing suffering, destruction and displacement; whereas Ukraine has already documented over 34000 war crimes committed by Russian and proxy troops; more than 90% of crimes committed against the civilian population and/or aimed at destroying civilian facilities;

¹ Aust, Anthony (2010). Handbook of International Law. Cambridge University Press; Mark Selden and Alvin Y. So (2004). War and State Terrorism: The United States, Japan, and the Asia-Pacific in the Long Twentieth Century;

² <https://www.britannica.com/topic/terrorism/Types-of-terrorism>

C. whereas since the beginning of October Russia targets elements of the Ukrainian energy infrastructure utilising Iranian kamikaze drones; whereas this causes immense damage and suffering among the civilian population and is aimed at bringing forth a humanitarian catastrophe and new waves of refugees during the cold months of winter;

D. whereas the Russian Federation has already used more than 4000 different missiles against Ukraine and shelled it more than 24000 times from the Russian side ; whereas as of November 2022, the Armed Forces of the Russian Federation have damaged or destroyed more than 60982 civilian infrastructure facilities, including 42818 residential buildings and houses, 1960 educational and 396 medical institutions, 392 cultural and 87 religious buildings, and 5315 water and electricity networks; whereas deliberate missile and drone attacks launched by the Russian Federation have destroyed 40% of critical energy infrastructure across Ukraine; whereas there have been reports that an evacuation of Kyiv might be considered; whereas there is a shortage of glass to repair windows in private homes;

E. whereas the servicemen of the Russian Armed Forces have committed killings, abductions, sexual violence, torture and other atrocities in newly and previously occupied territories of Kyiv (Bucha, Irpin, Borodyanka and Hostomel), Chernihiv, Sumy and Kharkiv regions of Ukraine; whereas after the liberation of Izyum in September 2022, the Armed Forces of Ukraine found more than 400 unmarked graves of Ukrainian civilians; whereas in June 2022 the Russians fired missiles at a shopping centre in Kremenchuk, killing dozens of people and injuring dozens more;

F. whereas during the siege of Mariupol, the Russian Federation authorities have created a large-scale humanitarian crisis, which lead to the death of more than 22000 civilians and destroyed 95% of the city;

G. whereas Ukrainian civilians, including children, are victims of targeted killings and abductions, tortures, rapes and sexual violence; whereas over 1.3 million of Ukrainian citizens, including over 200.000 children were forced to leave their houses or were deported to obsolete parts of Russia; whereas the Russian Federation widely used mass forced deportations of Ukrainian citizens, including children, to the territory of Russia by passing through so-called “filtration camps”;

H. whereas Russia has for many years initiated terrorist acts, supported and financed terrorist regimes, for instance supplying weapons to the Assad regime in Syria and targeting innocent civilians in Syria with deliberate attacks on peaceful cities and civilian infrastructure, in particular markets, medical facilities and schools; whereas these acts also include poisoning of the Skripal family and downing of Malaysia Airlines flight MH17, when 298 people lost their lives;

I. whereas the Russian Federation in a widespread manner is using terror tactics against the civilian population in Syria, Sudan, Libya, the Central African Republic and Mali, and for this purpose utilizes the Wagner Group, which is also committing the same crimes in Ukraine, which include gross and systematic human rights violations, including mass summary executions, arbitrary detentions, sexual violence, enforced disappearances and torture, by private military networks of mercenaries;

J. whereas the Russian Federation continues systemic acts of terrorism deliberately targeting the political opponents in Russia and abroad by politically motivated or attempted assassinations and poisonings of opponents, journalists, activists and foreign leaders, including the cases of Viktor Yushchenko, Anna Politkovskaya, Boris Nemtsov, Sergei Protazanov,

Vladimir Kara-Murza, Alexei Navalny, Sergei and Yulia Skripal, Natalya Estemirova, Alexander Litvinenko, Zelimkhan Khangoshvili and others;

K. whereas during the Second Chechen War of 1999 – 2009 the Russian Federation Government organised and implemented the campaign of terror against civilians, including the barbaric destruction of the capital of the Chechen Republic of Ichkeria, the city of Grozny, which caused the death of thousands of innocent men, women and children;

L. whereas the actions undertaken by Russian and proxy forces fit the European Union's, UN Security Council's and UN General Assembly's definitions of terrorism contained in UN Security Council Resolution 1566 of 2004, UN General Assembly Resolution 49/60 of 9 December 1994 and the Council Common Position 2001/931/CFSP and 2009/468/CFSP; whereas these definitions describe terrorism as criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act;

M. whereas the criteria, which are described in Common Position 2001/931/CFSP, that an entity must fulfil to be added to the EU Terrorist List are, inter alia, conducting acts which aim to seriously intimidate population, seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country, attack upon a person's life which may cause death, attack upon the physical integrity of a person, kidnap or hostage take, cause extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss, interfere with or disrupt the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;

