

Resolution 1270 (2002)¹

Conflict in the Chechen Republic

Parliamentary Assembly

1. The Parliamentary Assembly recalls that in its [Resolution 1227](#) (September 2000) and [Resolution 1240](#) (January 2001) it required the Government of the Russian Federation to seek an end to the armed conflict in the Chechen Republic and in particular to take the following action:

seek a political settlement;

end human rights violations;

bring to justice those responsible for crimes committed in the Chechen Republic;

improve the humanitarian well-being of those affected by the conflict.

2. In its [Resolution 1240](#) (January 2001) the Assembly decided to establish a Joint Working Group (JWG) composed of members of the State Duma and representatives of the Parliamentary Assembly. The JWG was charged with keeping under constant review the progress made in the implementation of the Assembly's recommendations and of those made by the members of the State Duma following its hearing held in Moscow in September 2000.

3. The Assembly takes note of the work of the JWG, which held seven meetings in 2001 including its latest mission to the Chechen Republic in December 2001, and considers that it is fulfilling its role of scrutinising the implementation by the Russian authorities of the detailed recommendations of the Assembly and the State Duma.

4. The Assembly also considers that the consultations aimed to achieve a political solution organised by the JWG and involving a cross-section of Chechen participants have contributed to initiating a broad dialogue between Chechens with different views. It takes note of the memorandum drafted and unanimously approved by the Chechen participants at the second consultation held in Strasbourg in November 2001, and considers it to represent a positive contribution towards a political solution.

5. The Assembly endorses the confirmation in the memorandum that "there is no alternative to peace negotiations without preconditions". It also strongly supports the proposal to establish, under the auspices of the JWG, a broadly-based consultative council, to comprise representatives of "all social groups and associations, and of representatives of the official bodies of Chechnya and Russia" for the purpose of "developing recommendations and proposals pertaining first and foremost to demilitarisation and to the establishment of conditions for generally accepted democratic procedures to take place on the territory of Chechnya".

6. The Assembly notes that this proposal is made "with a view to contributing to the implementation of the peace initiative of the President of the Russian Federation, Vladimir Putin, of 24 September 2001 and to bringing about favourable conditions and stimulating the process of finding a political solution". The Assembly

1. Assembly debate on 23 January 2002 (4th Sitting) (see [Doc. 9319](#), report of the Political Affairs Committee, rapporteur: Lord Judd; [Doc. 9329](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig; and [Doc. 9330](#), opinion of the Committee on Migration, Refugees and Demography, rapporteur: Mr Iwiński). Text adopted by the Assembly on 23 January 2002 (5th Sitting).



looks forward to early confirmation that the consultative council has been established and has begun its deliberations. It calls upon the appropriate Russian and Chechen authorities, at all levels, to facilitate and actively support its creation and work.

7. Meanwhile, the Assembly welcomes the action by President Putin to initiate talks between his representatives and those of Mr Maskhadov. It remains convinced that peace in the Chechen Republic can only be achieved through negotiations in which the widest possible representation of political and official elements in Chechen society must participate as part of a more general political process. It believes that the only requirement for participation should be a renunciation of violence.

8. The Assembly believes that the participation of Mr Maskhadov, the last elected President of Chechnya, or his representatives who renounce violence, would enhance the prospects for success in any such negotiations and towards this objective hopes that Mr Maskhadov will now authorise his representatives to take part in the consultative council proposed in the Strasbourg memorandum.

9. In order to ensure credibility for the peace settlement process the Assembly underlines that there must be an immediate cease-fire in the Chechen Republic on the part of all concerned.

10. The Assembly calls upon Chechen militants to stop attacks against both military and civilian targets and urges the Russian federal authorities to reduce significantly the number of federal forces and station them in their barracks.

11. The Assembly notes with concern the reports on bombardments of the territories outside the Russian Federation and believes that such actions, if they occurred, would be unacceptable whatever the reasons for them might be. The Assembly calls upon the neighbouring states to adopt urgent measures to stop the activities of terrorist groups in their territories and bring their leaders to justice.

12. The Assembly believes that a political settlement will require a comprehensive amnesty for all those who have not been charged with or sentenced for crimes categorised as grave breaches of the Geneva Conventions.

13. The Assembly recognises that there are some terrorists, including foreigners, operating in the Chechen Republic who have no interest in a reasonable political solution. It also recognises that while there are others who took arms for what they believed to be valid political objectives or in frustration as the result of oppression, there are some who did so for opportunist or criminal reasons or for financial gain. It believes that all those concerned should recognise that the vicious cycle of violence will destroy their country and that the only reasonable way forward is to engage in a political process. The Assembly reiterates that the legitimacy of military action against terrorists cannot be used by any state, including the Russian Federation, as a justification for disrespect for human rights and the rule of law or refusal to seek a political solution.

14. In this connection, the Assembly remains concerned by convincing reports of human rights violations, including unexplained disappearances, arbitrary arrest, illegal detention, and torture and ill-treatment, committed in particular in the course of mop-up operations, as well as attacks on members of the civilian administration. It calls on all sides to the conflict to respect international human rights and humanitarian law. The Assembly further calls on the Russian authorities to fully co-operate with the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), so that the latter may determine whether the manner of detention applied in the Chechen Republic fully complies with Article 3 of the European Convention on Human Rights.

15. The Assembly believes that unless full respect for human rights and the rule of law is ensured at all times in the Chechen Republic and that unless those responsible on all sides for crimes which have been committed in the war are brought to justice, the prospects for acceptance by the people of the Chechen Republic of a political settlement will be greatly diminished.

