



Doc. 11720

27 September 2008

Progress report of the Bureau of the Assembly and of the Standing Committee (27 June-29 September 2008)

Progress report

Rapporteur: Mr Andros KYPRIANOU, Cyprus

Part I

1. Introduction

1. The Bureau met on 27 June in Strasbourg, and on 5 September in Paris.

2. Functioning of the Assembly

2.1. Progress report of the Bureau of the Assembly and of the Standing Committee (27 June-29 September 2008)

2. On 27 June, the Bureau appointed Mr Kyprianou (Cyprus, UEL) as rapporteur.

2.2. Follow-up to the third part of the 2008 Ordinary Session (Strasbourg, 23-27 June 2008)

2.2.1. Questions to the Committee of Ministers

3. On 27 June, the Bureau, in accordance with Rule 66 of the Rules of Procedure of the Assembly, agreed to consult the Committee on Rules of Procedure, Immunities and Institutional Affairs with a view to a possible modification of Rule 58 of the Rules of Procedure.

3.1. [Resolution 1618 \(2008\)](#) on state of democracy in Europe – Measures to improve the democratic participation of migrants

4. On 27 June, the Bureau agreed to consult the Committee on Rules of Procedure, Immunities and Institutional Affairs on Rule 15 of the resolution and whether any steps could be taken to ensure a better representation of those of migrant origin in the membership of the Assembly.

2.3. Fourth part of the 2008 Ordinary Session (Strasbourg, 29 September-3 October 2008)

5. On 27 June, the Bureau drew up the preliminary draft agenda.
6. On 5 September, the Bureau updated the draft agenda for the part-session and proposed to refer the report on the situation in Cyprus to the Committee on Legal Affairs and Human Rights, for opinion.

2.4. April 2009 part-session

7. On 27 June, subject to approval by the Assembly, the Bureau proposed to change the dates of the April 2009 part-session to 27 to 30 April 2009 (instead of from 20 to 24 April as originally foreseen).



2.5. References and transmissions to committees

8. On 27 June, the Bureau approved the following references and modifications of references, which were ratified by the Assembly later that day:

2.5.1. References to committees

a. [Doc. 11587](#)

Motion for a resolution presented by Ms Pashayeva and others

The gravest security threat to South Caucasus, to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), *for information*

b. [Doc. 11590](#)

Motion for a recommendation presented by Mr Wille and others

Protecting financial aid granted by Council of Europe member countries to poor countries against the financial funds known as “vulture funds”, to the Committee on Economic Affairs and Development, *for report*

c. [Doc. 11597](#)

Motion for a recommendation presented by Mr Vrettos and others

Wealth, welfare and well-being: how to reconcile them in a changing Europe?, to the Committee on Economic Affairs and Development, *for report*

d. [Doc. 11611](#)

Motion for a recommendation presented by Mr Wille and others

The wage gap between women and men, to the Committee on Equal Opportunities for Women and Men, *for report*, and the Committee on Economic Affairs and Development, *for opinion*

e. [Doc. 11613](#)

Motion for a recommendation presented by Mrs Memecan and others

Migrant women: at particular risk of domestic violence, to the Committee on Equal Opportunities for Women and Men, *for report at the Standing Committee*, and the Committee on Migration, Refugees and Population, *for opinion*

f. [Doc. 11634](#)

Motion for a resolution presented by Mr Jakavonis and others

Forests: the future of our planet, to the Committee on the Environment, Agriculture and Local and Regional Affairs, *to take it into account in the preparation of the report on “The challenges posed by climate change”* ([Doc. 11581](#) – Reference No. 3447)

g. [Doc. 11578](#)

Motion for a resolution presented by Mr Grignon and others

Protecting innovation and consumers in Europe, to the Committee on Economic Affairs and Development, *for report*

2.5.2. Extension of a reference

a. [Doc. 10948](#)

Motion for a recommendation presented by Mrs Mendonça and others

Detention of asylum seekers and irregular migrants in Europe, until 31 December 2009

2.5.3. Consultation of a committee a. [Doc. 11633](#)

Motion for a recommendation presented by Mrs Smet and others

Cases of sexual violence against women in the east of the Democratic Republic of Congo, consultation of the Committee on Equal Opportunities for Women and Men, *on a possible follow-up*

2.6. Georgia-Russia conflict (see Appendix II)

9. On 5 September, the Bureau:
 - a. was informed about the action undertaken by the President since the start of the conflict;
 - b. held an exchange of views with the chairpersons of the Georgian and Russian parliamentary delegations to the Assembly;
 - c. decided, on the basis of a unanimous proposal submitted by the five chairpersons of the Assembly's political groups, on behalf of their groups, to recommend to the Assembly to hold a debate under urgent procedure during the following part-session on "Consequences of the war between Georgia and Russia"; and proposed to refer this matter to the Monitoring Committee, *for report*, and to the Political Affairs Committee, the Committee on Legal Affairs and Human Rights and the Committee on Migration, Refugees and Population, *for opinion*;
 - d. set up an ad hoc committee to study the situation on the ground in Russia and Georgia from 21 to 26 September 2008, composed of the co-rapporteurs of the Monitoring Committee for Georgia and Russia, the Chairperson of the Political Affairs Committee and the Chairperson of the Committee on Migration, Refugees and Population, and the chairpersons of the political groups or their representatives and chaired by Mr Van den Brande in his capacity as chairperson of the Assembly's largest political group.

