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

Report
Political Affairs Committee
Rapporteur: Mr Gross, Switzerland, SOC

Summary

The situation in the Chechen Republic is of great concern to the common values which all member states of the Council of Europe have themselves committed to, and thus requires close attention by the authorities of the Russian Federation as well as assistance by the relevant Council of Europe bodies. 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 fear and poverty, organised crime and warlords fight for quick profits, and daily terror costs the lives of many. The Assembly strongly condemns the gross violence which persists in Chechnya and has sadly become the most significant formative factor for a whole generation of people in Chechnya, as well as the spill over of terrorist action towards other federal entities of the Russian Federation neighbouring the Chechen Republic, in particular the most recent tragic hostage-taking at the school in Beslan (North Ossetia). 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. There is no alternative to dialogue and negotiation for those who really want to reach peace and reconciliation. This must be possible with those who are ready to renounce the use of violence and weapons.

I. Draft Resolution

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 the people of Chechnya still have to live in. The situation in the Chechen Republic is of great concern to the common values which all member states of the Council of Europe have themselves committed to, 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 promotion of human rights and the rule of law.
3. The Assembly strongly condemns the gross violence which persists in Chechnya and has sadly become the most significant formative factor for a whole generation of people in Chechnya. The continued death toll and human suffering caused by this conflict call for a concerted action in Chechnya by the local, regional and federal authorities as well as the 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 neighbouring Republics through 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 spill over of terrorist action towards other federal entities of the Russian Federation neighbouring the Chechen Republic. It resolutely condemns the barbaric terrorist act in Beslan (North Ossetia) that should be considered as a gross crime against humanity. In this respect, the Assembly calls on the competent Russian authorities to investigate the hostage-taking at the school in Beslan and make the results of this investigation public.
6. 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 in kind but to act with caution and consideration and according to the principles of proportionality and the rule of law.
7. The Assembly joins 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 for a more urgent work on the elaboration of a comprehensive Council of Europe convention on terrorism.
8. 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 fear and poverty, organised crime and warlords fight for quick profits, and daily terror costs the lives of many. It should, therefore, be the priority for the political leadership in Chechnya to ensure that the law is enforced and applies throughout the Chechen Republic equally to everybody.
9. For this purpose, the newly elected President of the Chechen Republic should establish publicly a comprehensive conflict assessment indicating the various actors which may have influence regarding the conflict: terrorists, warlords, major actors of organised crime and corrupt and grossly violent members of the security forces as well as clan leaders, religious leaders and political leaders. Once such a conflict map has been established, political leaders, military leaders, religious leaders and clan leaders should seek to define common approaches on how to either re-integrate into society those who perpetuate the conflict in Chechnya, or to develop effective strategies on combating those violations of the law.
10. The Assembly emphasises the central role of the media and the importance of guaranteeing freedom of speech in regions of conflict. Transparency may help prevent human rights violations, and media may provide a forum for indirect dialogue over ways how to resolve a conflict.

11. The amount of weapons and small arms in Chechnya is a source of great concern for the Assembly. This phenomenon facilitates and even 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 arms and weapons from the military to Chechen fighters.

12. 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 in the Chechen Republic. For this purpose, systems of checks and balances on the power of the executive should be established which provide effective and accessible recourse against abuses of power by any public authority in Chechnya. 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 these institutions.

13. 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 instance the organisations Memorial, Mothers in Chechnya for Peace, the Moscow Helsinki Group and others. All public authorities are called upon to support their work, in particular the State Duma of Russia as well the regional Duma of Chechnya to be elected in a few months.

14. Whilst regretting the circumstances of the presidential elections in the Chechen Republic of 29 August 2004, which did not fulfil basic requirements for democratic elections, 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.

15. The Assembly hopes that the parliamentary elections in the Chechen Republic planned for early 2005 may provide the necessary legitimacy. But it is 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.

16. There is an alarming and widespread speculation 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 respective Council of Europe conventions in this field.

17. The Assembly calls on the Russian Federation:

i. 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, and

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

18. 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.

19. 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.

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20. The Assembly calls on the European Union to closely follow the political and human rights situation in the Chechen Republic and take this into account in its bilateral relations with Russia. The Assembly 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.

21. The Assembly decides to remain seized of this issue and to follow-up the progress in the Chechen Republic regarding human rights, democracy and the rule of law. For this purpose, the Assembly instructs its Political Affairs Committee to establish a Round Table for the organisation of an exchange of view with political parties and politicians from the Chechen Republic and the federal authorities of Russia.

22. 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 the reconstruction in regions suffering from armed conflict in the Caucasus.

II. Draft Recommendation

1. Referring to its Resolution ... (2004) on the political situation in the Chechen Republic, the Assembly considers that the Russian Federation must continue to benefit from the Council of Europe's assistance and co-operation programmes in order to improve the political situation in the Chechen Republic, and states that aid and co-operation programmes of the Council of Europe with regard to the Chechen republic contribute to the improvement of the political situation in the Chechen Republic, and assumes that the Russian federation should continue to apply these programmes.
2. The Assembly therefore recommends that the Committee of Ministers:
 - i. analyse the effectiveness of the Council of Europe co-operation programmes with the Russian Federation concerning the Chechen Republic with a view to adapt them to the current needs;
 - ii. set up a programme of co-operation with the Russian Federation concerning assistance projects in the Chechen Republic, which are aimed at:
 - a. strengthening the fight against terrorism and organised crime,
 - b. strengthening awareness among political leaders of the vital importance of the rule of law,
 - c. providing police with training in human rights,
 - d. providing university and school teachers with educational support, particularly in subjects relevant to democratic citizenship,
 - e. establishing projects for building up public confidence and reconciliation,
 - f. providing teachers and religious communities with assistance in teaching religious tolerance and secularism,
 - g. establishing projects for young political and social leaders in Chechnya;
 - iii. call 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;
 - iv. call on member and observer governments to allocate financial assistance programmes for the Chechen Republic for strengthening democracy, good governance and the rule of law as well as for direct humanitarian aid;
 - v. call on member and observer governments to work towards stopping the proliferation of weapons and arms to the Chechen Republic and to assist the competent authorities in collecting and destroying land mines in Chechnya.

III. Explanatory memorandum

A. Introduction:

1. The Assembly has closely followed the political situation in the Chechen Republic for a long time and passed a number of Resolutions, Recommendations and Orders on Chechnya.¹ The Motion for a Resolution (Doc. 9815) of 22 May 2003 on the political situation in the Chechen Republic recalled that the situation in the Chechen Republic is of great concern to the common values which all member states have themselves committed to, and thus requires close attention as well as assistance by the relevant Council of Europe bodies. This Motion concludes by the mandate to follow-up the process of building up democratic institutions in the Chechen Republic under the new Constitution on the basis of a report.

2. Despite my repeated efforts, it has been impossible to visit the Chechen Republic for different technical and political reasons. Some discussions have been possible with different responsible people from several sides in Moscow, Kazan (Tatarstan), London and Paris. We also discussed within the Political Affairs Committee the political situation in Chechnya. The respective memoranda prepared by myself are appended hereto (Appendix I). The questions contained in these memoranda are plausible and important. The Russian colleagues tried to answer those questions (see also the answers by President Putin's former human rights representative in Chechnya, Mr A. Sultygov, Appendix II), but it became clear that nothing but a visit to Chechnya can facilitate coming close to the truth.

3. This visit has finally taken place from 31 May to 4 June 2004. I visited Moscow, Machackala (Republic of Dagestan), Znametskaoye and Grozny (both Chechen Republic) as well as Nazran (Republic of Ingushetia) together with my parliamentary colleagues Mr Rudolf Bindig and Mr Leonid Slutsky. I wish to express my appreciation of the efforts put into the organisation of this visit by the Russian delegation to the Assembly.

4. From 26 to 31 August 2004, a second visit was possible to Moscow and Grozny in the context of the second presidential elections in the Chechen Republic – not as an election observation, but in order to get an authentic impression. The programmes of my visits are attached hereto (Appendix III).

B. Major events:

5. Major political and other events in 2003 and 2004 characterised the political situation in the Chechen Republic:

- On 27 December 2002, an attack on the Administration Building in Grozny led to the death of many people and the destruction of the files of the annual public expenditure in Chechnya under the budget year 2002;
- the OSCE Monitoring Mission in Znametskoeye (Chechnya) was closed on 1 January 2003;

¹ Resolution 1323 (2003), Recommendation 1600 (2003) and Order 586 (2003) on the human rights situation in the Chechen Republic;
Resolution 1315 (2003), Recommendation 1593 (2003) and Order 584 (2003) on Evaluation of the prospects for a political solution of the conflict in the Chechen Republic;
Resolution 1270 (2002) and Recommendation 1548 (2002) on the conflict in the Chechen Republic;
Recommendation 1499 (2001) on the Humanitarian situation of refugees and internally displaced persons (IDPs) from Chechnya;
Resolution 1240 (2001) and Recommendation 1498 (2001) on the conflict in the Chechen Republic – recent developments;
Resolution 1227 (2000) and Recommendation 1478 (2000) on the conflict in the Chechen Republic – recent developments;
Resolution 1221 (2000) on the conflict in the Chechen Republic;
Recommendation 1456 (2000) on the conflict in the Chechen Republic;
Recommendation 1444 (2000) on the conflict in Chechnya;
Resolution 1201 (1999) on the conflict in Chechnya;
Resolution 1086 (1996) and Order 520 (1996) on developments in the Russian Federation in relation to the situation in Chechnya;
Order 516 (1996) on creation of an ad hoc committee on Chechnya;
Resolution 1055 (1995) on Russia's request for membership in the light of the situation in Chechnya.

