



Resolution 1323 (2003)¹

The human rights situation in the Chechen Republic

Parliamentary Assembly

1. The Parliamentary Assembly recalls its previous resolutions and recommendations on the conflict in the Chechen Republic. It makes particular reference to [Resolution 1315 \(2003\)](#) on an evaluation of the prospects of a political solution to the conflict in the Chechen Republic, which remains fully valid.

2. The Assembly reiterates its belief that there cannot be peace without justice in the Chechen Republic. The human rights situation in the republic is the key to an equitable political solution based on national reconciliation. Without a tangible improvement of the human rights situation, all attempts at pacifying the region are doomed to failure.

3. For nearly a decade now, people in the Chechen Republic have lived in constant fear. Their towns and villages have been reduced to rubble, their fields mined, their friends and relatives murdered, illegally detained, kidnapped, raped, tortured, robbed or reported as having “disappeared”. The Assembly has consistently condemned the gross human rights abuses, the violations of international humanitarian law and the war crimes committed in Chechnya by both sides to the conflict. Since the very beginning of the first conflict in Chechnya in 1994, the Assembly has called for those responsible for these acts to be brought to justice – to little avail.

4. The people of the Chechen Republic have a right not just to our pity but also to our protection. So far, everyone involved – the Russian Federation Government, administration and judicial system and the successive Chechen regimes – has failed dismally to provide such protection from human rights abuses. Neither international organisations nor their member states have managed to ensure that the victims of these abuses are granted redress, either nationally or internationally.

5. The main reason why both Russian soldiers and Chechen fighters go on committing these abuses to this day is that they nearly always remain unpunished. The Assembly pays tribute to the courage of some brave victims, journalists, members of NGOs and human rights activists, as well as honest officers of law-enforcement bodies, who have brought to light violations of the law and who have strived, despite a difficult situation, to restore justice. At the same time, the Assembly is disappointed that criminal investigations of gross human rights violations, including massacres of innocent Chechen civilians and targeted assassinations of local heads of administrations or their families, are nevertheless few and far between, depressingly ineffective and mostly fail to secure convictions in court (if they reach that stage, which is rare).

6. Non-judicial redress mechanisms set up by the Russian authorities, such as the Office of the Special Representative of the President of the Russian Federation for Human Rights in the Chechen Republic, do little more than catalogue individual complaints. While the Assembly pays tribute to the courage of the Council of Europe experts working in that office, it asks that every effort be made to increase the effectiveness of their current mandate as regards their possibility of influencing the human rights situation.

7. The mandate of the Organisation for Security and Co-operation in Europe's Assistance Group to Chechnya has not been renewed by the Russian Government. The Council of Europe's European Committee for the Prevention of Torture (CPT) has complained about the Russian Federation's lack of co-operation with it. The Russian Federation has yet to authorise the publication of its reports and the recommendations of the

1. Assembly debate on 2 April 2003 (13th Sitting) (see [Doc. 9732](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig). Text adopted by the Assembly on 2 April 2003 (13th Sitting).



Council of Europe Commissioner for Human Rights are implemented with long delays, if at all. The European Court of Human Rights, set up to deal with individual violations of human rights, cannot hope to cope effectively with systematic human rights abuses on the Chechen scale via individual complaints. Lamentably, no member state or group of member states has yet found the courage to lodge an interstate complaint with the Court.

8. The result is a climate of impunity which encourages further human rights violations and which denies justice to the thousands of victims, embittering the population to a point where the Chechen Republic could truly become ungovernable. If a meaningful political process is to develop in the republic, human rights violations must stop and those responsible for abuses must be brought to justice.

9. To ensure that human rights are respected in the Chechen Republic in the future, the Assembly recommends that:

9.1. Chechen fighters immediately stop their terrorist activities and renounce all forms of crime. Any kind of support for Chechen fighters should cease immediately;

9.2. Russian forces be better controlled and discipline enforced: all relevant military and civilian regulations, constitutional guarantees, international law, including humanitarian law and in particular the relevant provisions of the Geneva Conventions and the protocols thereto, and the European Convention on Human Rights as well as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, should be fully respected during all operations, including full co-operation with the prokuratura before, during and after such operations;

9.3. in so far as the security situation allows, troops be confined to their barracks or withdrawn from the Chechen Republic altogether;

9.4. all those suspected of committing abuses be thoroughly investigated and, if found guilty, severely punished in accordance with the law, regardless of their rank and position;

9.5. the recommendations of the Council of Europe Commissioner for Human Rights are implemented immediately by the Russian Federation;

9.6. the Russian Federation authorise the publication of the reports of the CPT without further delay.

10. To ensure that those responsible for abuses are brought to justice, the Assembly:

10.1. demands better co-operation from the Russian authorities with national and international mechanisms of redress, both judicial and non-judicial;

10.2. calls on member states of the Council of Europe to pursue all avenues of accountability with regard to the Russian Federation without further delay, including interstate complaints before the European Court of Human Rights and the exercise of universal jurisdiction for the most serious crimes committed in the Chechen Republic;

10.3. considers that, if the efforts to bring to justice those responsible for human rights abuses are not intensified, and the climate of impunity in the Chechen Republic prevails, the international community should consider setting up an ad hoc tribunal to try war crimes and crimes against humanity committed in the Chechen Republic;

10.4. urges the Russian Federation to ratify the Statute of the International Criminal Court without delay.