2.7. Forum for the Future of Democracy (Madrid, 15-17 October 2008)

10. On 27 June, the Bureau took note of the preliminary draft programme and of the composition of the ad hoc committee for the forum.
11. On 5 September, the Bureau took note of the draft programme for the forum.

2.8. Debate on the state of human rights and democracy in Europe

12. On 5 September, the Bureau took note of a document prepared by the secretariat entitled "The evaluation of the 2008 debate on the state of democracy and lessons to be drawn for the 2009 debate on the state of human rights", and decided to come back to this item at a future meeting.

2.9. Parliamentary Assembly Human Rights Prize

13. On 27 June, the Bureau decided to postpone the decision on this item until its next meeting.
14. On 5 September, the Bureau appointed the following four independent experts to sit on the jury:
 - a. Mr Pieter van Dijk, Netherlands, Chairperson of the Department of Administrative Justice of the Council of State, former judge at the European Court of Human Rights;
 - b. Mrs Irene Khan, Bangladesh, Secretary General of Amnesty International;
 - c. Mr Marek Antoni Nowicki, Poland, President of the Helsinki Foundation for Human Rights, former International Ombudsman in Kosovo on appointment by the UN;
 - d. Mrs Gaby Vermot-Mangold, Switzerland, former member of the Assembly.

2.10. Follow-up to [Resolution 1593 \(2007\)](#) on the Parliamentary Assembly "Gender Equality Prize"

15. On 27 June, the Bureau took note of the rules for the prize as approved by the Committee on Equal Opportunities for Women and Men.

2.11. Composition of the Committee on Rules of Procedure, Immunities and Institutional Affairs

16. On 5 September, the Bureau approved Mr Huseynov (Azerbaijan) as a new member, as proposed by the EDG group, for ratification by the Assembly.

2.12. Appointments of Assembly representatives for official activities

17. On 5 September, in reply to formal invitations, the Bureau took the following decisions:
- a. Mrs Jonker (Netherlands, EPP/CD): Joint Parliamentary Meeting on Europe: Migration and Integration, Brussels (Belgium), 10-11 September 2008;
 - b. Mr Gardetto (Monaco, EPP/CD): OSCE Parliamentary Assembly fall meeting, Toronto (Canada), 18-21 September 2008;
 - c. Mrs Pourbaix-Lundin (Sweden, EPP/CD): Seminar on Systematic Work for Human Rights, Stockholm (Sweden), 6 October 2008 (no cost for the Assembly);
 - d. Mr Mignon (France, EPP/CD): 1st World Policy Conference, Evian (France), 6-8 October 2008;
 - e. Mr Austin (United Kingdom, SOC): 119th Assembly of the Inter-Parliamentary Union, Geneva (Switzerland), 13-15 October 2008;
 - f. Mr Wille (Belgium, ALDE): Forum of Foreign Ministers of Muslim and Western Countries on the theme of "Common world: progress through diversity", Astana (Kazakhstan), 17 October 2008;
 - g. Mr Pavlidis (Greece, EPP/CD): Colloquy on the European Constitutional Treaty and Representative, Participative Democracy, Athens (Greece), 18 October 2008;
 - h. Mrs Brasseur (Luxembourg, ALDE): 4th Ministerial Seminar on Teaching Remembrance: for a Europe of Freedom and Rule of Law, Nuremberg (Germany), 5-7 November 2008;
 - i. Mr Wodarg (Germany, SOC): Forum on the Principle of Universality of Human Rights and its Implementation at International and Regional Level, Lisbon (Portugal), 10-11 November 2008.