N. whereas such terrorist methods of waging war, sanctioned by the Russian leadership and army command, are another pattern of the strategy of intimidation and destruction of Ukrainians as a nation;

O. whereas such violent planned terrorist actions of Russian Armed Forces in Ukraine have no military significance and are carried out exclusively with a terrorist intent, orchestrated by the Putin regime, using the existing state machine of the Russian Federation, and executed by regular and irregular military structures, which involve persons with a criminal record and foreign mercenaries;

P. whereas the purpose of such terrorist actions by the Putin regime is to suppress the resistance of Ukrainians, to force them to accept the occupying power as having no alternative and agree to the illegally attempted annexation of temporarily occupied territories of Ukraine;

Q. whereas the criminal actions undertaken by Russia in Ukraine far exceed simply 'sponsoring terrorism', since the main perpetrator of these terrorist acts is the Russian armed forces, a core institution of the Russian state, rather than a non-state actor; whereas these crimes being committed by Russia reflect a grotesque indifference to the rules and laws of war that constrain the exercise of military power, as seen for instance in the widespread use of torture on and summary executions of Ukrainian prisoners of war; whereas these acts are not one-off instances carried out by rogue elements of the Russian armed forces, but instead are designed and conducted with the specific intent of terrorizing the Ukrainian population;

R. whereas the European Union current legal framework does not foresee the designation of a state as sponsor of terrorism or as a perpetrator of terrorism and therefore additional action should be taken by the EU for the adoption of a new EU legal instrument to impose the legal consequences upon the perpetrator states for the acts of state terrorism; whereas introducing changes in the legal framework and recognising the current Russian regime as a terrorist one should have the practical consequence of limiting any kind of cooperation, implementing restrictive measures, freezing financial assets, and suspension of political dialogue and negotiations; whereas this will provide an opportunity to cease cooperation with Russian-owned properties and state-controlled companies and enforce secondary sanctions on thirds countries and individuals that continue to cooperate with Russian entities; whereas recognising the current Russian regime as a terrorist one should allow courts to award compensation to victims of terrorism and confiscate assets of the Russian Federation;

S. whereas recognising Russia as a state committing acts of terrorism would also raise the questions of suspending the membership of Russia in the international organisations, such as the United Nations and its Security Council, as well as in other formats, such as G20; whereas parts of the mentioned restrictive measures are already implemented resulting from the several rounds of sanctions introduced against Russia and Belarus as of 24 February 2022;

T. whereas the US does have a legal procedure that allows the country to designate states as sponsors of terrorism under the Export Administration Act, Arms Export Control Act and Foreign Assistance Act; whereas US currently designated the governments of Syria, Iran, North Korea, and Cuba as state sponsors of acts of international terrorism; whereas Canada has a 'State Supporter of Terrorism' mechanism under the State Immunity Act, with Iran and Syria listed as state supporters of terrorism since 2012;

U. whereas, on March 14, 2022, Chairperson-in-Office of the Organization for Security and Co-operation in Europe Zbigniew Rau stated that actions of the Government of the Russian Federation in Ukraine against innocent civilians and civilian infrastructure is state terrorism;

V. whereas the Parliamentary Assembly of the Council of Europe on 13 October 2022 have declared the current Russian regime as a terrorist one³ ; whereas the Council of Europe in particular noted, that with indiscriminate attacks, such as a barbaric set of missile attacks targeting several Ukrainian cities, hitting public squares, playgrounds and residential buildings, the Russian Federation aimed to advance its terrorist policy to suppress the will of Ukrainians to resist and defend their country and provoke maximum harm to civilians;

W. whereas the parliaments of the EU Member States, among them Poland, Lithuania, Latvia, Estonia, Czechia have already declared Russia as a state sponsor of terrorism;

X. whereas on 17 March 2022, the President of Ukraine Volodymyr Zelenskyy called for the world to acknowledge the Russian Federation as a terrorist state;

Y. whereas President of the European Council Charles Michel stated in his speech to the 77 United Nations General Assembly on 23rd September 2022 on the Russian Federation, that: “ when a permanent member of the Security Council starts an unprovoked, unjustified war which

³ <https://pace.coe.int/en/files/31390/html>

has been condemned by the General Assembly, its suspension from the Security Council should be automatic”

