

Recommendation 1456 (2000) of the Parliamentary Assembly of the Council of Europe on the Conflict in the Chechen Republic (Implementation by Russia of Recommendation 1444 (2000)), adopted on 6 April 2000 in Strasbourg

1. The Parliamentary Assembly recalls its positions on the conflict in the Chechen Republic taken in Resolution 1201 (1999) of 4 November 1999 and Recommendation 1444 (2000) of 27 January 2000.
2. In Recommendation 1444 (2000), the Assembly, while confirming its commitment to the principle of territorial integrity of the Russian Federation, asked her to meet a series of requirements designed to put an end to the conflict and reinstate the rule of law and respect for human rights in the Chechen Republic.
3. The Assembly also decided on that occasion that if Russia failed to meet these requirements, her continued membership of the Council of Europe would inevitably have to be reconsidered.
4. As part of the monitoring exercise concerning the implementation of Recommendation 1444 (2000), an Ad hoc Committee of the Assembly went to Moscow and the northern Caucasus (the Republic of Daghestan, the Republic of Ingushetia, the Republic of North Ossetia-Alania and the Chechen Republic) between 9 and 13 March 2000.
5. The Assembly takes note of certain positive measures which Russia has taken in keeping with Recommendation 1444 (2000), such as:
 - i. appointing Mr Vladimir Kalamonov Special Representative of the President of the Russian Federation on Securing Human and Citizens' Rights and Freedoms in the Chechen Republic, and agreeing in principle to accept consultative expertise for his office in the form of Council of Europe expert staff;
 - ii. setting up a State Duma Commission on the Normalisation of Political, Social and Economic Situation and Protection of Human Rights in the Chechen Republic;
 - iii. extending the period of amnesty until 15 May 2000 concerning "persons who committed socially dangerous acts" in the North Caucasus during the conflict;
 - iv. revoking as illegal the order to prevent Chechens of male sex aged between 10 and 60 from crossing the administrative border of the Chechen Republic;
 - v. agreeing to organise two regional seminars under the auspices of the Council of Europe- one on federalism to be held in Pyatigorsk (Stavropol region) on 27 and 28 April and another on the role of democratic institutions in restoring democracy and ensuring human rights to be held in Vladikavkaz (the Republic of North Ossetia-Alania) on 29 and 30 May 2000, which should be attended by representatives of the Russian Federation, the northern Caucasus republics of the Russian Federation, including the Chechen Republic, the neighbouring Russian regions and non-governmental organisations;
 - vi. concluding a working memorandum with the United Nations Secretary General on procedures governing humanitarian assistance in the region, and reaching an agreement with the International Committee of the Red Cross (ICRC) on its operation in the Chechen Republic and on ICRC representatives' access to temporary detention centres;
 - vii. accepting a number of visits by representatives of international organisations to the North Caucasus region.
6. Russia has not yet, however, responded to the two key political demands made by the Assembly, namely the introduction of an immediate and complete cease-fire and the initiation of a political dialogue without preconditions with the elected Chechen

authorities.

7. With regard to the request that Russia strictly respects the fundamental human rights of the civilian population in the territories under the control of the Russian authorities, only declarations of intent have so far been made. The Assembly has taken note of the replies given by the Russian Foreign Minister to the requests by the Secretary General for explanations under Article 52 of the European Convention of Human Rights. It regrets that, so far, these replies have not been satisfactory.

8. The Assembly reiterates that Russia has violated and continues to violate some of its most important obligations under both the European Convention on Human Rights, in particular Article 2 (Right to life) and international humanitarian law, as well as the undertakings she gave on joining the Council of Europe.

9. In particular, the Assembly deplors the following actions of the Russian federal troops in the Chechen Republic:

i. the total and wanton destruction of the city of Grozny, the most striking example of indiscriminate and disproportionate military action which has cost hundreds, if not thousands of civilian lives;

ii. continued attacks on the civilian population, ranging from the use of aerial bombardments and other heavy weaponry in densely populated areas to the committal of war crimes by federal troops, including the murder and rape of civilians;

iii. rape- a cruel means of war- perpetrated on Chechen women and girls;

iv. the alleged arbitrary arrest and detention of non-combatants, and their reported subsequent ill-treatment in detention;

v. the continued use of young conscripts in the military campaign in the Chechen Republic.