2.13. Meetings elsewhere than in Strasbourg or Paris

18. On 27 June, the Bureau authorised the following meetings:
- a. Committee on the Environment, Agriculture and Local and Regional Affairs: Madrid and Zaragoza (Spain), 8-9 September 2008;
 - b. Sub-Committee on the Europe Prize (of the Committee on the Environment, Agriculture and Local and Regional Affairs): Katowice (Poland), 13 September 2008;
 - c. Sub-Committee on International Relations (of the Committee on Economic Affairs and Development): Geneva (Switzerland), 11-12 September 2008;
 - d. Sub-Committee on Youth and Sport (of the Committee on Culture, Science and Education): Kyiv (Ukraine), 10-11 October 2008;
 - e. Sub-Committee on Cultural Heritage (of the Committee on Culture, Science and Education): Brussels (Belgium), 23-25 October 2008;
 - f. Committee on Legal Affairs and Human Rights: Moscow (Russian Federation), 10-11 November 2008;
 - g. Committee on Migration, Refugees and Population: Geneva (Switzerland), 25-26 November 2008.
19. On 5 September, the Bureau authorised the following meetings:
- a. Ad hoc Sub-Committee (of the Committee on Culture, Science and Education): Praia (Cape Verde), 16-18 October 2008;
 - b. Sub-Committee on External Relations (of the Political Affairs Committee): New York (United States of America), 20-22 October 2008;
 - c. Social, Health and Family Affairs Committee: Lisbon (Portugal), 27-28 October 2008;
 - d. Committee on Economic Affairs and Development: London (United Kingdom, EBRD), 22-23 January 2009.

3. Relations with other bodies of the Council of Europe

3.1. Committee of Ministers

3.1.1. Joint Committee (Thursday 2 October at 6.30 p.m.)

20. On 5 September, the Bureau agreed to include the item "Consequences of the war between Russia and Georgia" as the only item on the agenda.

3.2. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

21. On 27 June, the Bureau approved, in the order recommended by the Committee on Legal Affairs and Human Rights, the following list of candidates in respect of Slovakia, for transmission to the Committee of Ministers:

- Mr Ladislav Getlík;
- Mr Peter Kováč;
- Mrs Anna Lamperová.

4. Relations with other international organisations

4.1. Co-operation with the European Parliament

4.1.1. Meeting between the Assembly's Presidential Committee and the Conference of Presidents of the European Parliament (Brussels, 28 August 2008)

22. On 27 June, the Bureau took note that a meeting would take place between the Presidential Committee of the Assembly and the Conference of Presidents of the European Parliament in Brussels on 28 August 2008 and decided to suggest the following topics for discussion: the situation in the South Caucasus; in Belarus; and in Turkey.

23. On 5 September, the Bureau was informed of the conclusions of the meeting between the Presidential Committee of the Assembly and the Conference of Presidents of the European Parliament, which took place in Brussels on 28 August 2008.

5. Elections

5.1. Parliamentary elections in Belarus (28 September 2008)

24. On 5 September, the Bureau decided not to observe these elections unless an invitation was received, in which case an ad hoc committee would be set up composed of one member of each political group.

5.2. Senatorial elections in Kazakhstan (4 October 2008)

25. On 5 September, the Bureau decided to observe these elections and set up an ad hoc committee composed of one member of each political group

5.3. Presidential election in Azerbaijan (15 October 2008)

26. On 27 June, the Bureau approved the composition of the ad hoc committee to observe this election as well as the pre-electoral mission, and appointed Mr Herkel (Estonia, EPP/CD) as chairperson.

5.4. . Post-electoral missions

27. On 27 June the Bureau authorised post-electoral missions in "the former Yugoslav Republic of Macedonia" and in Georgia.

28. On 5 September, the Bureau approved the report of the ad hoc committee on the post-electoral mission in "the former Yugoslav Republic of Macedonia" (15-16 July 2008).

6. Other matters

6.1. Third Summer University for Democracy (Strasbourg, 30 June-4 July 2008)

29. On 5 September, the Bureau took note of the final declaration.

6.2. 3rd World Holocaust Forum commemorating the seventy years since the Kristallnacht

30. On 5 September, the Bureau decided to set up an ad hoc committee composed of 30 members representing the political groups according to the D'Hondt system, in order to participate in the meeting in Brussels on 10 November 2008 on the occasion of the European Day of Tolerance.

6.3. Communications

31. On 27 June, the Bureau took note of the communications by the President of the Assembly, the Secretary General and the Deputy Secretary General of the Council of Europe; and the Secretary General of the Parliamentary Assembly.

32. On 5 September, the Bureau took note of the communications by the President of the Assembly, the Secretary General and the Deputy Secretary General of the Council of Europe, as well as the Secretary General of the Assembly.

Appendix I

On 5 September, the Bureau approved the following references and modifications of references, subject to ratification by the Assembly:

i. References to committees

a. [Doc. 11658](#)

Motion for a resolution presented by Mr Hancock and others

Regular monitoring of the living conditions provided to children with mental and physical disabilities living in institutions, to the Social, Health and Family Affairs Committee, *for information*

b. [Doc. 11659](#)

Motion for a resolution presented by Mr Boswell and others

Threat to Democracy and Human Rights in Zimbabwe, to the Political Affairs Committee, *for information*

c. [Doc. 11662](#)

Motion for a resolution presented by Mrs Cliveti and others

Social measures, education and rehabilitation of young offenders, to the Social, Health and Family Affairs Committee, *for report*

d. [Doc. 11663](#)

Motion for a resolution presented by Mr MacShane and others

Article 301 of the Turkish Penal Code: the case of Ragip Zarakolu, to the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), *for information in the framework of its post-monitoring dialogue with Turkey*

e. [Doc. 11664](#)