- on 16 January 2003, the European Court of Human Rights declared admissible six applications by Chechens against the Russian Federation for alleged human rights violations by Russian forces from 1999 to 2000;
- the referendum on the Chechen Constitution was held on 23 March 2003; the Assembly Bureau decided not to observe the referendum;
- a bomb attack against the Council of Europe experts seconded to the Office of Mr A. Sultygov in Znametskoye (Chechnya) took place on 21 April 2003, causing the suspension of their presence since then;
- before the Victory Day Parade, a bomb exploded near Grozny Stadium on 9 May 2003 causing the cancellation of the parade at Grozny Stadium;
- on 12 May 2003, a large bomb attack in Znametskoye killed more than 40 people and destroyed governmental buildings there;
- on 14 May 2003 during a visit conducted by the then Head of the Chechen Administration, Mr A. Kadyrov, to Ilishkan-Yurt in the region of Gudermes (Chechnya), a bomb exploded killing several people;
- on 21 May 2003, the State Duma of the Russian Federation adopted the Decree of the Russian President on Amnesty in the Chechen Republic of 16 May 2003;
- on 20 June 2003, a bomb exploded in front of buildings of the Chechen Administration in Grozny killing 18 people;
- a suicide bomb attack in front of a rock concert in Moscow on 6 July 2003 killed some 20 people;
- presidential elections were held in the Chechen Republic on 5 October 2003, leading to the victory of the former Head of the Administration, Mr A. Kadyrov; the Assembly Bureau decided not to observe these elections;
- the Council of Europe experts noted an average weekly death toll of more than 10 people – mostly Russian servicemen – through attacks in Chechnya from August 2003 to May 2004; 595 people were abducted in 2003 according to the press-service of the Chechen President and 557 murders were registered during the year (among these 176 worked for the Minister of Interior);
- a train in Northern Chechnya suffered a bomb attack on 5 December 2003 which killed 44 people and injured more than 150;
- on 6 December 2003, 600 Chechen women blocked the road leading to the Chechen government building in Grozny to demand that all the people abducted be released and the war be stopped;
- on 7 December 2003, State Duma elections were held in Russia with parliamentarians elected in Chechnya; the Assembly observed the elections, but did not send observers to the Chechen Republic;
- on 9 December 2003, a suicide bomb attack in front of Hotel National in the centre of Moscow killed six people; the Assembly delegation observing the elections stayed at Hotel National on that day;
- the Russian President closed down the Office of Mr A. Sultygov, his Special Representative in Chechnya dealing with human rights, on 20 January 2004;
- on 6 February 2004, a bomb attack was carried out against an underground train in Moscow killing some 30 passengers;
- presidential elections in Russia were held on 14 March 2004, leading to the victory of President V. Putin; the Assembly observed the elections, but not in Chechnya;
- an attack was carried out at Grozny Stadium during the Victory Day parade on 9 May 2004, leading to the death of President A. Kadyrov, the Chairman of the Chechen State Council Hussein Isayev and others;
- on 21 and 22 June 2004, 98 people were killed and about 104 people wounded as a result of an attack on law enforcement agencies of Ingushetia;
- on 13 July 2004, the convoy of acting Chechen president Sergey Abramov was hit by an explosion which was followed by an exchange of gunfire;
- on 21 August 2004, police stations in Grozny were attacked leaving dozens of security staff killed;
- on 23 August 2004, two Russian airplanes exploded on internal flights and law enforcement authorities suspected suicide attacks by Chechen terrorists;
- presidential elections in the Chechen Republic were held on 29 August 2004, resulting in the election of the former Interior Minister of Chechnya, Mr Alu Alkhanov;
- a suicide bomb attack took place at a Metro station in Moscow on 31 August 2004;
- more than 1000 school children, teachers and parents were taken hostage by a group of terrorists in Beslan (North Ossetia) on 1 September 2004, and on 3 September more than 350

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persons died and more than 600 were wounded when panic broke out and the school was stormed;

- the parliamentary elections to the regional Duma of the Chechen Republic are scheduled for early 2005.

6. The number of people killed, wounded or disappeared in Chechnya has declined, but there were still several hundred people killed and missing in 2003 according to various sources. These figures are still shocking and cannot be regarded as part of normalisation in Chechnya. In the summer of 2004 – June, July, August and September – there has been a clear escalation of violence and political terrorism. Two weeks at the end of August and early September cost the life of more than 500 people in Russia.

C. Experiences and analysis of two visits to Chechnya in June and August 2004:

7. It is a great danger for those who cannot travel to Grozny to see things in a simplistic black-and-white view. There is enough substance for such an approach, but it does not answer the pertinent questions. It is our task to recognise the bright moments in darkness, rather than to darken the grey colours because of the horror at the suffering of the people.

8. The Plenipotentiary of the Russian President for the Southern District, Mr Yakovlev, who had been in office for three months and had visited the region several times, said that he did not want to whitewash the situation in the northern Caucasus which had been an area of unrest for a very long time, but reminded us that a qualitative improvement could be noticed in Chechnya over the last year. He was appointed by President Putin as a civilian officer succeeding military officers in this post, which is a remarkable change.

9. Mr Yakovlev agreed that the experience of war, a phenomenon the whole younger generation in Chechnya had to live through over the last 12 years, has had a strong impact on the psyche and state of mind of most people in Chechnya. The large majority of the people are tired of war and have a strong desire for peace and security. Therefore, a majority supported the action of the late President Kadyrov in this respect. During the last months, new developments could be seen especially in the education and housing sectors.

10. In our discussion, Mr Yakovlev agreed that it is easier to rebuild houses than to heal the wounds and the wounded souls of the people. It needs more than waiting for time to heal. The souls and minds of the people can only be reconstructed in a literal sense, if the people find new trust in the governing bodies and the government. Such trust can only grow when people are able to know what happened to their disappeared or dead fathers, mothers, husbands, brothers and sisters, and children.

11. Mr Yakovlev also agreed that human rights violations have to be punished irrespective of whoever committed them, and everyone has to be equal before the law, as President Putin had stressed. In the same vein, if someone is detained, he or she has to be informed of the reasons for this detention and be treated in accordance with the law. This is one of the conditions to build up a new society.

12. During our second meeting in Moscow, Mr Yakovlev seemed to be more reluctant with regard to self-critical considerations. He told us on 27 August, that he felt that the situation was under control and most Chechens would go to the polls. Although he admitted that it would be naïve to say that it was easy and everything was going fine. He considered as his most important task to increase the moral of the Chechen people by offering jobs and compensation money and thus restore their souls and repair their confidence.

13. Any new policy faces great difficulties. More than 70% of the people in Chechnya are unemployed, thus requiring great efforts for the economic recovery of the Republic. In addition, compensation has to be paid to those who lost their houses or apartments, ruined buildings have to be rebuilt or removed, new roads and infrastructure have to be built, new schools and libraries as well as theatres and cultural centres are needed.

14. In June 2004, the 350.000 Rubles (approx. 10.000 Euros) compensation payment was only received by about 1500 out of 80.000 persons having the right to receive compensation. In August, we were told that 11.000 persons got the payment. In this context, it has to be noted that the prices for material for the reconstruction of damaged houses increased considerably recently. Therefore, we saw hardly any reconstructed houses in Grozny.

15. The second person we met who showed a strong commitment to ordinary Chechen people has been Mr A. Aslakhonov, member of the Administration of President Putin, former member of the State Duma of

Russia from Chechnya and candidate for President of Chechnya last October. Since Mr Kadyrov had an immense election campaign being shown on television constantly, he was doomed to win the presidential elections in Chechnya. Three days after Mr Aslakhonov had resigned as a presidential candidate in October 2003, he was appointed to the Presidential Administration of President Putin, a post he found more interesting because he felt being able to do more for the Chechen people than as a State Duma member. He informed me that he did not regret this decision, because he was very independent and able to express his own views even if they differed from those of others.

16. Mr Aslankhanov was able to work on cases of illegal detention as well as humanitarian issues. With regard to the latter, he helped many ill people to receive the necessary medical treatment and provided a train full of medication worth some 3 million US-\$ as well as 100 wheelchairs to adults and another 100 wheelchairs for children. He had also organised 139 tents for the victims of the flooding in Chechnya.

17. My discussion partners agreed that one could question the figures of the result of the referendum, but there was no doubt that more than 50% were in favour of a new Chechen Constitution and thus in favour of living in a republic which was part of the Russian Federation.

18. There might be similar doubts over the official numbers given with regard to the presidential elections in Chechnya on 29 August. I have the impression that only about half of the official percentage of the Chechen people really participated in these elections. But there is no doubt that the majority of those who participated cast their vote in favour of the former Interior Minister of Chechnya, Mr Alu Alkhanov. Many told us that this would not have been the case, for instance, if Mr Malik Saidullayev had not been eliminated from the race on minor technical grounds.

19. We also saw support for the argument that only a dialogue with those, who have a different opinion, may bring progress. Mr Aslankhanov was, for instance, willing to talk to everybody from any side as long as they had not committed killings, because he felt that it was important to show Chechens that they can find a normal life and a place in society in Russia.

20. Mr Aslankhanov also spoke of positive changes in Chechnya, for example that detentions of people now generally had a legal basis and were pursued in accordance with the law. There is a need for law enforcement authorities which defend the rights of ordinary people, but not the interests of clans. The authorities thus have to investigate all the cases of disappeared people and help in the restoration of destroyed houses.

21. During our meetings in Chechnya and Ingushetia, we met with the acting Chechen President Abramov and members of his government as well as with the human rights organisation Memorial. Much emphasis was put on the economic reconstruction of the Republic, but I doubt the economic development will be possible without democratic stability and the rule of law.