10. The Assembly also deplors that, up until now, the Chechen side has not complied with the demands formulated in paragraph 11 of Recommendation 1444 (2000). In particular, it cannot accept that no cease-fire has been introduced on the Chechen side, and that hostages are still being held. The Assembly reiterates that all its demands remain fully valid, and insists that the Chechen side comply with them immediately, and take up any offer of negotiations without preconditions.

11. While recognising that human rights violations have been, and are still, perpetrated by both sides in the conflict, the Assembly considers that membership of the Council of Europe requires a commitment to a higher order of conduct. The Assembly cannot accept that a member state's failure to comply with the Organisation's standards is justified by the behaviour of its adversaries.

12. The Assembly therefore considers that Russia has still convincingly to implement the requirements set out in Recommendation 1444 (2000) and that her failure to act results in the continued loss of life and disproportionate suffering as well as human rights violations in the Chechen Republic.

13. The Assembly recalls that despite the progress she still had to make, when Russia joined the Council of Europe she was considered as capable of pursuing and willing to pursue, within and with the help of the Council of Europe, democratic reforms designed to bring her legislation and practice into line with Council of Europe principles and standards.

14. The Assembly recalls that Russia, upon its accession to the Council of Europe, committed itself in writing to observe the principles and standards of the Organisation and to fulfil all obligations arising from the Statute of the Council of Europe and its most important conventions. In particular, Russia's accession, it was assured, would not result in the lowering of the high standards of the Organisation. In keeping with these assurances the Assembly insists on the maintenance and respect of the standards of the Council of Europe, and regrets that Russia is digressing from these

standards through its conduct in the Chechen Republic, and is violating its commitments and obligations in a most serious manner.

15. The Assembly underlines that the Council of Europe has political and legal instruments to help ensure that Russia honours her undertakings with regard to human rights in the Chechen Republic. It believes, in particular, that the European Convention on Human Rights and the protection machinery for which it provides should be fully utilised.

16. The Assembly calls on the Russian State Duma to initiate a wider dialogue with the Assembly and to invite the observers from the Assembly to attend the meetings of the State Duma Commission on Human Rights, Displaced Persons and the Normalisation of Social, Political and Economic Situation in the Chechen Republic.

17. The Assembly calls on the Russian delegation to take a clear stand in the State Duma concerning the massive human rights violations in the Chechen Republic by proposing a relevant resolution.

18. The Assembly considers that substantial grounds for concern exist, as noted *inter alia* in some of the preceding paragraphs, that the European Convention on Human Rights is being violated by the Russian authorities in the Chechen Republic both gravely and in a systematic manner. The Assembly thus appeals to the member states of the Council of Europe, as high contracting parties to the Convention, to make use of Article 33 as a matter of urgency and refer to the European Court of Human Rights alleged breaches by Russia of the provisions of the Convention and its Protocols.

19. Action taken within the Council of Europe can, however, bear fruit only if Russia reaffirms, through her deeds, her willingness to respect Council of Europe principles. The Assembly therefore requires Russia to take the following specific measures without delay:

- i. first and foremost, immediately cease all human rights violations in the Chechen Republic, including the ill-treatment and harassment of civilians and non-combatants in the Chechen Republic by the Russian federal troops, and the alleged torture and ill-treatment of detainees;
- ii. start immediately a political dialogue, without preconditions or prior restrictions, with a cross-section of representatives of the Chechen people, including representatives of the elected Chechen authorities, with the objective of achieving a comprehensive political solution to the conflict;
- iii. recognising the need for commitment from both sides, seek an immediate ceasefire;
- iv. stop immediately all indiscriminate and disproportionate military action in the Chechen Republic, including use of young conscripts, and to cease all attacks against the civilian population;
- v. allow independent enquiries into allegations concerning human rights violations and war crimes in the Chechen Republic;
- vi. undertake systematic, credible and exhaustive criminal prosecutions by the Military Prosecutor's Office of those members of the federal forces implicated in war crimes and other human rights violations.