Motion for a resolution presented by Mrs Err and others

Requiring a minimum of 30% of each sex on the Assembly's delegations, consultation of the Committee on Rules of Procedure, Immunities and Institutional Affairs, *on the possible follow-up*

f. Doc. 11666

Motion for a resolution presented by Mr Clappison and others

The right to freedom of religion in Algeria: the case of Habiba Konida, to the Political Affairs Committee, *for information*

g. Doc. 11667

Motion for a resolution presented by Mr Bêteille and others

Promoting a prevention policy against gaming addiction and combating cybercriminality related to online betting and gaming, to the Social, Health and Family Affairs Committee, *for report at the Standing Committee*

ii. Request to extend a reference

a. Doc. 10985

Motion for a resolution presented by Mr Txueka and others

The situation of human rights defenders in Council of Europe member states

Reference No. 3281 of 6 October 2006 – validity: 6 October 2008, extension until 31 January 2009.

Appendix II – AS/Bur(2008)65

27 August 2008

Bureau of the Assembly

Conflict in Georgia

1. Fact-finding visit of the co-rapporteurs, MM. Mátyás Eörsi and Kastriot Islami, to Georgia, 18-21 August 2008.
2. Fact-finding visit of the co-rapporteur, Mr Luc Van den Brande, to Russia, 20-22 August 2008.

1. Visit of the co-rapporteurs to Georgia, 18-21 August 2008

a. Mission report

3. We visited Georgia on 19 and 20 August 2008 in the wake of the outbreak of the military conflict between Georgia and the Russian Federation over the Georgian breakaway region of South Ossetia. Our aim was to get an understanding of the political and human rights situation on the ground and to assess the implementation of the ceasefire agreement between Georgia and the Russian Federation that was brokered by President Sarkozy of France on behalf of the European Union.

4. During our visit we met with the President of the Republic, the Speaker of the Parliament, the Deputy Ministers for Foreign Affairs, the Interior and Defence, the members of the national delegation of Georgia to the PACE, as well as members of the civil society and the international community in Georgia. In addition, we made a visit, jointly with the Ambassador of the European Union in Georgia, to the city of Gori, which is situated south of the conflict zone, and which was, at the time of our visit, under occupation by the Russian army. The statement we made at the end of our visit is attached to this memorandum.

5. We would like to thank the Georgian authorities, as well as the Special Representative of the Secretary General of the Council of Europe, for the excellent organisation of the programme at such short notice and under such difficult circumstances.

6. On 8 August 2008, after several weeks of escalating tensions and violent skirmishes, the Georgian authorities decided to launch a military assault against the armed separatist forces in the Georgian breakaway region of South Ossetia. According to the Georgian authorities, the attack by armed South Ossetian separatists against Georgian villages, the ethnic cleansing in South Ossetia and the rapidly deteriorating security situation in that region started to undermine the stability of the country and its government to such an extent that armed intervention was unavoidable.

7. The Georgian arguments are strongly contested by the Russian authorities. As the exact circumstances that led to the armed intervention by Georgian troops are difficult to establish under the current conditions, they should be subjected to an independent and unbiased international investigation after the conditions of the ceasefire agreement have been implemented. We welcome the explicit agreement of the Georgian authorities to such an investigation as soon as the ceasefire conditions have been met.

8. In reaction to the Georgian intervention, Russian troops stationed as peacekeepers in South Ossetia, reinforced with Russian troops from the Northern Caucasus, launched a full-scale counter offensive against Georgia, not only inside the South Ossetian conflict zone, but deep inside Georgia, which resulted in the military occupation of a large part of Georgia territory by Russia by the time a ceasefire agreement was reached.

9. Whatever the circumstances that led to the armed intervention in the South Ossetian region, nothing can justify the disproportionate military force used by Russia in response. This disproportionate use of force is incompatible with the principles and role of peace keeping and made Russia a de facto party to the conflict. Furthermore, the military action by Russian troops far outside the conflict zone – including the bombing of Poti, a major Georgian harbour situated several hundreds of kilometres from South Ossetia – and the occupation of a significant part of Georgia's territory by Russia, in clear violation of Georgia's territorial integrity, is both unacceptable and unjustifiable.

10. In this context, we are especially concerned by the wanton destruction of Georgian economic infrastructure by the Russian military. During our stay, Russian troops reoccupied Poti and destroyed a large part of its harbour infrastructure, including in the civilian port. Moreover, we received credible reports from members of the international community that train lines and bridges were being mined or destroyed and that attacks had taken place against the oil pipeline that runs from Azerbaijan to Turkey through Georgia (the BTC pipeline).

11. There is no military justification for the destruction of the economic infrastructure of Georgia. Taken into account the openly admitted goal of the Russian authorities to change the democratically elected regime in Tbilisi, it can only be seen as a direct attack against Georgia's sovereignty, in contradiction of international norms and principles and clearly in violation of Russia's commitments to the Council of Europe.

