

Resolution 1402 (2004)¹

The political situation in the Chechen Republic: measures to increase democratic stability in accordance with Council of Europe standards

Parliamentary Assembly

1. The Parliamentary Assembly of the Council of Europe reaffirms its commitment to further human rights, democracy and the rule of law in the Chechen Republic – as an integral part of the Russian Federation – and deplores the grave situation in which the people of Chechnya still have to live. This situation is not in line with the common values to which all member states of the Council of Europe have committed themselves, and thus requires close attention by the authorities of the Russian Federation as well as assistance by the relevant Council of Europe bodies.
2. The Assembly appreciates the intention of the Chechen authorities to establish the post of Commissioner for Human Rights (ombudsman) in the Chechen Republic, aimed at further respect for and promotion of human rights and the rule of law.
3. The Assembly strongly condemns the extreme violence which persists in Chechnya and which has sadly become the most significant formative factor for a whole generation. The continued death toll and human suffering caused by this conflict call for concerted action by the local, regional and federal authorities as well as assistance by the international community of democratic nations, in particular the member states of the Council of Europe. The Council of Europe and its member states must not remain inactive when people are dying every day in Chechnya and its neighbouring republics as a result of terrorist attacks, snipers, land mines, abuse of force by security services and acts of organised crime.
4. The Assembly also strongly condemns the assassination of the former officially elected President of the Chechen Republic, Mr Akhmad Kadyrov.
5. The Assembly furthermore condemns the spillover of terrorist action into other federal entities of the Russian Federation neighbouring the Chechen Republic. It resolutely condemns the barbaric terrorist act in Beslan (North Ossetia) which should be considered as a blatant crime against humanity. The Assembly welcomes the fact that the hostage-taking at the school in Beslan is being investigated by the competent Russian authorities, and that a special parliamentary commission set up by the Federal Assembly of the Russian Federation is carrying out its own investigation into this act of terrorism, the results of which must be made public.
6. Considering the repeated statements by Chechen separatist leaders in which they disassociate themselves from the recent terrorist acts in the Russian Federation, the Assembly, however, questions their sincerity, especially after Maskhadov's threats to move from acts of sabotage to large-scale military operations, as was broadcast this June by Radio Liberty.
7. The Assembly is concerned that the recent wave of terrorist attacks will lead to a further escalation of violence and a deterioration of the human rights situation in the North Caucasus region. It appeals to all authorities involved not to react to the provocation with more violence but to act with caution and consideration and according to the principles of proportionality and the rule of law.

1. Assembly debate on 7 October 2004 (30th Sitting) (see [Doc.10276](#), report of the Political Affairs Committee, rapporteur: Mr Gross). Text adopted by the Assembly on 7 October 2004 (30th Sitting).



8. The Assembly supports the statement on the terrorist attack in Beslan and the need to strengthen international co-operation against terrorism endorsed by the Standing Committee meeting in Oslo on 7 September 2004. In this respect, it calls on states to make an urgent start on the elaboration of a comprehensive Council of Europe convention on terrorism.

9. The absence of the rule of law in Chechnya prevents the development of a humane and democratic society. Democratic institutions will remain hollow and fragile where people live in a climate of fear and poverty, where there is organised crime and warlords fight for quick profits, and where daily terror costs the lives of so many people. It should, therefore, be the priority for the political leadership in Chechnya to ensure that the law is enforced and applied equally to everybody throughout the Chechen Republic.

10. For this purpose, the newly-elected President of the Chechen Republic should publicly establish a comprehensive conflict assessment indicating the various protagonists which may have influence regarding the conflict: terrorists, warlords, major protagonists in organised crime and corrupt and extremely violent members of the security forces as well as clan, religious and political leaders. Once such a conflict map has been established, political, military, religious and clan leaders should seek to define common approaches on how to either reintegrate into society those who perpetuate the conflict in Chechnya or to develop effective strategies on combating those violations of the law.

11. The Assembly emphasises the central role of the media and the importance of guaranteeing freedom of expression in regions of conflict. Transparency may help prevent human rights violations and the media may provide a forum for indirect dialogue on ways to resolve the conflict.

12. The amount of heavy weapons and small arms in Chechnya is a source of great concern for the Assembly, as it not only facilitates, but also causes violence in Chechnya on a daily basis. Law enforcement authorities in the Chechen Republic should therefore set up programmes for collecting weapons among the population and the Russian military should implement effective procedures to prevent the illegal transfer of small arms and heavy weapons from the military and any other sources to Chechen fighters.