22. The more than 80.000 Chechens who have the right to compensation have to get this money as soon as possible without most of this money being lost on the way from Moscow to Grozny due to corruption and bribery. But in order to be able to open a process of reconciliation, men and women have to know what happened to their missing relatives, sons, husbands and brothers. There is hardly any family in Chechnya who does not suffer from the fact that a family member is missing.

D. Impressions:

23. Many Chechens are psychologically broken. Victims need an apology and rehabilitation programmes of medical, psychological and political nature.

24. When you walk or drive through the town of Grozny, you face immense amount of ruins, rubble and disorder. The environment is a source of permanent depression and psychological stress. It is hard to understand why the authorities are not pulling down all irreparable ruins and create a hill as it had been done in Berlin after 1945. The stones could be reused by those who have the will to help themselves out of their misery.

25. The reason given for this inaction does not convince me at all. It was said that before pulling down a ruin, the ownership of the ruined building would have to be clarified. But there are so many ruined homes and factories which belong to the state, and nevertheless they are still standing in ruins for 8 to 3 years.

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Therefore, it seems more likely that the reason for not having pulled them down lies in the indifference towards the feelings and psychological needs of individual citizens.

26. Such considerations are as important as the need to pay compensation to all the more than 80.000 people who are entitled to get compensation. Because even if you had some money and even a small job, you need an environment which invites you to stay in town and to overcome the economic difficulties you face when you want to make a living in Grozny.

27. One of the problems of this conflict can be found in the fact that the Chechen conflict is not a decisive problem for the Russian elite at large. While the first Chechen war had been considered as a disease, the current situation is generally seen as a nuisance only. Therefore, there is indifference and passivity towards the fights in Chechnya, but no pressure on the Russian authorities to find a solution to the problem. Instead, the Chechen conflict has even been used in Russia's foreign relations, for example with the USA.

28. During the election day on 29 August 2004, Grozny resembled a ghost town. Hardly a car, even more rarely a pedestrian in the sandy streets. Many shall have left the city for fear of violent clashes. Even patients were taken home from hospitals and moved into the countryside, because people were afraid something could happen to them.

29. This paralysing fear already characterised the campaigns before the elections. There was no really public campaign event in Grozny. The danger of violence was supposedly too strong whenever people met publicly. The election campaign was reduced to the "debates" on television, which had more substance than last year, as we were told.

30. These impressions show the validity of the argument, that democratic elections cannot be held under such circumstances: no freedom of movement and freedom of association, very limited freedom of expression, general climate of fear and intimidation.

31. Elections should provide for legitimacy. This can only be achieved when there is a wide, pluralist and open debate which includes all groups in society. This was not the case in Grozny in summer 2004.

E. Considerations:

32. It has been the most important discovery of the day in Moscow before my visit to Chechnya to find people with senior responsibility for Chechnya in Moscow who had a differentiated view of things. We have to support this differentiated approach and build upon it the routes leading away from the violence.

33. We can regard as the worst consequence of violence, that the position of those with a differentiated view is weakened on both sides of the conflict and that the harsh position which is not open for negotiations will be reinforced on both sides. Any use of indiscriminate violence on both sides must, therefore, be regretted.

34. We can also identify another problem of the Chechen society which has to be dealt with: most people have fear for their security, their property or even their life. Paradoxically, even the security troops of the late President Kadyrov have been a cause of fear among the population. This fear must be overcome and the people in Chechnya must be able to develop confidence and trust.

35. One of the causes of the permanent, nearly structural insecurity within the Chechen society is the incredible number of small arms; there is nearly no male without one. On the other hand, the "Chechen security forces" led by the son of the late President, Mr Ramsan Kadyrov, are full of former "rebels" who switched sides, but are not very reliable and open to money in order to do anything. Some of them also went back and changed sides.

36. The Russian security forces only allow former rebels to be incorporated in their ranks after a test and check of their background and their knowledge of a civilised handling of security matters. Hopefully, all personnel will have to pass such exams, not only those coming back from the mountains.

37. In my discussions, it was mentioned that as long as people in Chechnya were robbed and killed, there would be no peace despite the end of the war. A new generation had grown up in Chechnya not knowing anything else than how to assemble a machine gun, and this generation had no respect for human life. In this context, the de-mining of Chechnya should also be a high priority.

38. We also analysed a so-called „Kadyrov effect“, which strengthened the Chechen position vis-à-vis Moscow. However, it was concluded that this experiment had failed, because human rights violations had continued. The troops of the son of the late President Kadyrov had behaved in a manner which had estranged them from the Chechen people, and he had missed the chance of convincing the people of his work.

39. We have to try to find a solution to the Chechen crisis within the framework of the Russian Federation by looking at the good experiences of successful autonomous regions in Europe. In this respect, the Assembly adopted Resolution 1334 (2003) and Recommendation 1609 (2003) on the basis of another report of mine on “positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe.” One of these lessons is that arrangements of successful autonomy have to be dynamic and open to the future. This lesson allows us today that we do not have to decide on the most difficult questions at the beginning of the process, but that we may open such an autonomy process and leave the most difficult questions to the future, open for a common discussion and decision in a decade.

40. But we have to be aware that we are only able to find ways out of the crisis in the framework of the Russian Federation and the Council of Europe, where the Russian Federation is one of the most important members. The world often underestimates the collective Russian feelings of humiliation after the loss of its western federal entities to the European Union and the NATO. These strong feelings and fears cannot be ignored while searching for a new peace agreement in Chechnya.

41. Even the most severe violence does not develop out of nothing. Violence has always a history, very often filled with prior violence. Violence thus serves as a justification for new, often more terrible violence.

42. The escalation of violence from all sides since the assassination of President Kadyrov in spring 2004 was a consequence of the systematic exclusion and isolation of all those Chechen forces who did not want to become subject to the Russian hegemony, and played into the hands of violent fundamentalist terrorists.

43. A change of policy is clearly required in this respect. The Chechen opposition, with whom there should be a dialogue, should thus be distinguished from the violent terrorist elements, while the latter should be isolated. This should not only be done in extreme situations like the hostage-taking of the school in Beslan, where a contact to the former Chechen President Mashkadov was sought in order to make him negotiate with the terrorists.

44. It was one of the big errors of the Russian policy regarding Chechnya over the last two years to put all opposition groups in the same basket of “criminal terrorists”. Without the moderate nationalists and autonomists to be heard and listened to, only the most violent and criminal elements with links to international terrorism got a “voice” – the voice of brutality, violence and disrespect of any human dignity.

45. A “political solution of the conflict” can only be understood as an attempt to have such a dialogue. President Putin announced a political solution already in January 2000 as member of a delegation to the Council of Europe. Politics does not mean the realisation of one’s own will without military measures, but it is the attempt to understand and make compromises.

46. A similar misunderstanding can be seen with regard to the use of the term “peace”. Ruslan Kadyrov, the son of the late Chechen President, mentioned during a talk on the election day that he did not need the “other side” in order to have peace. However, peace cannot be found alone. In order to make peace, one needs the “other side”. You can only make peace with your enemy, and nobody can choose his enemies, as the late Israeli Prime Minister Rabin said.

47. In this respect, the talk with the elected Chechen President Alu Alkhanov one day after the elections has been encouraging. He said he was ready to have a dialogue with all forces that would be ready to renounce violence and had not committed murders. Alu Alkhanov was also aware that the pursuit of a peace process could not be made without dialogue and negotiations with the other side. He knows that peace cannot be ordered, but requires multiple common efforts.

48. When asked about historic role models who had been generals and became elected presidents, Alu Alkhanov mentioned Charles de Gaulle. I appreciated this because General de Gaulle acted wisely as French President when he overcame his own feelings and made peace with people in Algeria who had been called terrorists in France for a long time. I also referred to the Swiss General Dufour who had told his

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soldiers before the civil war of 1847 that they should kill as few enemies as possible, because they had to build up a common state with them afterwards.

F. Propositions:

49. Although it is not easy to say that, at a moment where the most terrible terrorist action and atrocities are in our minds and the destiny of hundreds of missing children make our hearts bleed, we have to acknowledge the fact, that even among these Chechens who do not share the official position of Moscow and Grozny, not all are just “terrorists” – with all these people who are fed up with all violence from any side and want to find a peaceful cooperation within the Russian Federation as well as freedom and democracy for the Chechen people. In order to find a political end to the new Chechen crisis of several years, there is no alternative to trying to open a process of dialogue with all these people in Chechnya mentioned before.

50. Such a process of dialogue should be established on many different levels of international politics. As for the Parliamentary Assembly, we should evaluate the continuity of the old “common working group”, but with the willingness to learn from the experiences of this common working group in order to create a “Strasbourg Round Table on Chechnya” under the auspices of the Council of Europe and the Assembly and the City of Strasbourg, and with the participation of representatives of the Russian Federation and the Chechen people. The exact format of such a Round Table still has to be found, but we should decide that we want to do this in the coming three months.

51. The themes of the Round Table debate should be all possible ways out of the circle of violence inflicted on people in many parts of the country today. This includes different ways of achieving a certain degree of autonomy for Chechnya and ways to guarantee trust in the peace process.

52. There is no alternative to dialogue and negotiation for those who really want to reach peace and reconciliation. This must be possible with those who are ready to renounce the use of violence and weapons.

53. It is important to achieve such a process of dialogue on all levels and with all possible representatives of the Russian and Chechen society. In this regard, the Council of Europe should create a Chechen Round Table which could be open to all those who are ready for peace in Chechnya within the Russian Federation.