12. During our visit to Gori, we could see the extent of the Russian occupation of Georgia. The first Russian roadblock was situated approximately 35 kilometres from Tbilisi, on the main east-west transport artery. After this point, we could only travel with the agreement of the Russian military command.

13. An issue of major concern is the human rights situation in the territories that are under Russian occupation. At the outset of the war, Georgia filed an application with the European Court of Human Rights alleging violations of Articles 2 and 3 of the ECHR as well as Article 1 of Protocol No. 1 to the Convention. At the request of the Georgian authorities, the President of the Court decided to apply Rule 39, considering that the current situation gives rise to a real and continuing risk of serious violations of the Convention.

14. Extensive looting was reported in the wake of the military occupation. This seemed to be confirmed by our own findings during our visit to Gori, where we saw little military destruction but significant residential and commercial areas that appeared to be looted. More worrying are the credible reports, including by Human Rights Watch, of large-scale ethnic cleansing of the Georgian areas in South Ossetia. Although Russian troops are not directly implicated in the ethnic cleansing itself, they are reportedly doing nothing to stop these actions by South Ossetian paramilitary forces.

15. We would like to stress that, under international law, Russia, as the occupying force, bears full responsibility for the safety, well-being and protection of human rights of all citizens in the territories under its control. We therefore called upon the Russian authorities to ensure an immediate end to all human rights abuses and ethnic cleansing. Furthermore, all human rights violations and possible war crimes should be fully and credibly investigated, with full respect for Council of Europe standards; those responsible, including those at the highest level, should be punished in accordance with the law.

16. At the time of our visit, a main issue was the compliance of the Russian military forces with the terms of the ceasefire agreement. Despite the assurances by President Medvedev that Russian troops would withdraw from areas outside the conflict zone, no signs of troop withdrawals were visible at the time of our visit. During our meeting with him, the Military Commander of Russia in Georgia assured us that troop withdrawals would be completed by 25 August and that there were no military or logistical obstacles to do so by that date.

17. A main issue of concern was and continues to be Russia's insistence to maintain troops in Georgia outside the conflict zone, which is not in line with the terms of the ceasefire agreement brokered by the EU Presidency, which foresees the withdrawal of troops by all conflicting parties to their pre-conflict positions. Moreover, according to the ceasefire agreement, a limited Russian presence in a very limited buffer zone around South Ossetia would as soon as possible be replaced by independent European troops. The insistence of Russia to keep troops in an extended area on the territory of Georgia is all the more worrisome as this would bring main east-west and north-south transport corridors in Georgia under Russian control, which is clearly unacceptable as it would severely undermine Georgia's sovereignty.

18. Although the conflict erupted over South Ossetia, Abkhaz armed separatists, reportedly with the help of Russian troops, drove the Georgian troops out of the Kodori gorge bringing the entire Abkhaz region under the control of separatist forces.

19. The conflict resulted in a large number of internally displaced persons (IDPs) in Georgia. A significant part of these IDPs originate from the occupied territories situated outside the conflict zone itself. During our visit to Gori, one of the areas outside the conflict zone, which has suffered greatly, we saw that, despite the looting, the destruction was relatively limited and that the town was ready to receive its inhabitants. The continuing Russian occupation was, however, an obstacle to the return of IDPs as it hindered the transport of humanitarian aid and undermined the necessary sense of safety and security among the population, especially in the light of the reported unhindered ethnic cleansing in the conflict zone.

20. Another issue that is affecting and will continue to affect the return of IDPs is the widespread use of cluster bombs, which has resulted in large rural areas being contaminated by unexploded ammunition and which poses an immediate danger to the lives of the population in those areas. The international community should therefore provide the Georgian authorities with all the required assistance to conduct an effective awareness campaign among all citizens living in or returning to the areas contaminated by cluster bombs. Moreover, immediate support and expertise should be given to clear those areas of unexploded ammunition.

21. It is outside the scope of this memorandum to discuss the possible reaction of the Assembly to the conflict or to the subsequent unilateral declaration by Russia of the independence of Abkhazia and South Ossetia. It is, however, clear to us that the disproportionate use of force and subsequent occupation of part of the sovereign territory of Georgia by the Russian Federation cannot be accepted by the Assembly. There should therefore be no business as usual until Russia has fully complied with the terms of the ceasefire agreement, especially with the withdrawal of all of its troops to their pre-conflict positions. Moreover, any human rights abuses, including the ethnic cleansing of Georgian villages in South Ossetia, should be fully investigated and, in line with international law and its commitments to the Council of Europe, Russia should be held fully responsible and accountable for any human rights abuses that have occurred on the territory of Georgia that is under its control, including all of South Ossetia and Abkhazia.

b. Statement of the co-rapporteurs

*The occupation by Russia of a part of Georgia is unacceptable, according to PACE co-rapporteurs (Strasbourg, 22 August 2008)*¹

2. Visit of the co-rapporteur to Russia, 20-22 August 2008

a. Mission report

At the request of the President of the Assembly, I travelled to Moscow and to North Ossetia from 20 to 22 August 2008 to collect first-hand information about Russia's vision of the conflict in Georgia. Unfortunately, my colleague Mr Pangalos was not available to join me for this visit. In the same week, the Assembly co-rapporteurs for Georgia, Mr Eörsi and Mr Islami, paid a visit, from 18 to 21 August, to Georgia, to collect information about Georgia's vision of the conflict.

