Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1221 (2000)[1]

Conflict in the Chechen Republic – Follow-up to Recommendations 1444 (2000) and 1456 (2000) of the Parliamentary Assembly

Parliamentary Assembly

1. The Assembly recalls its Resolution 1201 (1999) of 4 November 1999, Recommendation 1444 (2000) of 27 January 2000 and Recommendation 1456 (2000) of 6 April 2000.

2. Recommendation 1456 (2000) called upon the Committee of Ministers to initiate without delay, in accordance with Article 8 of the Statute, the procedure for suspension of the Russian Federation from its rights of representation in the Council of Europe, should substantial, accelerating and demonstrable progress not be made immediately by the Russian Federation in respect of the requirements set out by the Assembly.

3. The Assembly takes note of the reply by the Committee of Ministers on Tuesday 27 June recalling the action taken in connection with Recommendation 1456 (2000), in particular that:

3.1. on 21 June 2000, three Council of Europe experts started their work in the office of Mr Kalamanov, Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in Znamenskoye in the Chechen Republic;

3.2. the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment carried out its second visit to the North Caucasus from 20 to 27 April 2000;

3.3. two seminars have taken place under the auspices of the Council of Europe: in Pyatigorsk on Hierarchy of Rules in a Federal State and Methods of Harmonising Federal and Regional Legislation (27-28 April 2000), and in Vladikavkaz on Democracy, Rule of Law and Human Rights (30-31 May 2000); participation included representatives of the Russian authorities, the North Caucasian Republics and other regions of the Russian Federation, concerned international organisations and non-governmental organisations. The temporary administration of the Chechen Republic and some religious leaders from Chechnya also took part;

3.4. the Committee of Ministers, together with the European Commission and the Russian Federation, is reviewing co-operation activities with the aim of strengthening democratic stability in the North Caucasus region, including Chechnya;

3.5. there has been regular contact between the Irish Chairman-in-Office and the Russian Foreign Minister; the Italian Chairman-in-Office and the Secretary General visited Moscow and the North Caucasus from 22 to 24 June 2000.

4. In addition, the Assembly takes note of:

4.1. President Putin's undertaking on 13 April 2000 to investigate all human rights abuses committed in the North Caucasus region, whoever committed them, and to bring to justice those found guilty; as well as a similar undertaking by the State Duma on 12 April 2000;

1. Assembly debate on 29 June 2000 (22nd Sitting) (see Doc. 8785, report of the Political Affairs Committee, rapporteur: Lord Judd, and Doc. 8788, opinion of the Committee on Legal Affairs and Human Rights,rapporteur: Mr Bindig) Text adopted by the Assembly on 29 June 2000 (22ndSitting).

4.2. the establishment by the Russian Federation of human rights machinery, including:

a. the State Duma interfactional commission on the normalisation of the political and socio-economic situation and the protection of human rights in the Chechen Republic;

b. the national public commission on crime investigation and the respect for human rights in the North Caucasus ;and

c. Mr Kalamanov's office;

4.3. the reported opening of criminal cases concerning alleged crimes committed by the Russian federal forces against the Chechen population;

4.4. arrangements which have been made with the stated intention of ensuring professional legal assistance to those suspected or accused of committing crimes on the territory of the Chechen Republic.

5. The Assembly regrets that the above-mentioned institutions have yet to produce substantial results. It notes with particular concern that the Military Prosecutor's Office is currently investigating only a very low number of crimes committed by Russian federal troops against the Chechen population, bearing in mind that the office is the only institution in the Russian Federation which can take to court the perpetrators of such crimes.

6. The Assembly is concerned about reports that:

6.1. the Russian federal forces are continuing aerial attacks and bombardments, particularly in the southern part of the Chechen Republic;

6.2. non-combatants are still being arbitrarily arrested, and then detained and ill-treated; some of them have "disappeared" following their arrest;

6.3. civilians continue to be harassed (subjected to extortion and looting) and ill-treated by federal servicemen, and their freedom of movement is very restricted;

6.4. the situation with regard to media freedom in the Chechen Republic has deteriorated.

7. The Assembly calls on the Secretary General of the Council of Europe and the Committee of Ministers to keep it fully and regularly informed on reports by the Council of Europe's experts working with Mr Kalamanov's office.

8. In addition, it calls on the Russian Federation to make public immediately the preliminary observations of the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its second visit to the region, and the full report currently in preparation on both visits as soon as it becomes available.