54. In our discussions, we also found support for the idea of organising a pan-Chechen conference with Chechen participants from inside and outside the Chechen Republic – possibly with one participant for every 1000 people, in order to find a solution for the rebuilding of the Republic. The late President Kadyrov supposedly accepted this idea on 7 May 2004, i.e. two days before he was assassinated. It was mentioned that, over the last 100 years, Chechens never had the opportunity of deciding on the way they wanted to live, but it was better to speak with Chechens rather than on behalf of them. The referendum of last year was such an opportunity, and Mr Aslankhanov saw people waiting in line in front of polling stations in three villages thus indicating the great interest of the people in participating in this referendum. The high participation could be explained by the trauma of the victims of the conflict seeking to end the conflict finally, the active work of people from the education sector, and the desire for a better life through co-operation with Moscow.

55. Non-governmental organisations also expressed to me the idea of a peace conference on Chechnya. Although they acknowledged that the situation in Chechnya was more stable than before, NGOs stressed that the number of killings remained high. In 25% of the territory of the Chechen Republic, which is the territory monitored by NGOs, 117 people have been killed and 170 disappeared in 2004 so far.

56. On 16 June 2004, I had the occasion to meet representatives from the Chechen Republic and Moscow at the Geneva Centre for Security Policy. The Centre had organised a panel discussion on the situation in Chechnya (see programme appended). During this panel discussion, elements for a solution of the current situation were analysed. In conclusion, the discussion identified a disassociation of the people in Chechnya from all forms of violence, whether from the Russian forces or from the Chechen fighters.

57. I also regret that there is no real investment in education and schools when there is economic poverty. Without education and without economic development, there will never be religious tolerance which is, however, necessary in order to overcome the state of no hope of the people. A solution of the Chechen conflict thus requires economic progress.

58. What could be done in addition? I believe the equality of the Chechen language should be recognised, also in the Chechen Constitution. Furthermore, the Chechen parliament should be strengthened vis-à-vis the President of the Chechen Republic by receiving more powers. People told me that 60% of the Chechen population wanted a parliamentary democracy instead of a presidential one. Amnesty should be used in order to separate the terrorists from the mere separatists. There should also be greater autonomy of the Chechen Republic within the Russian Federation, with such autonomy being of a transitory character leading to a popular decision at a later stage about the future of Chechnya.

G. Conclusions:

59. The Assembly should realise its potential by integrating Russia in a pan-European network which is not limited to the diplomatic and governmental levels. Parliamentarians may not always address things in a manner which may be regarded as wise by everyone, but they have the advantage to be able to speak and say openly what others may only think. I hope that is the reason why we may realise the advantage of the "Strasbourg Round Table" described above.

60. I wish to conclude by saying that a peace process and a political reconciliation process cannot be started without talking with the people. And without improving the miserable economic situation, there will be no political process.

61. Finally, my discussions have made me believe that it could be useful to create a joint working group of the Assembly with representatives from the State Duma, the Federation Council, representatives of the executive power, NGOs, and members of the Chechen elite.

62. The security situation in the Chechen Republic has not deteriorated noticeably after the assassination of President Kadyrov. The swift ad interim replacement of the President of the Chechen Republic and the inclusion into higher governmental posts of family members of the deceased top leaders kept the situation under control.

63. The presidential elections on 29 August 2004 determined who will assume the leadership in the Chechen Republic for the next years. Due to the geo-political importance of Chechnya, its rich oil resources, the wide proliferation of weapons in and around Chechnya, and the de facto absence of the rule of law which favours parallel and criminal power structures, the struggle to win these elections and stay in power afterwards will probably polarise parts of the society and political or military forces in the Republic.

64. The failure of the federal, regional and private security and military services in Grozny to protect President Kadyrov against the assassination will also require a new revision of the federal and regional security policies for the Chechen Republic. The private security forces of the late President Kadyrov, which were run by his son Ramzan Kadyrov and have publicly been criticised for violent actions and crimes, had recruited many former Chechen fighters who fell under the Amnesty Law. Any new President will have to deal with this private militia as well as with the challenge of setting up structures for his own personal security.

65. The proper use of the millions of Russian Roubles of financial aid and transfer payments from Moscow to the Chechen Republic over the last few years has been questioned publicly. Some sources suggest that half of this money was lost on the way from Moscow to Chechnya and another half was lost within Chechnya before reaching its intended destination. The European Union spent some 120 million Euros on Chechnya so far, but used greater precaution in allocating this money than the Russian federal government. Together with the enormous wealth stemming from the high-quality raw oil found in the territory of Chechnya, parallel and criminal structures find sufficient soil to exist and undermine a government based on the rule of law. Such a phenomenon is highly dangerous, not only for Chechnya, but also for the stability and integrity of other Republics and even the Russian Federation as a whole.

66. The Amnesty Laws brought freedom from prosecution for members of the federal Russian forces as well as Chechen fighters willing, for instance, to join the private security force of the late President Kadyrov. However, the armed fights between the different forces, war lords and groups continue with intensified but targeted terrorist action. Amnesty has thus not brought a political reconciliation and stability, which could have been the politically legitimate purpose of such a far-reaching measure.

67. The 2003 referendum on the Constitution of the Chechen Republic was the first expression of popular will in the Chechen Republic. This referendum was criticised for not having offered a genuinely

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democratic choice to the Chechen people. I just want to recall the tense security situation around the holding of the referendum, the absence of a democratic debate and campaign about the content of the referendum, and the unclear voters lists – for example for citizens of the Chechen Republic residing outside the Republic and for members of the federal forces stationed in the Republic. The presidential and parliamentary elections in the Chechen Republic are based on this Constitution and determine the respective powers of both organs of the Republic. Any debate on whether the Constitution should require amendments will either have to wait until after the regional Duma of the Chechen Republic will have been elected by the end of this year, or will be pursued in parallel to the elections by political opponents.

68. Since the Constitution of the Chechen Republic sets up a presidential system rather than a parliamentary system of government, the presidential elections will overshadow politically the subsequent parliamentary elections as the elections determining the power structure in the Republic. Political parties, civil society and different political streams in the society will therefore feel weakened and possibly in opposition to the President of the Chechen Republic. A parliamentary system of government – or at least a parliament with more powers vis-à-vis the president – as well as parliamentary elections before the presidential elections could have been more conducive to a wider democratic consensus in Chechnya.

69. The presidential elections and the subsequent parliamentary elections have to comply with democratic standards in order to be recognised. Flaws and shortcomings in earlier elections may be overcome. This requires an open and critical analysis of the presidential elections and a proper planning of the coming parliamentary elections in Chechnya.

70. Mikhail Gorbachev wrote recently in a foreword to a book by Valery Tishkov about the war in Chechnya: “The reasonable desire of the population of this former autonomous region of the Soviet Union to enjoy democratisation and to correct the injustice done to the Chechen and Ingush people – the Stalin era deportations and subsequent discrimination – have been misused to fuel nationalistic hysteria and anti-Russian feelings.” In order to overcome these historic and recent feelings, the Russian authorities have to be able to realise economic, social, political and psychological compensation measures in order to open a reconciliation process which, at the end of a long and difficult process, may lead to a home for all Chechens within the borders of the Russian Federation.

APPENDIX I

Memoranda prepared by the rapporteur

Points of information on the visit to Moscow and Kazan, 10 – 12 July 2003

Briefing on the visit

On a first visit to Moscow, meetings with NGOs and the international community were held. Meetings with members of the State Duma and government officials could not be arranged due to the absence from Moscow of the members of the Russian PACE delegation.

The Representative of the European Commission in Moscow, Mr Richard Wright, informed me about the visits of a delegation from the European Parliament to Chechnya as well as about a visit by the Ambassadors of the EU Troika in Moscow. The European Parliament subsequently adopted a Resolution on Chechnya. The European Commission gave 60% of its humanitarian aid programme for Russia to projects in Chechnya, which required close control of the proper use of these funds.

The Italian and Irish Ambassadors in Moscow shared their views of the situation with me, and the Dutch Ambassador in Moscow referred to their position as Chairman-in-Office of the OSCE.

The Representative of the Swiss Embassy in Moscow mentioned that Switzerland and Luxembourg were the only countries directly involved in an aid programme for school rehabilitation in Chechnya, and the Swiss government also gave direct aid to projects in Ingushetia.

During meetings with representatives of Human Rights Watch and Memorial, the working conditions of NGOs in Chechnya and Ingushetia were discussed, and it was concluded that people in Chechnya would appreciate the presence of international organisations.

While participating in a Council of Europe conference on regionalism in Kazan, a meeting with the Deputy Head of the Presidential Administration, Mr Dmitri Kozak, was possible. He mentioned that he highly valued the approach by international organisations, in particular the Council of Europe, and felt that it is important to take account of all realistic efforts from all sides; the latter would require, however, some time for a visible progress.

Following requests received in Moscow, informal meetings were held with Mr Salambek Maigov, who acts as the representative of Mr Maskhadov in Moscow, as well as with journalists from Russian and foreign media. Mr Maigov stressed that Mr Maskhadov had nothing to do with the recent terrorist attacks in Moscow, but was rather interested in a ceasefire agreement, possibly with the help of international mediation.

From the humanitarian aspect, one of the most striking points that had come up during all meetings was the continuously growing number of disappeared persons. A major obstacle to peace and stability in Chechnya can be found in the fact that the war and fighting is generating tremendous sources of income for groups of individuals on all sides.

Future meetings

The visit was intended as a first opportunity to get to know relevant persons and institutions. Due to the absence of the PACE delegation in July, a second visit shall provide for an exchange of views with the Presidential Administration, the Ministry of Internal Affairs, the FSB and the Ministry for Reconstruction dealing with Chechnya as well as members of the State Duma.