Despite logistical difficulties, I considered it necessary to travel to North Ossetia to get acquainted with the situation on the ground and I am grateful to the Russian delegation to the PACE and to Mr Kosachev personally, for their assistance in the organisation of this visit.

1. This document is available on the Council of Europe Internet site at the following address: www.coe.int/t/dc/av.

I have to stress that this visit was organised in a particularly difficult context. In fact, my visit was the first visit to Russia of a Council of Europe delegation after the conflict. I gained the impression from my discussions with the Russian authorities that they felt that the Council of Europe did not attempt to listen to their version of the facts. I therefore consider that it is essential that at this crucial moment our Assembly should show openness to dialogue with both parties.

In Moscow, I met the Deputy Speaker of the State Duma, Mrs Gerassimova, the Deputy Speaker of the Council of the Federation, Mr Torshin, together with a delegation of the members representing the regions of North Caucasus, the Deputy Minister for Foreign Affairs, State Secretary Karassin, the Deputy Chief of Staff of the Ministry of Defence, Mr Nogovitsyn, as well as leading Russian human rights defenders (representing Human Rights Watch, Memorial and the Moscow Helsinki Group). I also visited the emergency management centre of the Ministry of Emergency Situations, where I could observe the co-ordination of the delivery of humanitarian aid to refugees in North Ossetia. I was told that 37 000 people came originally to North Ossetia. At the moment of my visit, some 19 000 had returned and some 4 000 had been sent to the neighbouring regions of Russia. The remaining refugees stayed with their families and relatives as well as in several collective centres.

In North Ossetia, I met the Deputy Speaker of the regional parliament, Mr Khadikov, and the Deputy Minister of Nationality Affairs. I also visited one of the remaining collective centres for refugees located in the municipal district of Digora, where I had a long discussion with the refugees about their impressions and vision of the conflict.

Finally, I received a very valuable input for this report from the Ambassadors of Belgium, Sweden and Finland, as well as the Chargé d'affaires of the French Embassy and Deputy Chief of the Delegation of the European Commission, whom I met on Thursday evening in Moscow, before travelling to North Ossetia.

The conclusions of my meetings could be summarised as follows:

1. The Russian authorities consider that the start of the conflict was the responsibility of the Georgian authorities. I gained the impression from my discussions that both sides were prepared to launch a military operation. However, it transpired from the information provided to me by the Deputy Chief of Staff of the Ministry of Defence, Mr Nogovitsyn, that the 58th Army received the order to enter the Roki tunnel several hours after the beginning of "the massive and indiscriminate shelling of Tskhinvali", as a result of which two Russian soldiers from the peacekeeping battalion were killed and another two were wounded. In particular, I saw maps indicating the positions of Georgian and Russian troops before and after the outbreak of the hostilities. It is important to note that the Georgian battalion of the Joint Peacekeeping Forces left their positions on 7 August, around 2.40 p.m., before the shelling and bombing of Tskhinvali started.
2. It transpired from my discussions, that both sides are responsible for the use of weapons with indiscriminate effect on civilians (in particular, the multiple rocket launchers "Grad"). This is a flagrant violation of international humanitarian law, which should be condemned and thoroughly investigated by both sides. I was shocked by the stories of the refugees about "the massive and indiscriminate shelling and bombing of Tskhinvali with the use of the 'Grad' launchers". Equally, I condemn the indiscriminate use of the very same multiple rocket launchers by the 58th Army, as well as, in general, the disproportionate reaction of the Russian forces.
3. All allegations of human rights violations and ethnic cleansing have to be thoroughly investigated by the Russian and the Georgian authorities as quickly as possible. I consider that the Russian State Duma and the Council of the Federation should establish a joint ad hoc inquiry committee for this purpose. I gained the impression that the leadership of the State Duma and of the Council of the Federation were already working on this and expect this committee to be established very soon. I also welcome the involvement of the Council of Europe Commissioner for Human Rights, Mr Hammarberg, in the investigation of human rights violations, who has already paid a visit to the region. It is of utmost importance that both the Russian and the Georgian authorities provide their citizens with accurate and non-partisan information about the conflict and, especially, about the human and material casualties. Truth is a prerequisite for reconciliation. I would like to warn both parties of the consequences the manipulation of data and the reference to allegations of ethnic cleansing and genocide could have.
4. Russia and Georgia have to effectively implement in practice the six principles of conflict settlement agreed upon with the mediation of the French President, Nicolas Sarkozy. In particular, in my meetings with the authorities, I called for the immediate withdrawal of Russian forces from the territory of Georgia. Indeed, during my stay in North Ossetia, I saw several groups of Russian military vehicles, which were allegedly being evacuated from the area of the conflict by trains to their regular bases. I was