13. The democratic participation of the people in Chechnya is a precondition for the development of democratic stability in the republic. Therefore, local, regional and federal authorities should set up programmes for good governance and democratic citizenship. For this purpose, systems of checks and balances on the power of the executive should be established which provide effective and easily accessible recourse against abuses of power by any public authority. The current political climate in the Chechen Republic should be improved by greater openness, accountability and efficiency of the political institutions, in order to strengthen the confidence of the public in them.

14. The Assembly notes that the Constitution of the Chechen Republic of 2003 is a step towards a political settlement and the consolidation of society. It provides a legal framework for an efficient system of public administration which includes parliament and the judicial authorities.

15. The Assembly pays tribute to the tireless and courageous efforts of civil society organisations and human rights activists working for the rule of law and peace in the Chechen Republic, for example the organisations: Memorial, Mothers in Chechnya for Peace and the Moscow Helsinki Group. All public authorities are called upon to support their work, in particular the State Duma of Russia as well as the regional Duma of Chechnya to be elected in a few months' time.

16. Whilst regretting the circumstances of the presidential elections in the Chechen Republic of 29 August 2004, which did not fulfil the basic requirements necessary in order to qualify as democratic, the Assembly considers that the Council of Europe should nevertheless be ready to assist the Chechen President and his government in their efforts to strengthen human rights, democracy and the rule of law. The most important immediate challenge for the new government will be the task of establishing popular support, in particular among those parts of the population which felt alienated. The Assembly reaffirms its belief that public confidence and support can only be established by a government which respects human rights, democracy and the rule of law.

17. The Assembly hopes that the parliamentary elections in the Chechen Republic planned for early 2005 will provide the necessary legitimacy. It is, however, convinced that if these elections are to provide such legitimacy, it will be essential to significantly improve the human rights and security situation. All authorities involved in the preparation and organisation of these elections should respect the standards on democratic elections commonly recognised by all member states of the Council of Europe. All political forces in Chechnya should solicit their popular support by participating in these elections and all citizens of Chechnya should be encouraged to express their political choice by voting.

18. There are alarming and widespread rumours about considerable levels of corruption and misappropriation of public funds in the Chechen Republic. Where such criminal behaviour has reached a high level of organisation and intensity, criminal structures will become a threat to the authority of state organs and the state as such. The competent authorities should, therefore, step up their efforts in fighting corruption and organised crime. They should be guided by the relevant Council of Europe conventions in this field.

19. The Assembly calls on the Russian Federation:

to accede to the Council of Europe's Agreement establishing the Group of States against Corruption (GRECO) as a sign of its political determination to fight corruption and organised crime;

to recognise and strengthen the use of the Chechen language in public life in Chechnya.

20. The Assembly urges the Government of the Russian Federation to ensure that anti-terrorism measures taken or planned conform to standards of human rights and humanitarian law, including the European Convention on Human Rights, the Geneva Conventions and the Council of Europe guidelines on human rights and the fight against terrorism.

21. The Assembly calls on the Secretary General of the Council of Europe to analyse the effectiveness of the existing assistance and co-operation programme with the Russian Federation concerning the Chechen Republic and to strengthen the work of the operational directorates general of the Council of Europe with regard to Chechnya.

22. The Assembly calls on the Council of Europe Commissioner for Human Rights to co-operate closely with the human rights institutions and non-governmental organisations active in the Chechen Republic.

23. The Assembly calls on the United Nations, the Organization for Security and Co-operation in Europe and the European Union to closely follow the political and human rights situation in the Chechen Republic. It furthermore calls on the European Union to co-operate with the Council of Europe in fostering democracy and the rule of law in Chechnya, for instance through specific joint programmes of action.

24. The Assembly decides to remain actively involved with this issue and to follow up the progress of human rights, democracy and the rule of law in the Chechen Republic. For this purpose, it instructs its Political Affairs Committee to establish a round table for the organisation of an exchange of views with political parties and local politicians and the Russian federal authorities, while realising that persons who refuse to recognise the territorial integrity of the Russian Federation and who declare terrorism a method to achieve their goals, cannot participate in this exchange of views.

25. The Assembly suggests that other proposals to promote a resolution of the conflict should be examined as well, for instance through a concerted effort by the international community to support reconstruction in regions suffering from armed conflict in the Caucasus.