9. The Assembly further takes note of President Putin's decree on 8 June 2000 establishing a "provisional system of executive bodies in the Chechen Republic" under his direct rule. It deeply regrets the decision of the Russian Government to impose appointed representatives on the Chechen population instead of seeking political dialogue, but notes that the transitional period is expected to last one-and-a-half to two years, and urges the Russian Federation to make the best possible efforts to elect a legislative body within that time-scale.

10. The Assembly deplores that, up until now, the Chechen side has not complied with its demands. In particular, it regrets that a new "jihad" (holy war) has been declared by the Chechen side, and that hostages are still being held.

11. The Assembly also takes note of an analysis by experts in international human rights law, commissioned by the Council of Europe's Secretary General, of his correspondence with Mr Ivanov, Russian Minister of Foreign Affairs, on the manner in which the Russian Federation's internal law ensures the effective implementation of the European Convention on Human Rights. The experts stated that replies by Mr Ivanov to enquiries by the Secretary General were not adequate and that the Russian Federation had failed in its legal obligation as a contracting state under Article 52 of the Convention.

12. The Assembly believes that the Russian Federation's part in the management of European and world affairs is vitally important. However, the Assembly reiterates that the Council of Europe is about the enhancement of human rights or it is about nothing, and that, therefore, membership of the Organisation must

entail a constant, demonstrable determination, reflected in action, to uphold human rights. The Assembly believes that it is a primary responsibility of both the Committee of Ministers and the Assembly itself to ensure the application of this commitment.

13. The Assembly also remains concerned that persons displaced as a result of the conflict, and all other victims of it, should receive every possible aid and assistance. It urges the Russian authorities to accept and facilitate all such international help, and requests its Committee on Migration, Refugees and Demography to report on the situation.

14. The Assembly stresses that its first preoccupation is to ensure that the Russian Federation fully respects her obligations as a Council of Europe member state, however great the undeniable provocation, and whatever the totally unacceptable acts of terrorism and kidnappings by elements within Chechnya. It is only by the fulfilment of this condition that it will be possible to assist her in the re-establishment of the full respect of the state of law and human rights in the Chechen Republic.

15. The Assembly expresses its readiness to co-operate with the competent Russian parliamentary bodies in order to ensure the full respect of the Council of Europe's standards in the Chechen Republic.

16. The Assembly deplores – as a violation of the freedom of expression – that the Russian Federal Assembly has hindered individual members of the Russian parliamentary delegation who wanted to take part in the June part-session, as is their right, to do so other than at their own initiative, because the Russian Federal Assembly refuses to refund their expenses.

17. The Assembly expresses its wish that the Russian Federal Assembly will actively and substantially use its influence to improve the human rights situation in the Chechen Republic, and as a consequence, the voting rights of the Russian parliamentary delegation could be restored.

18. In furtherance of paragraph 15 above, the Assembly instructs its Bureau to establish an ad hoc committee composed of representatives of the political groups and rapporteurs of the competent committees in order to monitor the follow-up to Recommendations 1444 and 1456 (2000) and to report back to it and to the competent committees on progress, or the lack of it. Initially the Bureau should ensure the participation of this ad hoc committee in the parliamentary hearing on the situation in the Chechen Republic to be organised by the State Duma in September 2000.

19. Meanwhile the Assembly repeats the urgent appeal also to the Chechen fighters to respect human rights and the Geneva Conventions in their military engagements and to be ready to open the political dialogue with the Russian authorities.

20. The Assembly believes it to be totally unacceptable that the Committee of Ministers has neither denounced the Russian Federation's conduct of its military campaign in the Chechen Republic and the resulting grave human rights violations as contrary to the Council of Europe's principles, nor seriously considered the implications for Russian membership of the Council of Europe. The Assembly therefore reiterates its position that the Committee of Ministers should denounce Russian conduct of its military campaign in the Chechen Republic and the resulting grave human rights violations as contrary to the principles of the Council of Europe;

21. Since the Assembly considers that the action so far taken by the Russian Federation still has to produce convincing and tangible results, the Assembly's recommendations to the Russian Federation must remain fully in force, and, pending accelerating progress, the Assembly repeats its calls for the Committee of Ministers to keep under review the eligibility of the Russian Federation for continued membership of the Council of Europe.

22. The Assembly also deeply regrets that none of the Council of Europe's governments – high contracting parties to the European Convention on Human Rights – have yet made use of Article 33 of the Convention and referred to the European Court of Human Rights alleged breaches by the Russian Federation of the provisions of the Convention and its protocols. The Assembly renews its urgent appeal for member states to lodge an inter-state application with the Court under Article 33 of the Convention.