Since a visit to Moscow and Chechnya is not possible in September, the Political Affairs Committee could seek to organise an exchange of views with Mr Dmitri Kozak from the Presidential Administration at the beginning of the September part-Session. He will be in Switzerland for a bi-lateral visit at that time and could be invited to the Committee meeting in Strasbourg.

In addition, another exchange of views could be held with organisations which may provide relevant information to the Political Affairs Committee, such as the NGOs "Mothers of Chechnya for Peace", Memorial and the Helsinki Committee. The Helsinki Committee plans to observe the presidential elections in Chechnya with volunteer observers.

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An observation by the Assembly during the presidential elections in Chechnya on 5 October seems to be impossible under the current circumstances. The Bureau of the Assembly dealt with this question in Naples on 8 September.

After the presidential elections, a meeting with the new President of Chechnya would be desirable.

Work objectives

Chechnya is still very much suffering from a lack of orderly structures necessary in a democratic state governed by the rule of law (*demokratischer Rechtsstaat*). The top-down control and exercise of power of the Soviet times do not work anymore. In the same vein, however, the society in Chechnya has not yet been able to develop social and political institutions necessary for creating a public debate and public opinion. Instead, the power vacuum has largely been filled by corrupt and criminal structures.

It is therefore of utmost importance to help in developing democratic institutions and a civil society. In view of the coming presidential elections, but also and especially the later regional parliamentary elections in Chechnya, political parties and NGOs will be a major stabilising or destabilising factor. The building of democratic institutions and a democratic debate should thus start there.

The question of how much autonomy Chechnya should have seem to have become of secondary importance for the presidential elections, but probably also for the population that seems to be striving for peace and justice first and foremost.

Chechnya has become a multi-fold test case for Russia, because the conflict there has not only undermined the territorial integrity and unity of the Russian Federation, but also the proper exercise of the powers of the federal and regional authorities. The rule of law, democracy and human rights have thus been neglected. Therefore, the Assembly should try to offer assistance and advice to the authorities, the political forces and the population in Chechnya.

Timeframe

A report may be prepared by January 2004.

AS/PoI (2003) 21

4 December 2003

I. Introduction

1. The Motion for a Resolution (Doc. 9815) of 22 May 2003 on the political situation in the Chechen Republic recalled that the situation in the Chechen Republic is of great concern to the common values which all member states have committed themselves to, and thus requires close attention as well as assistance by the relevant Council of Europe bodies. This Motion concludes by the mandate to follow-up the process of strengthening democratic institutions in the Chechen Republic under the new Constitution on the basis of a report. It was referred to the Political Affairs Committee on 27 May 2003 (Reference N° 2844), and I had the honour of having been appointed rapporteur.

2. During my visit to Moscow and Kazan (10-12 July 2003), I was able to discuss the political situation in the Chechen Republic with the Representative of the European Commission, the ambassadors of the EU Troïka in Moscow and the Dutch and Swiss ambassadors in Moscow as well as with NGOs and Mr Salambek Maigov, who acted as representative of Mr Maskhadov in Moscow and who planned to be candidate for the State Duma elections in December 2003. A meeting was also possible in Kazan with Mr Dmitri Kozak, now the First Deputy Head of the Administration of the Russian President. No members of the Russian delegation to the Parliamentary Assembly were available for meetings in Moscow then and since then, which can only be regretted in view of the seriousness of the matter.

3. The presidential elections in Chechnya of 5 October 2003 were won by Mr Kadyrov, formerly Head of the Administration of the Chechen Republic. Other prominent candidates withdrew their candidacy in protest or were banned legally from being candidates. An opinion poll by Validata (Professor Sergey Khaikin) showed that Mr Kadyrov gained strength in the public opinion when other prominent candidates

withdrew from the race and he ranked strongest among the few remaining candidates. The Moscow Helsinki Group complained of irregularities in the elections. The Bureau of the Assembly as well as the OSCE/ODIHR decided against observing these elections, because invitations had been sent too late for the preparation of long-term observers, the security situation in the Chechen Republic remained very tense, and any presence of international observers could have been misinterpreted as a *prima facie* approval of the conduct of the elections.

4. Due to the State Duma elections in December 2003, visits to Moscow and the Northern Caucasus region could not be organised for me. I stress that the fact, that I could not visit Chechnya, should not be interpreted as a lack of attention on my side to the political situation there. This was rather due to the lack of action of the Russian delegation to the Assembly and the inability of our partners to organise such visits. I regret this even more, since Mr Lukin, Vice-Chair of the State Duma and responsible for contacts with the European Parliament, was able to organise a visit of the European Parliament in autumn 2003. I met Mr Lukin in Moscow during the pre-election observation mission.

5. The Head of the Russian delegation to the Assembly has recently asked to postpone any visit and the debate on the political situation in the Chechen Republic until after the State Duma elections. During an international NGO colloquy in Munich on 24 November 2003, which was attended by representatives of the Chechen society as well as my colleague Mr Rudolf Bindig and myself, the Council of Europe was called upon to become active again in promoting peace and human rights in Chechnya.

6. A partly new Russian delegation to the Assembly may be constituted after the State Duma elections during the January 2004 part-session of the Assembly. This may give a new impetus to a hopefully increased co-operation with the Council of Europe. In this context, the Assembly and the Russian State Duma may also reconsider the usefulness of their currently non-operational Joint Working Group or of a similar forum, as well as analyse the action taken by the Committee of Ministers and the Secretary General on Chechnya on Assembly recommendations.

7. Candidates of Chechen ethnicity were elected to the current State Duma of Russia and will participate in the elections of the State Duma on 7 December 2003. Their political work in the State Duma in Moscow could have a stabilising and democratising impact on the situation in the Chechen Republic. The results of the December elections must be analysed in this respect. I would have preferred to observe these elections at polling stations within Chechnya, but election observations were not pursued there by the Assembly due to the extremely tense security situation.

8. However, the political situation in the Chechen Republic is such that continued close attention by the Assembly is necessary, and it is important for the Assembly to formulate its approach or "road map" to strengthen democratic institutions in Chechnya and to build confidence in those institutions. This memorandum sets out for discussion a possible approach and the relevant questions which should be discussed with our Russian colleagues.

II. Conditions for democratic stability

9. The promotion of democratic stability has been one of the core activities of the Council of Europe for several decades, and the Council of Europe has developed a set of standards on democratic rights and freedoms which is binding to all member states. As the body bringing together democratically elected representatives from our national parliaments, the Assembly is compelled to put the highest emphasis on this aspect of the Council of Europe's *acquis*. For the Chechen Republic, the challenges are multi-fold, and the current political situation there is far from democratically stable.

10. Strengthening democratic stability in general, and in the particular case of Chechnya, requires that a number of preconditions are met:

a. *Democracy can only develop in a state governed by the rule of law*

Where there is an absence of the rule of law, despotism and arbitrariness will undermine the popular confidence in the state and its institutions. Where there is injustice and severe violations of the law are rampant, public opposition and counter-violence will grow.

In its Resolution 1323 (2003), the Assembly has deplored the state of *de facto* impunity in the Chechen Republic. The Council of Europe's Committee for the Prevention of Torture felt compelled to issue a public statement concerning the Chechen Republic on 10 July 2003, because of a lack of

co-operation and compliance by the Russian authorities. An applicant from the Chechen Republic who had filed a complaint against Russia with the European Court of Human Rights (*Bitiyeva v. Russia*) and several members of her family were shot dead by uniformed men, and the law-enforcement authorities have not yet been able to produce any evidence as to the origin of the perpetrators. The Assembly has also continuously condemned all forms of violence and terrorist acts committed in Chechnya and outside the Republic and deplored the numerous losses of innocent lives.

The UN Human Rights Commission concluded at its 79th session on 6 November 2003 that Russia "should ensure that operations in Chechnya are carried out in compliance with its international human rights obligations. The State party should ensure that abuse and violations are not committed with impunity *de jure* or *de facto*, including violations committed by military and law enforcement personnel during counter-terrorist operations. All cases of extrajudicial executions, enforced disappearances and torture, including rape, should be investigated, their perpetrators prosecuted and victims or their families compensated".

As long as this situation continues, all other efforts can do little, if anything at all, to achieve democratic stability. Therefore, the Russian authorities should develop a national Russian and regional Chechen strategy for strengthening judicial authorities and the rule of law. The Council of Europe can offer its expertise and be a platform for bi-lateral and multilateral assistance by other member states and the European Union. A separate report by my colleague from the Committee on Legal Affairs and Human Rights, Mr Rudolf Bindig, will analyse the human rights situation in the Chechen Republic.

b. Democracy requires the existence of democratic institutions and well functioning democratic processes

The basis for these institutions and processes can be found in the Constitution of the Chechen Republic and the Constitution of the Russian Federation.

The introduction of the Chechen Constitution through the referendum in the Chechen Republic on 23 March 2003 failed to achieve a deep public confidence. This Chechen Constitution remains below the standards of regional autonomy found in other republics or subjects of the Russian Federation, and the Opinion adopted by the Venice Commission (14-15 March 2003) on the draft Constitution has not yet been taken into account.

The presidential elections in the Chechen Republic on 5 October 2003 were won by the former Head of the Administration of the Chechen Republic, Mr Kadyrov. Criticism arose over the election process, the overly strong position of the President under the Chechen Constitution, as well as against Mr Kadyrov personally, and in particular his security forces, which have not been conducive to creating public confidence in the presidency of the Chechen Republic as a democratic institution. It is time for Mr Kadyrov to prove to the public in Chechnya and Russia as a whole that he seriously pursues a path towards strengthening democracy in the Chechen Republic.