20. The Assembly also urges Russia

- i. to minimise bureaucratic obstacles which may have considerable impact on the quality of humanitarian assistance, and in particular to lift taxes and customs duties on humanitarian goods, and allow radio communication in the field;
- ii. to ensure access by all detainees in the region to independent legal assistance in accordance with the existing legislation;
- iii. to ensure that the competent international bodies have access to all detainees in the region, including in temporary detention facilities in the Chechen Republic itself;

- iv. to allow access to the Chechen Republic for all humanitarian agencies wishing to operate in the region and provide full co-operation in the fulfilment of this task;
- v. as soon as it is completed, to publish in full the report in preparation by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following a visit by a delegation of the Committee to the detention centres in the Chechen Republic, the Republic of North Ossetia-Alania and the region of Stavropol in March 2000; meanwhile, to submit within three months as requested by the Committee an account of the steps taken to meet its observations released by the Russian authorities on 4 March 2000;
- vi. to ensure free access by Russian and international media to the region;
- vii. to refrain from any form of forced or hasty repatriation before the conditions for return in safety and dignity are fulfilled.

21. The Assembly believes that the Parliament of the Russian Federation, as well as the newly formed Commission of the State Duma on the Normalisation of Political, Social and Economic Situation and Protection of Human Rights in the Chechen Republic can play an important role in ensuring the earliest implementation by Russia of the present Recommendation and emphasises the necessity to continue to interact fully with the parliamentary delegation of the Russian Federation.

22. The Assembly takes note of the action by the Committee of Ministers and its Chair in response to Recommendation 1444 (2000) and of that by the Council of Europe Commissioner for Human Rights, Mr Gil-Robles. The Assembly also takes note of the declaration passed by the Political Affairs Committee on 7 March 2000 expressing its concern about the lack of action by the Committee of Ministers on the proposals of the Parliamentary Assembly with regard to the conflict in the Chechen Republic.

23. The Assembly welcomes the goodwill efforts of Georgia, which despite economic difficulties provides shelter and necessary humanitarian assistance to the refugees from the Chechen Republic on its territory.

24. It recommends that the Committee of Ministers:

- i. continue and intensify action to implement Recommendation 1444 (2000) and, in particular, insist that Russia fulfil its obligations arising from the Statute of the Council of Europe and international humanitarian law:
 - a. ensure that the consultative expertise for Mr Kalamonov's office in the form of Council of Europe expert staff becomes effective as soon as possible in accordance with the conditions set out by the Council of Europe Secretary General and the Minister of Foreign Affairs of the Russian Federation in the agreement that entered into force on 4 April 2000;
 - b. insist that the Chechen Republic be represented as broadly as possible at the above-mentioned seminars to be held in Pyatigorsk in April 2000 and in the Republic of North Ossetia-Alania in May 2000, not least by representatives of the elected Chechen authorities committed to a peaceful solution;
 - c. resume consideration of paragraph 17.iii of Recommendation 1444 (2000), which concerns the question of human rights violations in the Chechen Republic and action to be taken in this regard;
- ii. should substantial, accelerating and demonstrable progress not be made immediately in respect of the requirements set out in paragraph 19, initiate without delay, in accordance with Article 8 of the Statute, the procedure for the suspension of Russia from its rights of representation in the Council of Europe;
- iii. report to the Parliamentary Assembly in June either on the progress which has in its view made action in accordance with Article 8 of the Statute no longer appropriate, or on the action which has been taken in accordance with that Article;

iv. report to the Assembly in June on the action which has been taken in relation to Article 33 of the European Convention on Human Rights as called for in paragraph 18 above;

v. instruct its Chairman-in-Office and the Secretary General to go to Moscow as soon as possible to request that the Russian authorities implement immediately the above recommendations.

25. The Assembly concludes that the conduct of the Russian Federation in the Chechen Republic in the past few months up until the present time constitutes such a grave violation of Article 3 of the Statute of the Council of Europe, that the use of all of the possibilities afforded by the Statute and the Rules of Procedure of the Parliamentary Assembly would be fully justified. Nevertheless, the Assembly intends to strengthen and encourage those political forces in Russia which are willing to respect the obligations which arise from membership in the Council of Europe and to return to respect of its standards.

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