not able to check this information. This being said, I note that by the end of last week the Russian forces had retreated from most areas outside the administrative border of South Ossetia, establishing, however, eight checkpoints within what I was told was “the zone of responsibility of the peacekeeping forces, according to the 1999 decision of the Joint Control Commission”. The Russian authorities explained to me that these checkpoints corresponded to the “additional security measures” provided for in the ceasefire agreement.

5. Most importantly, I believe that both sides have to resume dialogue as soon as possible. I trust our Assembly is an appropriate forum for this and, in my capacity as co-rapporteur for Russia, I will spare no effort to help the Russian and the Georgian delegations engage in a dialogue about the next steps to be taken to settle the conflict. But before we decide on the framework of the dialogue, we have to collect first-hand information about what actually happened during this conflict. Therefore, I consider it necessary for our Assembly to pay another visit to the conflict area. I leave it to the Bureau of the Assembly to decide on the format of this visit.

After the preparation of this report, on 26 August 2008, President Medvedev signed the decree recognising the independence of South Ossetia and Abkhazia, following the adoption, on 25 August, by the State Duma and by the Council of the Federation of the corresponding resolutions. I consider that this act is not in accordance with international law and core Council of Europe principles.

b. Statement of the co-rapporteur

“Russia and Georgia must abide by Council of Europe principles,” said PACE monitoring co-rapporteur (Strasbourg, 23 August 2008)²

2. This document is available on the Council of Europe Internet site at the following address: www.coe.int/t/dc/av.

Part II

7. Introduction

1. The Bureau met on 29 September 2008 in Strasbourg.

8. Functioning of the Assembly

8.1. Progress report of the Bureau of the Assembly and of the Standing Committee (27 June-29 September 2008)

2. On 29 September, the Bureau approved the progress report.

8.2. Fourth part of the 2008 Ordinary Session (Strasbourg, 29 September-3 October 2008)

i. Debate under urgent procedure

a. "Consequences of the war between Georgia and Russia" (submitted by the five chairpersons of the Assembly's political groups, on behalf of their groups)

3. On 29 September, the Bureau confirmed its decision to recommend to the Assembly to hold a debate under urgent procedure on this matter and to refer it to the Monitoring Committee for report and to the Political Affairs Committee, the Committee on Legal Affairs and Human Rights and the Committee on Migration, Refugees and Population for opinion.

ii. Current affairs debate

a. "Agrofuels and the food crisis" (submitted by 24 parliamentarians)

4. On 29 September, the Bureau decided to recommend to the Assembly not to hold a current affairs debate on this matter.

iii. Draft agenda

5. On 29 September, the Bureau approved the updated draft agenda.

iv. Signatures to motions tabled under Rule 9.1 of the Assembly's Rules of Procedure

6. On 29 September, the Bureau agreed with the proposal of the President to consult the Chairperson of the Committee on Rules of Procedure, Immunities and Institutional Affairs concerning the possible withdrawal or addition of signatures to motions tabled under Rule 9.1 of the Assembly's Rules of Procedure.

v. Election of a judge to the European Court of Human Rights in respect of Luxembourg

7. On 29 September, the Bureau took note of the report of the Sub-Committee on the Election of Judges to the European Court of Human Rights, including the recommendations contained in it, and decided to forward it to Assembly members.

8.3. Georgia-Russia conflict

8. On 29 September, the Bureau:
 - a. took note of a memorandum prepared by Mr Van den Brande (Belgium, EPP/CD), Chairperson of the ad hoc committee of the Bureau to study the situation on the ground in Russia and Georgia from 21 to 26 September 2008 and decided to declassify it (see Doc. 11720 Addendum II);
 - b. held an exchange of views with the chairpersons of the Georgian and Russian parliamentary delegations to the Assembly.

8.4. Reports by Assembly representatives on their participation in official activities

9. On 29 September, the Bureau took note of a report by Mrs Jonker (Netherlands, EPP/CD) on her participation in the Parliamentary Forum on Economic Migrations, Social Cohesion and Development held in Kyiv on 5 September 2008 and referred it to the competent committee for possible follow-up.

9. Relations with other bodies of the Council of Europe

9.1. Committee of Ministers

i. Joint Committee (Thursday 2 October at 6.30 p.m.)

10. On 29 September, following a proposal of the Ministers' Deputies, the Bureau agreed to add the item "Date of the election of the Secretary General of the Council of Europe" to the agenda of the meeting.