The State Duma elections of December 2003 will allow the population in the Chechen Republic to express their political will through voting for a third time this year. The conduct of these elections will determine whether the elected candidates will be recognised as the legitimate winners, and whether the Chechen population feels that a political means of participating in the democratic decision-making process is superior to that of violence. An analysis of the elections will be carried out by the election observation mission of the Assembly. Depending on these findings, the Assembly and the Russian authorities should focus on remedies against possible shortcomings in the elections.

c. Democracy can only exist where the exercise of democratic political rights is not prevented

Freedom of association in political parties is a fundamental element in this context, not least a human right under Article 11 of the European Convention on Human Rights. In the same context, a democratic civil society can help to mobilise and structure a public debate on issues of political interest. Non-governmental organisations have so far often complained about restrictions on their work in Chechnya. On the other hand, members of NGOs have been attacked or even kidnapped in Chechnya and neighbouring republics. The Russian authorities should therefore be helped in assisting democratic, humanitarian and human rights organisations in their work in Chechnya.

d. *Democracy also requires an informed and educated public*

Free media and fair access of political parties and candidates to the media, in particular electronic state media, must be guaranteed. Only where voters feel they have sufficient and correct information can confidence in their elected political representatives be developed. The free expression of political opinions will also be necessary to create a spirit among the population which favours oral political battles over violent physical ones.

In this respect, the Council of Europe can also offer its experience in designing curricula for educational institutions which favour ethnic tolerance and democratic values. The Chechen society in particular, but also the Russian society as a whole, has become accustomed to violence in the form of individual violence, group or clan violence as well as violence by state organs including the security forces and the military. The Chechen war has left and still leaves deep scars in the minds of many. This vicious circle of psychological violence must stop. Education can play an important role in this respect and should be supported strongly.

III. Questions

11. The above thoughts lead me to a catalogue of questions I hereby address to my Russian colleagues in the Assembly, and I will be ready to discuss them with all Russian and Chechen authorities as soon as I am able to visit them in Chechnya or other parts of Russia.

- a. What measures have been introduced to control the work of law-enforcement authorities and security forces by the executive branch of power, i.e. the President of the Chechen Republic, or by the legislature? Will parliamentary investigation committees be set up to analyse misconduct by law-enforcement authorities and security forces in the Chechen Republic?
- b. When will the parliamentary elections to the regional Duma of the Chechen Republic be held as foreseen under the Constitution of the Chechen Republic?
- c. Are there any plans to revise the Constitution of the Chechen Republic in the future, for example, in accordance with the Opinion of the Venice Commission of 14-15 March 2003? Will a public debate about this change be carried out and facilitated within the Chechen Republic?
- d. What efforts have been made or are planned by the Russian and Chechen authorities to promote a political reconciliation process in the Chechen Republic?
- e. What is the political programme of the President of the Chechen Republic for the strengthening of democratic stability in Chechnya? Has he foreseen measures to directly control the conduct of his security forces? Will he introduce measures under which he will have to answer to the Parliament of the Chechen Republic for his conduct as President?
- f. Will the President of the Chechen Republic associate himself with a particular political party or a coalition of parties before the parliamentary elections in the Chechen Republic?
- g. Have all political candidates of Chechen ethnicity been able to register for the State Duma elections in December? Have they had fair access to the media in Chechnya, in particular electronic state media?
- h. Has the regional election commission for the Chechen Republic identified shortcomings and flaws in the State Duma elections? What was the security situation for the electorate in Chechnya? Have displaced residents of the Chechen Republic who have found shelter in camps in Ingushetia or other republics been able to vote?
- i. How many political parties have been registered in the Chechen Republic? How many members do they have?
- j. How many civil society organisations or non-governmental organisations are established or active in the Chechen Republic?
- k. How many print media are in circulation in the Chechen Republic, and how many electronic media can be received there? How many of those media are privately owned?

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- l. Is the freedom of movement of journalists restricted in the Chechen Republic? Do journalists have to register with the government or a public authority in order to exercise their profession?
 - m. Is the freedom of movement of residents of the Chechen Republic restricted within Chechnya or to and from Chechnya?
 - n. Have the government and the competent school administrations developed programmes aimed at reducing violence and supporting awareness of democratic values and processes?
 - o. Are such programmes also available for adults, whether civilians or military personnel?
 - p. Is specific psychological treatment offered by the state for victims of violence and family members of deceased?
 - q. In which of the above fields will support and assistance by the Council of Europe be accepted?
 - r. Will the State Duma and/or the Federation Council find it useful to establish with the Parliamentary Assembly a forum like the Joint Working Group?
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AS/Pol (2004) PV 04

29 April 2004

Introduction

1. Since my appointment as Rapporteur of the Political Affairs Committee end of May last year, it has been a priority for me to visit the Chechen Republic and meet with the government, the administration, the military, the opposition and people in order to better analyse the political situation and discuss possible strategies of how to facilitate progress. Such a visit is the basis for writing a credible report. My earlier visit to Moscow and Kazan was not sufficient in this respect although very useful. I may finally be able to travel to Chechnya at the beginning of June this year together with the Rapporteurs of the Committee on Legal Affairs and Human Rights as well as the Committee on Migration, Refugees and Population.
2. The presidential elections in the Chechen Republic in October 2003 led to an intensification of fights and attacks in Chechnya. The Experts of the Secretary General had to leave their office near Grozny after a bomb attack and were not able to return.
3. After the summer recess 2003, the political campaigns for the elections to the State Duma of the Russian Federation also started and the level of co-operation on this dossier by the Russian delegation to the Assembly dropped, unfortunately but understandably. The results of the State Duma elections of December last year showed that candidates who had expressed their views on Chechnya had less chances of being elected.
4. In order to advance the debate on the political situation in the Chechen Republic, I had prepared a list of questions which was sent to the Russian delegation to the Assembly (document AS/Pol (2003) 21). The answers I received from Mr Sultygov, then Special Representative of President Putin in charge of human rights in Chechnya, were devaluated by the dismissal of Mr Sultygov shortly afterwards and the abolition of this post by President Putin. Therefore, I intend to put the same questions again to the people I shall meet in Chechnya.
5. The elections of the President of the Russian Federation in March this year also overshadowed the possibility of visiting Chechnya. However, all these technical and political obstacles seem to be over now, and I appreciate the readiness of the new Russian delegation to the Assembly to organise the visit early June.

Preparation of a report

6. For being able to present a report to the Assembly during the June part-session, the Political Affairs Committee will have to adopt this report at its meeting on 25 May, i.e. before my visit to Chechnya. During the June part-session, I shall be able to revise the report in the light of the findings of my visit. Such a procedure has been used in the past although it is not an ideal situation. However, I feel the Assembly must

finally adopt a report and express its position on the political situation in Chechnya before the elections to the regional Duma of the Chechen Republic in autumn this year.

7. I submit this proposed procedure to the Political Affairs Committee for discussion and possible approval.

Issues to be discussed during the visit

8. Neither the presidential elections in Chechnya, nor the elections of the State Duma in Moscow have achieved a visible normalisation of the political situation in the Chechen Republic. People still disappear, violence against human beings is a daily phenomenon and political trust in the political representatives and institutions has not developed. The shortcomings and missed opportunities of the last elections may therefore be guidance for the coming regional parliamentary elections.

9. As already indicated in my memorandum of 4 December 2003, I intend to structure my analysis into four theses: (1) democracy can only develop in a state governed by the rule of law, (2) democracy requires the existence of democratic institutions and well functioning democratic processes, (3) democracy can only exist where the exercise of democratic rights is not prevented, and (4) democracy requires an informed and educated public.

10. The report of the Committee on Legal Affairs and Human Rights will analyse human rights violations in Chechnya. The human rights situation is known to be desolate and the rule of law and justice are far from being present. Therefore, it must be a prime political objective of all those who bear political responsibility in the Chechen Republic or the Russian Federation to combat this severe situation:

- a. What measures have been introduced or are foreseen to control law-enforcement authorities and security forces, e.g. by the President of the Chechen Republic, the regional Duma of the Chechen Republic, the courts, the law-enforcement authorities and security forces themselves?
- b. How many persons have disappeared or been abducted in 2003? How many persons have been killed in 2003?
- c. How does the population regard its security situation?
- d. How is the economic situation in Chechnya?

11. The Chechen Republic has an elected President, but the presidential elections were criticised on various grounds. The regional parliament is to be elected in autumn this year. Other democratic institutions could be municipal self-governments at local level as well as the federal parliamentary level with representatives from Chechnya in the Federation Council and the State Duma.

- a. How many political parties exist in Chechnya?
- b. Are political opponents able to express their political views freely?
- c. Are voters able to vote freely? What were the problems identified during the latest elections? How can those abroad be included into the political process?
- d. What is the state doing, both at federal and regional levels, to ensure that political opponents and voters are secure in Chechnya?
- e. How are election commissions composed?

12. The Chechen population has never experienced genuine democracy. In order to understand democratic processes, voters have to know these processes:

- a. What measures have been taken or will be taken in order to promote a political reconciliation process in Chechnya? How will those abroad be included?
- b. How many independent media exist in Chechnya? Have opposition politicians access to the media?
- c. How many political non-governmental organisations exist in Chechnya? Can they work freely in Chechnya?
- d. Do politicians in Chechnya find it useful to maintain political contacts with a body of the Assembly, for example through a joint working group?