16. The Assembly therefore regrets that little tangible improvement of the human rights situation could be observed during the past year. In particular, the Assembly deplores the ongoing serious human rights violations in the Chechen Republic, as well as the lack of progress in investigating past and present crimes and in prosecuting and punishing the perpetrators, which has caused a climate of impunity.

17. The Assembly unreservedly condemns the lack of progress in the investigations into the most serious crimes, especially the following:

the alleged mass killings in Alkhan-Yurt (December 1999), Staropromyslovski (January 2000) and Aldi (February 2000);

the disappearance of Mr Alikhodzhiyev, Speaker of the former Parliament of the Chechen Republic;

the discovery of mass graves, such as the one unearthed on the outskirts of Grozny (February 2001);
the allegations of torture and ill-treatment in detention, as confirmed, inter alia, by the CPT.

18. While the Assembly notes with satisfaction that the JWG and the Assembly are among the only international fora in which progress on criminal investigations and judicial proceedings for crimes against civilians committed by servicemen is being monitored, it calls on the Russian authorities to again provide it, before its next part-session, with an updated and detailed list and the current status 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;

19. The Assembly continues to support the work of the Office of the Special Representative of the President of the Russian Federation for Human Rights in the Chechen Republic, and believes the office's powers should be widened to ensure a better follow-up of complaints received.

20. The Assembly welcomes the establishment of the Council for the Protection of Human Rights in the Chechen Republic, with the inclusion of representatives of the law enforcement agencies, the prosecutor's office, the local Chechen authorities and non-governmental organisations. It believes that the Council of Europe should establish close co-operation with this council in order to ensure that it is effective in accelerating progress.

21. The Assembly is deeply concerned by the continuing grave humanitarian plight of the many thousands of people affected by the conflict, in particular those still in camps, and believes that they should be enabled to return home in safety, as soon as possible. It fervently appeals to the authorities of the Russian Federation and to all Council of Europe member governments as well as to international humanitarian organisations urgently to provide humanitarian assistance to those in need and to take all necessary precautions to guarantee that the assistance is effectively and properly distributed. In particular, the Assembly is deeply concerned by the alarming reports that up to 70% of relief aid does not reach directly those to whom it is addressed. These reports should be immediately verified and better accountability and transparency in the distribution of the assistance should be established. The Assembly cannot emphasise too firmly that this action is imperative and that it finds the excuses for inaction totally unconvincing. It believes that if ever the adage "where there is a will, there is a way" applies, it most certainly does so in this sad situation.

22. Whatever steps towards economic and social reconstruction may have been taken, the Assembly remains seriously concerned by the lack of convincing employment and economic prospects for the people of the Chechen Republic and recognises that this discourages the return of displaced people, stimulates further emigration and accentuates a dependency on assistance for those who stay. It provokes a breeding ground for terrorist recruits.

23. The Assembly calls for more effective and better-resourced measures by the Russian authorities to encourage economic and social reconstruction, and calls on member governments of the Council of Europe unstintingly to support such measures. The Assembly also believes that without strong action to combat corruption, economic and social reconstruction will be impossible to achieve. It applauds the courage of those who often at great personal risk do endeavour to make a stand against such economic sabotage.

24. The Assembly concludes that the general situation in the Chechen Republic has not improved enough to ensure the full enjoyment of human rights and the rule of law by the population as a whole. Consequently, the authorities should refrain from any kind of forced return of refugees and displaced persons, and all those who wish to stay in the camps and benefit from relief aid should be given the possibility to do so.

25. However, the Assembly recognises that, although frustratingly slow, at least some progress has been made; it notes that this is the result of positive changes of attitude now identifiable in the Russian Federation concerning the way to deal with the conflict. The Assembly therefore believes that it is by supporting or strengthening the position of those within the Russian Federation who advocate and strive for such changes that the Council of Europe can make its most effective contribution. It understands that the position of those who advocate a political solution entails great commitment, resolve, candour and firmness, but is convinced that any other course would be a dereliction of responsibility.

26. The Assembly notes that the JWG and the Assembly itself are amongst the very few international fora where progress can be monitored, criticism expressed, pressure asserted, and where discussions on a political solution can take place. It therefore reaffirms its support for the work of the JWG on its behalf and

believes that the principal task should now be to facilitate and provide support for the initiative towards a political solution, as agreed by the Chechens present at the second consultation held in Strasbourg in November 2001.

27. The Assembly stresses that only a political solution genuinely forged and respected by the people of the Russian Federation, including the people of the Chechen Republic themselves, will create the durable conditions for ensuring full enjoyment of human rights and the rule of law, for solving the problem of refugees and displaced people and for the successful economic and social reconstruction of the Chechen Republic. It believes that in the absence of such a political solution all other remedies, however important in themselves, can only bring ameliorative and temporary relief.

28. The Assembly records its appreciation of the strenuous efforts by the Council of Europe Human Rights Commissioner and his small staff to develop a commitment to human rights in the Chechen Republic and the Russian Federation as a whole, and for his work to protect the human rights of the people of the Chechen Republic; similarly, it records its continued appreciation of, and support for, the contribution being made by the experts of the Council of Europe stationed in Znamenskoye.

29. The Assembly is convinced that the Council of Europe must remain present in the Chechen Republic and the North Caucasus region and, where appropriate, in agreement with the federal and local authorities, widen its activities beyond its current contribution in the Office of the Special Representative of the President of the Russian Federation for Human Rights in Znamenskoye: it believes that the work for human rights in the Chechen Republic will remain essential, but that the scope of the activities of the Council of Europe should also be extended to strengthening the protection of democratic stability, the rule of law and the protection of human rights in the North Caucasus.