Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1315 (2003)[1]

Evaluation of the prospects for a political solution of the conflict in the Chechen Republic

Parliamentary Assembly

1. The Parliamentary Assembly recalls that, as expressed in its Opinion No. 193 (1996) on the Russian Federation's request for membership of the Council of Europe, the Chechen conflict cannot be resolved by the use of force and there will be no peace in the region, nor an end to terrorist attacks, without a political solution based on negotiation and on European democratic values. The absence of such a political solution has for too long been a painful and cruel experience for the people of the Chechen Republic and for the people of Russia as a whole. The Council of Europe cannot be what it claims to be while this grave situation continues. We are all diminished.

2. The Assembly notes the statement by the State Duma of the Russian Federation of 24 December 2002, which proposes 2003 as a year of peace and national accord, and which calls for the rebuilding of the Chechen Republic and for a comprehensive political settlement. The Assembly also notes the recent statements made by the President of the Russian Federation in favour of moving from military operations to a political process.

3. Strongly deploring the loss of lives in the latest terrorist acts in Moscow and Grozny, the Assembly reiterates that the political process must not be abandoned. It believes that anything other than an unremitting commitment to the rule of law, human rights and humanitarianism, which are central to the purpose of the Council of Europe, would be both wrong and counterproductive.

4. With regard to the human rights situation in the Chechen Republic, the Assembly remains distressed by the number of killings of politically active individuals, by repeated disappearances and the ineffectiveness of the authorities in investigating them, as well as by the widespread allegations and indications of brutality and violence against the civilian population in the republic.

5. The Russian authorities seem unable to stop grave human rights violations in Chechnya. In view of the fact that some investigations of the most high-profile cases of mass killings and disappearances have now been proceeding for more than three years without tangible results, the Assembly can only conclude that the prosecuting bodies are either unwilling or unable to find and bring to justice the guilty parties. The Assembly deplores the climate of impunity which consequently reigns in the Chechen Republic and which makes normal life in the republic impossible.

6. Therefore, the Assembly calls upon the competent authorities of the Russian Federation and Chechen Republic to ensure:

6.1. that the combined federal military forces are reduced in number and used only for military operations, while leaving law enforcement activities to be undertaken by the law enforcement authorities of the Chechen Republic itself;

6.2. that Order No. 80 is strictly enforced in military operations, that Order No. 46 is fully respected during operations to check citizens' registration, and that close co-operation with law enforcement authorities of the Chechen Republic is maintained at all times;

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1. Assembly debate on 29 January 2003 (5th Sitting) (see Doc. 9687, report of the Political Affairs Committee, rapporteur: Lord Judd). Text adopted by the Assembly on 29 January 2003 (5th Sitting).

6.3. that more police units of mixed ethnicity are formed for law enforcement activities and that these units receive appropriate anti-terrorist and human rights training;

6.4. that police and security personnel at all times adhere to codes of conduct as recommended by the Council of Europe, and apply all Russian constitutional guarantees to those arrested, wherever they are arrested and detained;

6.5. that the independence and effectiveness of the judicial authorities are strengthened; investigations are more vigorously and rigorously pursued, and legal action against suspects brought to a less delayed and more convincing conclusion;

6.6. that the reports by the Council of Europe's Committee for the Prevention of Torture (CPT) are published and its recommendations implemented;

6.7. that the 1998 Russian Federal Law on the Suppression of Terrorism be amended to reflect the expert recommendations made in Assembly Document 9634 in order to achieve the law's conformity with Council of Europe standards;

6.8. that the proliferation of weapons to Chechen fighters is curbed and armed fighters encouraged to surrender their weapons voluntarily, for instance by granting pardons in accordance with the Decree of the Head of Administration of the Chechen Republic of 24 October 2002, and in conformity with international humanitarian law.

7. The Assembly requests that the Russian authorities provide it with an updated and detailed list of all criminal investigations by military and civilian law enforcement agencies into crimes against the civilian population by servicemen and members of all police and special forces, and also into crimes committed by Chechen fighters against the civilian population, the local Chechen administration and the federal forces in the Chechen Republic. In addition to statistical data, this list should contain details of the nature of the crimes committed and the current status of the investigation and/or indictments and convictions.

8. The Assembly notes the intention of the Chechen and Russian federal authorities to hold a referendum on a draft constitution for the Chechen Republic on 23 March 2003. While recognising the role of a referendum in deciding the future democratic structure and constitution of the republic, the Assembly is concerned that the necessary conditions for holding such a referendum are unlikely to be met by this date. It therefore calls upon the competent authorities to take essential steps to achieve such conditions, in particular:

8.1. by ensuring an adequate level of public security for all individuals throughout the Chechen Republic before and during any referendum;

8.2. by drawing up a transparent and accurate register of voters, including all residents of the Chechen Republic entitled to participate in any referendum and elections, whether they are resident in the republic or temporarily living in another part of the Russian Federation, including internally displaced persons (IDPs) living in camps, and by providing adequate means for their participation in the referendum;

8.3. by examining possible ways of making practical arrangements which would enable the Chechen IDPs in neighbouring republics, in particular in Ingushetia, to exercise their right to vote;

8.4. by ensuring proper and adequate arrangements for the voting procedure, taking into account the Code of Good Practice in Electoral Matters as produced by the Council of Europe;

8.5. by respecting freedom of association for political parties, as guaranteed by Article 11 of the European Convention on Human Rights, in order to allow political parties to participate in forming public opinion through an open democratic debate;

8.6. by ensuring a fair and balanced composition of the competent election commissions in charge of preparing any referendum and elections;

8.7. by respecting freedom of political debate through free and independent media, as guaranteed by Article 10 of the European Convention on Human Rights;

8.8. by recognising and supporting the strengthening of civil society in the Chechen Republic in order to stimulate a constructive political dialogue on the broadest possible basis;

8.9. by ensuring transparency throughout any referendum process and subsequent elections.

9. The Assembly welcomes the pledge of the President of Ingushetia to allow all IDPs from the Chechen Republic to stay in Ingushetia and to recognise the right of those who wish to do so to take up residence in Ingushetia. Therefore, the Assembly calls upon the Russian Federal Migration Service and other competent

authorities never to use direct or indirect force or undue pressure of any kind to coerce displaced people to return to the Chechen Republic against their will. The Assembly reaffirms that coercion is a breach of fundamental rights and believes that it will aggravate instability.

10. The Assembly calls upon the competent authorities of the Russian Federation and Chechen Republic, together with the European and wider international community, urgently to draw up a co-ordinated collaborative plan of action for reconstruction and humanitarian aid and ensure the fair, proper and transparent use of such aid. The Assembly stresses the importance of free access of humanitarian agencies to the Chechen Republic and calls upon all such relevant agencies to consider what contribution they should make. At the same time, it calls upon the Russian authorities to simplify the regulations governing their access and remove any bureaucratic obstacles which may jeopardise their action.

11. The Assembly calls on those within the Chechen Republic who have taken up arms against the authorities of the Russian Federation and the Chechen Republic to lay down their arms and commit themselves to a serious political process; it also calls on them to distance themselves convincingly from terrorist acts and other crimes committed as part of the conflict in the Chechen Republic; it further calls for the immediate release of all kidnapped people. The Assembly reiterates that violence has no part in the cause of a political solution to the conflict in the interests of all the people of the Chechen Republic.