I. Introduction

1. The Political Affairs Committee discussed at its last meeting in Strasbourg on 29 April 2004 the possible submission of a report on the political situation in the Chechen Republic to the Assembly for debate during the June part-session. The assassination of the Chechen President Kadyrov on 9 May 2004 has strongly affected the political situation there. Elections of the regional Duma of the Chechen Republic were planned for autumn this year. Now, a new president has to be elected within four months under the Constitution of the Chechen Republic.
2. In my statement of 10 May, I expressed to the Russian delegation my condemnation of the terrorist attack and my sympathy with the victims and their families (see Appendix). I wish to reiterate this.
3. For the preparation of my report, a visit to Grozny was scheduled for the first week of June together with the rapporteurs of the Committee on Legal Affairs and Human Rights and of the Committee on Migration, Refugees and Population. I intended to meet with President Kadyrov and other senior members of the government and discuss with them the progress in democracy. The tragic death of President Kadyrov leaves a power vacuum, although the Prime Minister of the Chechen Republic has de facto taken on the office of President ad interim and the son of President Kadyrov may take over a function of the executive power. At present, it is not clear who can and will fill this vacuum and thus be our contact for talks.
4. Before the last presidential elections in October 2003, the Bureau of the Assembly had decided, like the OSCE/ODHIR, neither to observe these elections nor to be present in Chechnya during the elections, because the security situation had been very intense. The Assembly will have to evaluate soon whether an election observation will be possible for the coming presidential elections.
5. The difficult security situation in the Chechen Republic has become even more unpredictable. While the United Nations had ranked Chechnya in the category of most dangerous places for UN missions before the assassination, all missions have now been stopped until further notice. The Council of Europe is now also in the process of assessing the security situation and may well come to the same conclusions. The Secretary General is still waiting for a conclusion of the investigations on the bomb attack against the Council of Europe Experts in Znametskoye near Grozny last autumn.
6. Besides these technical problems, the fact that new presidential elections will have to be held in four months changes the political situation in the Chechen Republic totally. It does not seem adequate to write a general report on this topic at the moment. I rather suggest that the Assembly should hold a debate under urgent procedure on the current situation in the Chechen Republic after the assassination of President Kadyrov. The urgency of a debate on Chechnya is caused by the fact that there is a serious risk of new escalations of violence as well as the constitutional requirement of replacing the late President Kadyrov.

II. Issues to be discussed

7. As I had mentioned in my memorandum of 29 April 2004 to the Committee, neither the presidential elections in Chechnya in October 2003, nor the recent elections of the State Duma in Moscow have achieved a visible normalisation of the political situation in the Chechen Republic. Non-governmental organisations still raise complaints of people disappearing and violence against innocent people being a daily phenomenon. Many felt that political trust in the political representatives and institutions had not developed. The terrorist attack of 9 May poses new questions:
 - a. Under which conditions will the new presidential elections be held?
 - b. Will the parliamentary elections to the regional Duma of the Chechen Republic be held in autumn this year as planned?
 - c. How will the Russian federal troops react to the bomb attack?
 - d. How will the family and political allies of President Kadyrov react to his assassination?
 - e. Will the current power vacuum be filled adequately and in time?

- f. Will the new Chechen President have the support of the political forces in Chechnya and outside?
- g. Will the new elections be used to redress shortcomings experienced during the last elections?
- h. Will law and order be maintained, and how?
- i. Will the region be sealed off and information blocked?
- j. Does this terrorist attack have an impact on the wider region?

8. The coming months will probably bring us answers to most of these questions. Given the Assembly's attention to the situation in the Chechen Republic over the last years, I believe it is essential to discuss these questions with our Russian colleagues now, in order to better understand the problems at stake and to assist them in addressing these problems jointly.

APPENDIX II

AS/PoI (2003) 21 Addendum

23 January 2004

**Answers by Mr. A.-Kh. SULTYGOV, Special Representative
of the President of the Russian Federation in Chechnya,
to the questions in the Memorandum
presented by Mr. Andreas GROSS**

Questions and answers

What measures have been introduced to control the work of law-enforcement authorities and security forces by the executive branch of power, i.e. the President of the Chechen Republic, or by the legislature? Will parliamentary investigation committees be set up to analyse misconduct by law-enforcement authorities and security forces in the Chechen Republic?

Consultations are held on regular basis with participation of the President of the Chechen Republic, leaders of executive bodies of the Republic, leaders of security forces and law-enforcement bodies.

In the Chechen Government there is a post of Deputy Chairman on cooperation with security forces. There are similar posts in the administrations of the administrative-territorial entities of the Republic.

President of the Chechen Republic exerts serious influence on the cadres policy in the law-enforcement bodies. The Prosecutor of the Republic and the Minister of the Interior are appointed on agreement with him as leader of the subject of the Russian Federation.

With the transfer of control over the counterterrorist operations to the Ministry of the Interior of the Russian Federation the role of the law-enforcement bodies and of the Ministry of the Interior of the Chechen Republic is enhanced in ensuring law and order on the territory of the Republic.

In 2003 the work of the procuracy bodies and, primarily of the military procuracy of the Unified armed forces group, has considerably ameliorated.

The referendum on the Constitution opened up opportunities for creation of a full value judicial system on the territory of the Chechen Republic.

The military garrison court of Grozny has started its work.

Future Parliament of the Chechen Republic is likely to consider it reasonable to create commissions. However, the analysis of the misconduct by "law-enforcement bodies and security forces", which, as it stands, are in the focus of attention of civil bodies and human rights institutions, is not the only possible direction of parliamentary investigations.

When will the parliamentary elections to the regional Duma of the Chechen Republic be held as foreseen under the Constitution of the Chechen Republic?

In accordance with paragraph 8 of part 2 of the Constitution of the Chechen Republic elections to the Chambers of Parliament are to be held not earlier than three months after the President of the Chechen Republic is elected.

Thus, the Constitution of the Republic does not set any concrete dates for parliamentary elections.

Under the law of the Chechen Republic "On Elections to Parliament of the Chechen Republic" elections to the parliament of the Republic of the first convocation shall be called by the President of the Russian Federation. At present, no final decision on the date of parliamentary elections has been made.

Special Representative of the President of the Russian Federation in Chechnya calls for holding these elections simultaneously with the elections of the President of the Russian Federation on March 14, 2004.

However, there is another point of view - it is not reasonable to hold parliamentary elections simultaneously with the elections of the President of the Russian Federation as it is important to give time for public and political forces in the Republic and for political parties to get prepared.

Besides, early parliamentary elections are restrained by two factors.

Firstly, under the Constitution of the Chechen Republic three administrative-territorial entities have been created - Galanchozhskiy, Staro-Urtovskiy and Cheberloyevskiy regions, that existed before the deportation of the Chechens in 1944. At present, these regions have not been excluded yet from other administrative-territorial entities of the Chechen Republic. It is not a simple process. It envisages complex agreement procedures at the level of settlements (inhabited places).

Secondly, the erection of a complex of buildings for the Council of the Republic and the National Assembly - parliamentary chambers of the Chechen Republic - has not been finished yet. Without it we cannot speak about normal work of the highest body of the legislative (elected) branch. Preliminary deadline for the end of construction - May-June 2004.

Are there any plans to revise the Constitution of the Chechen Republic in the future, for example, in accordance with the Opinion of the Venice Commission of 14-15 March 2003? Will a public debate about this change be carried out and facilitated within the Chechen Republic?

After the referendum of March 23, 2003, there exists a two-year moratorium on amendments to the Constitution of the Chechen Republic. This issue is likely to be discussed after parliamentary elections in the Chechen Republic.

At present, the proposals on amendments and additions to the Constitution are being processed by the State Council of the Chechen Republic - Parliament of the Republic.

The working out of an agreement on the division of powers and jurisdiction between the state bodies of the Russian Federation and the Chechen Republic is still going on.

What efforts have been made or are planned by the Russian and Chechen authorities to promote a political reconciliation process in the Chechen Republic?

The basis for political consolidation is the principle of defending convictions by political means as well as the idea of creating democratic Chechen statehood within the framework of universally accepted democratic procedures, the realization of the principle of division of powers.

Elections to Parliament of the Chechen Republic and to local authorities should be major stages of civilized political process.

It seems important that former representative of Maskhadov - Mr. Salambek Maigov - participated in the elections to the State Duma in the Chechen single mandate district.

A process of self-organization of civil society, for example, creation of unions of public organizations, is underway in the Chechen Republic. Preparation for the Civil Forum of the Chechen Republic is in full swing. Under the Agreement on public consent in the Chechen Republic the Forum shall consist of Chamber on Protection of Human Rights and Chamber of Representatives.

Chamber on Protection of Human Rights shall be composed of leaders of public and religious unions of residents and those who left the Chechen Republic, leaders of sections of political parties acting in the Chechen Republic, bodies of territorial public self-government, establishments, enterprises and organizations of the Republic.

Chamber of Representatives shall be composed of citizens who were elected to representative bodies on the territory of the Chechen Republic in 1989 (people's deputies of the USSR), 1990 (to the Supreme Soviet of the Chechen and Ingush Autonomous Soviet Socialist Republic and people's deputies of the RSFSR), 1995 (to the State Duma of the second convocation), 1996 (to the Parliament of the Chechen Republic), 1997 (to the representative body of the Chechen Republic), 2000 (to the State Duma of the third convocation) and 2003 (to the State Duma of the fourth convocation) as well as members of the initiative group on holding referendum in the Chechen

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Republic on the draft Constitution of the Republic and draft laws of the Republic on elections of the President of the Chechen Republic and on elections to Parliament of the Chechen Republic.

Deputies of the Parliament of the Chechen Republic of 1997 actively participate in the preparation for the Civil Forum.

What is the political programme of the President of the Chechen Republic for the strengthening of democratic stability in Chechnya? Has he foreseen measures to directly control the conduct of his security forces? Will he introduce measures under which he will have to answer to the Parliament of the Chechen Republic for his conduct as President?

Support of democratic elections to Parliament of the Chechen Republic and to local bodies constitutes the basis of the programme of the present President.