10. Elections

10.1. Senatorial elections in Kazakhstan (4 October 2008)

11. On 29 September, in accordance with point 12 of the Guidelines on Observation of Elections by the Assembly, the Bureau decided to cancel the observation mission initially foreseen.

10.2. Presidential election in Azerbaijan (15 October 2008)

12. On 29 September, the Bureau heard a report by Mr Herkel (Estonia, EPP/CD), chairperson of the ad hoc committee that had carried out a pre-electoral mission from 15 to 19 September 2008, and took note of a press release.

Appendix

On 29 September, the Bureau approved the following references and modifications of references, subject to ratification by the Assembly:

i. References to committees

a. [Doc. 11670](#)

Motion for a resolution presented by Mr Jacquat and others Promoting active ageing – Capitalising on older people's working potential, to the Social, Health and Family Affairs Committee, *for report*

b. [Doc. 11672](#)

Motion for a resolution presented by Mrs Asko-Seljavaara and others

Prevention of obesity and type 2 diabetes and promotion of healthy nutritional habits among children and the young, consultation of the Social, Health and Family Affairs Committee, *on the follow-up to be given*

c. [Doc. 11673](#)

Motion for a recommendation presented by Mr van der Linden and others

Human rights and business, to the Committee on Legal Affairs and Human Rights, *for report*, and to the Committee on Economic Affairs and Development, *for opinion*

d. [Doc. 11675](#)

Motion for a resolution presented by Mrs Wohlgend and others

The death penalty in Council of Europe member and observer countries – An unacceptable violation of human rights, to the Committee on Legal Affairs and Human Rights, *for report*

e. Doc. 11676

Motion for a resolution presented by Mr von Sydow and others

Situation in Kosovo, to the Political Affairs Committee, *for report*, and to the Committee on Legal Affairs and Human Rights, *for opinion*

f. Doc. 11678

Motion for a resolution presented by Mrs Hurskainen and others

The socio-economic potential of the Baltic Sea region, to the Committee on Economic Affairs and Development, *for report at the Standing Committee*

g. Doc. 11679

Motion for a resolution presented by Mrs Jonker and others Asylum and gender-based persecution, to the Committee on Migration, Refugees and Population, *for report*, and to the Committee on Equal Opportunities for Women and Men, *for opinion*

h. Doc. 11680

Motion for a recommendation presented by Mr van der Linden and others

Migrants, intercultural dialogue and integration, to the Committee on Migration, Refugees and Population, *to take it into account in the preparation of the report on "Migration in Europe: a constant challenge"*

i. Doc. 11681

Motion for a recommendation presented by Mr Ducarme and others

Prohibiting the marketing and use of the "Mosquito" youth dispersal device, to the Committee on Culture, Science and Education, *for report*, and to the Social, Health and Family Affairs Committee, *for opinion*

j. Doc. 11617

Motion for a recommendation presented by Mr Legendre and others

Balanced approach to the rescuing of archaeological finds from development projects, to the Committee on Culture, Science and Education, *for report at the Standing Committee*

ii. Modification of references

a. Doc. 11213

Motion for a resolution presented by Mr Dupraz and others Ban of cluster munitions

Reference No. 3364 of 25 June 2007, to the Political Affairs Committee, *for report*, to the Committee on Legal Affairs and Human Rights, to the Social, Health and Family Affairs Committee and to the Committee on Migration, Refugees and Population, *for opinion*

b. Doc. 11581

Motion for a resolution presented by Mr Prescott and others The challenges posed by climate change

Reference No. 3447 of 29 May 2008, to the Committee on the Environment, Agriculture and Local and Regional Affairs, *for report*, and to the Committee on Migration,

Refugees and Population, *for opinion*

iii. Replies after consultation

a. Doc. 11409

Motion for a resolution presented by Mr de Puig and others The eradication of discrimination based on the principle of "collective guilt" in Europe

Reference No. 3386 of 21 January 2008, to the Political Affairs Committee, *for report*

b. Doc. 11398

Motion for a resolution presented by Mr Frunda and others Secret detention centres: clarifying the allegations, no further action

iv. Extension of references

a. Docs. 11028-11029

Motion for a resolution presented by Mrs BemelmansVidec and others

Nomination of candidates and election of judges to the European Court of Human Rights

Reference No. 3279 of 6 October 2006 (validity: 6 October 2008), extension until 31 December 2008

b. Doc. 11085

Motion for a recommendation presented by Mr Çavuşoğlu and others

Migration in Europe: a constant challenge

Reference No. 3298 of 22 January 2007 (validity: 22 January 2009), extension until 31 December 2009

c. Doc. 11103

Motion for a recommendation presented by Mrs VermotMangold and others

Improving the quality and consistency of asylum decisions in the Council of Europe member states

Reference No. 3305 of 22 January 2007 (validity: 22 January 2009), extension until 30 April 2009