1. Reiterates its unwavering support for the independence, sovereignty and territorial integrity of Ukraine, within its internationally recognised borders; condemns the Russian illegal, unprovoked and unjustified war against Ukraine, demands that all military actions by Russian and proxy forces cease and that they immediately and unconditionally withdraw from Ukraine’s internationally recognised territory;
2. Expresses the utmost outrage over atrocities and coordinated acts of terror, including the indiscriminate shelling of cities and towns, forced deportations, the use of banned ammunitions, attacks against civilians trying to flee conflict areas via pre-agreed humanitarian corridors, executions of civilians, sexual violence, forced displacement and targeting of residential areas and civilian infrastructure, such as energy facilities, hospitals, schools, shelters and ambulances;
3. Following the deliberate physical destruction of civilian infrastructure and mass murder of Ukrainian civilians targeted at the elimination of the Ukrainian people; declares the Russian Federation a terrorist state and calls upon the international community of democracies to follow suit;
4. Calls on the EU and its Member States to recognize the current Russian regime as a terrorist one with its all-negative consequences;
5. Calls on the EU institutions to take appropriate action for the adoption of a new EU legal instrument to impose the legal consequences upon the perpetrator regime , in this case the current Russian regime , for the acts of state terrorism, which shall include the particular sanctions to be imposed upon a state and the factions within its government, as well as upon its political, legislative, military and executive bodies; asks to include into this legal instrument the practical provisions for making the perpetrator state accountable for its crimes of military aggression;
6. Calls upon the EU institutions to include the de facto authorities of the Donetesk People's Republic and the Luhansk People's Republic, the Armed Forces of the Russian Federation, its paramilitary units, such as the Wagner Group, 141st Special Motorized Regiment, also known as the Kadyrovites, as well as political groups, such as the “United Russia” party and the other political parties represented in Duma, namely “The Communist Party of the Russian Federation”, “Just Russia - for truth”, “Liberal-democratic party of Russia”, into the EU list of terrorist organisations and states (EU Terrorist List), which will be subject to wide-scaled international sanctions, and to make appropriate amendments to the Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and to consider additional restrictive measures under the sanctions regime, established by Council Regulation 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism;
7. Calls upon the EU institutions to take action of initiating a comprehensive international isolation of the Russian Federation taking into account the proposal of Council President Charles Michel in relation to its membership in the United Nations Security Council and to refrain from holding any events on the territory of the Russian Federation;

8. Calls on EU Member States and other countries to take effective measures for the current Russian terrorist regime's comprehensive international isolation by reducing all types of cooperation with its current regime and freezing contacts with its representatives at all levels to the absolute necessary minimum; calls on further limitation of diplomatic relations with Russia and reduce the number of diplomats from the EU and its Member States;
9. Calls on EU Member States for the closure and banning of state-affiliated institutions, such as the network of the Russian Centres for Science and Culture, Russian diaspora organizations and associations, which operate under the auspices and leadership of Russian diplomatic missions and promote Russian propaganda and the neo-imperialistic ideology of Russkiy Mir around the world;
10. In addition to the demands regarding the new EU legal instrument, calls on the Council to amend its Council Common Position of December 2001 on the application of specific measures to combat terrorism (2001/931/CFSP) and Council Common Position of 15 June 2009 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2009/67/CFSP (2009/468/CFSP) by adding a word 'state' to enable recognising the current Russian regime as a terrorist one;
11. Calls for extension of the EU Terrorist List by individuals, as sponsors of terrorism, and entities listed by various specialised NGOs ;
12. Calls for accelerating the establishment of an ad hoc international tribunal for the crime of aggression committed by the state leadership against Ukraine, where Vladimir Putin, all Russian civilian and military officials, and their proxies responsible for masterminding, launching and conducting the war in Ukraine would be prosecuted
13. Calls for further support for ongoing, independent investigations of war crimes and crimes against humanity committed by Russia, which should ensure individual accountability of those involved in planning, organising, committing and facilitating commitment of these crimes;
14. Emphasises that the assets frozen as a result of EU sanctions adopted due to the Russia's military aggression against Ukraine should be confiscated in the same way as it is done with the assets of terrorist organisations and used to address various consequences of Russia's aggression against Ukraine, including immediate payment of damages following each missile attack against civilian and energy infrastructure, the reconstruction of destroyed cities and infrastructure of Ukraine, compensation for private individuals and destroyed businesses, ;
15. Invites the EU Commission and EU Member States to establish the EU and national legislation to create a legal basis for the use of confiscated funds as a result of EU sanctions to compensate Ukraine and victims of Russian aggression against Ukraine;
16. Calls on the Commission to work on the legal framework, which would enable confiscation of already seized assets of the military and political elite, Russian war criminals and oligarchs; stresses that all the sanctions should be rigorously implemented and loopholes should be eliminated;
17. Calls on the OSCE to continue to evaluate, through the Moscow Mechanism or other appropriate tools, the violations of international humanitarian and human rights law, war crimes and crimes against humanity committed in Ukraine, the human rights situation in Russia and the Russian aggression against Georgia and the Republic of Moldova;

18. Recalls that Soviet crimes had not received clear moral or legal evaluation by the international community and reminds that Russia's current war of aggression against Ukraine and war crimes against the Ukrainian people demonstrate that the lack of accountability and justice only leads to repetition of past crimes;

19. Instructs its President to forward this resolution to the Council, the Commission, the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Co-operation in Europe, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the International Criminal Court, the President, Government and Parliament of Ukraine and the President, Government and Parliament of the Russian Federation.