Mr. A. Kadyrov is actively involving representatives of different public and political forces, including deputies of Parliament of 1997, representatives of communities of those who left the Republic, as well as Russian residents of the Republic who were forced to leave because of the terror during Dudaev and Maskhadov administration, into the work in executive bodies of the Chechen Republic.

Mr. A. Kadyrov fully supports the preparation for the Civil Forum of the Chechen Republic.

Direct control by the leader of the Subject of the Russian Federation over the security forces' actions is not foreseen by Russian legislation.

Relations between the President and Parliament of the Chechen Republic are written into the Constitution of the Chechen Republic. Article 73 of the Constitution empowers the Parliament of the Republic to express no-confidence to the President that, in accordance with Article 75, entails resignation of the President and the Government.

Will the President of the Chechen Republic associate himself with a particular political party or a coalition of parties before the parliamentary elections in the Chechen Republic?

The President of the Chechen Republic has not so far associated himself with any political party or a coalition of parties. On the eve of the elections Mr. A. Kadyrov refrained from supporting some political forces, including the party "United Russia" (Edinaya Rossia). and participated in the elections as an independent candidate.

During the election campaign to the State Duma he did not support any political party or candidate. At the same time, he had a number of consultations with almost all major candidates including former representative of Maskhadov Mr. Salambek Maigov.

Have all political candidates of Chechen ethnicity been able to register for the State Duma elections in December? Have they had fair access to the media in Chechnya, in particular electronic state media?

No cases of the violation of the ethnic Chechens' right to vote during the elections to the State Duma were registered.

Seven candidates ran for election in the Chechen single mandate district. All of them are of Chechen ethnicity. Some of the candidates withdrew from the campaign in favour of other candidates. Some candidates, not well known on political scale, failed to collect the necessary number of signatures or pay an electoral deposit.

Unfortunately, non-Chechen citizens who were forced to leave Chechnya, including the Russians who up to 1991 were the second, after the Chechens, numerous nation, did not participate in the elections.

The election returns were quite logical. A well-known person in the Chechen Republic - Mr. A. Zavgaev, Member of the Council of Federation from the Chechen Republic, won the elections (about 50% of votes). Mr. A. Zavgaev is the brother of Mr. Doku Zavgaev - Chairman of the Supreme Soviet of the Chechen-Ingush Republic dispersed by Dudaev's militants.

Mr. Khalid Yamadaev, Deputy Chairman of the Chechen regional division of the party "United Russia", has become Deputy of the State Duma on the party federal list.

Has the regional election commission for the Chechen Republic identified shortcomings and flaws in the State Duma elections? What was the security situation for the electorate in Chechnya? Have displaced residents of the Chechen Republic who have found shelter in camps in Ingushetia or other republics been able to vote?

No serious irregularities in the elections were determined either by the election commission or by the observers.

Security of the voters in the parliamentary elections was ensured by the bodies of the Interior as it was ensured during the previous democratic procedures.

It is important to note that there weren't a single armed incident or terrorist act committed either during the referendum of March 23, 2003, or during the presidential elections of October 5, 2003, or during the elections to the State Duma of December 7, 2003. References to an extremely serious situation in security field used as a pretext for not coming to observe the referendum and elections are farfetched.

Special polling stations were opened for the IDPs from the Republic of Ingushetia on the territory of the Chechen Republic close to the administrative Chechen-Ingush border. No cases of compelling the IDPs to participate in the elections.

How many political parties have been registered in the Chechen Republic? How many members do they have?

Almost all Russian leading political parties have been registered in the Chechen Republic ("United Russia", LDPR, SPS and other parties). All of them actively participated in the parliamentary elections.

As to the number of members of these parties, we do not have precise information about that. However, we can say that the biggest party is "United Russia", that actively participated in political life in the Republic.

How many civil society organisations or non-governmental organisations are established or active in the Chechen Republic?

Today, the Ministry of Justice registered more than 200 public and religious organizations in the Chechen Republic. These organizations actively participated in the preparation and discussion of the draft Constitution and laws of the Republic as well as in the discussion of the Agreement on public consent in the Chechen Republic. Representatives of some public and political organizations have actively participated in the work of the Consultative Council at the Head of Administration of the Chechen Republic, Constitutional Commission of the Chechen Republic.

Creation of adequate conditions for a full-scale implementation of the potential of the civil society institutes is an important priority in the work of the President of the Chechen Republic and Special Representative.

The Coordinating Council of the political parties and public and political organizations is functioning in the Republic.

Legal Council of Human Rights organizations was created in the Chechen Republic in August 2003, on the basis of 23 organizations in the Chechen Republic. Its meetings are regularly held in the Bureau of the Special Representative. Members of the above mentioned Council actively participated in the observation of the elections of the President of the Chechen Republic and of the Deputies to the State Duma.

Assessing the status of civil society in the modern Chechen Republic it is necessary to take into consideration different traditional blood-and-kinship and confessional institutes of the Chechen society which play an important role in public and political life.

How many print media are in circulation in the Chechen Republic, and how many electronic media can be received there? How many of those media are privately owned?

The situation with giving access for Russian print and electronic media in the Chechen Republic is almost the same as in the rest of Russia. Major Russian print media are in circulation in the Republic. Almost all TV channels (ORT, RTR, TVS, NTV, Culture, TNT, Ren-TV and others) can be received on more than 70% of the territory of the Republic, with lowly populated Southern mountainous regions excluded.

There are five republican newspapers - The News of the Republic (40,000 copies), The Daimohk (Fatherland) in the Chechen language (60,000), The Call of the Land (45,000), The Halk'an Dosh/The People's Word (40,000), The News of Grozny (40,000), four inter-regional newspapers - The Marsho, The Zama, The Gums, The Tersk Pravda (with total circulation of 67,000), and some other newspapers, as well as three journals - The Orga, The Vainah and The Stelaad (The Rainbow) with total circulation of 7,000 copies. The total circulation of the newspapers is 384,000 copies.

Republican TV has everyday broadcasts (on the RTR channel): from 5 to 8 p.m. and from 8.30 to 11 p.m. Local commercial TV has broadcasts in highly populated areas.

The development of independent republican mass media is held back by complicated socio-economic conditions. However, besides federal print media there are independent print editions published in Moscow by representatives of the community of emigrants from the Republic ("Obyedinennaya Gazeta", "Spravedlivost", etc.)

Is the freedom of movement of journalists restricted in the Chechen Republic? Do journalists have to register with the government or a public authority in order to exercise their profession?

Russian and foreign journalists have to receive accreditation at the Information Department of the Administration of the President of the Russian Federation in order to exercise their profession on the territory of the Chechen Republic.

In principle, the freedom of movement of Russian journalists is not restricted in the Chechen Republic. Security of foreign journalists on the territory of the Chechen Republic is ensured by law-enforcement bodies. Foreign journalists rather often use materials of their Russian colleagues to cover the situation in the Chechen Republic.

Is the freedom of movement of residents of the Chechen Republic restricted within Chechnya or to and from Chechnya?

The freedom of movement of residents of the Chechen Republic is practically not restricted within Chechnya or to and from Chechnya. The only factor that hinders the speed of movement is the system of checkpoints when documents are checked, vehicles are inspected in order to exclude movement of terrorists, trafficking of arms and explosives, and drugs.

Have the government and the competent school administrations developed programmes aimed at reducing violence and supporting awareness of democratic values and processes?

Are such programmes also available for adults, whether civilians or military personnel?

Such work is being done in schools and institutes of the Republic. We speak about special seminars organized with an active participation of the Bureau of the Special Representative. Such programmes are not available for adults.

The best propaganda of democratic values for citizens enjoying the right to vote is to develop constitutional and political process, to hold generally accepted democratic procedures, to hold public discussion of the Agreement of national consent in the Chechen Republic and to prepare the Civil Forum of the Chechen Republic.

Is specific psychological treatment offered by the state for victims of violence and family members of deceased?

The problem of medical and psychological rehabilitation of citizens of the Chechen Republic is an acute issue. Certain progress has been reached in this area as well as in health care system.

In which of the above fields will support and assistance by the Council of Europe be accepted?

The Council of Europe and Russia have been actively cooperating in the above fields. Among other things, we mean several seminars organized by the Secretary General of the CE and the Special Representative. These seminars cover the field of medical and psychological rehabilitation for the victims of violence as well as propaganda of democratic values.

Will the State Duma and/or the Federation Council find it useful to establish with the Parliamentary Assembly a forum like the Joint Working Group?

The perspectives of the creation of such forum seem rather vague because of serious violations of commitments given by the PACE to the participants in the Public Consultative Council created under the auspices of the JWG "Duma-PACE" on Chechnya.

We mean a refusal to finance the above mentioned Council activities despite the promises of the co-chairman of the JWG from the PACE - Lord Judd, and the requests of the Secretary General of the CE Mr. Walter Schwimmer to the CMCE, as well as convincing events on self-organization of this Council.

APPENDIX III

Programmes of my visits and meetings

9 July 2003, Moscow

Arrival in Moscow

10 July 2003, Moscow

Breakfast meeting with:

Mr Richard Wright, Head of the Moscow Mission of the European Commission, the Moscow Ambassadors of the EU Troika, the Dutch Ambassador on behalf of the OSCE Chairman-in-Office and the Swiss Ambassador.

Meeting with representatives of Human Rights Watch, Memorial and Mothers of Chechnya for Peace

Interview at BBC Moscow

11 July 2003, Kazan

Participation in conference on federalism in Russia

Meeting with Mr D. Kozak, Deputy Director of the Presidential Administration of the Russian President

31 May 2004, Moscow

Arrival in Moscow

Meetings with:

- the Speaker of the State Duma of the Russian Federation, Mr V. Gryzlov
- the Deputy Prosecutor General of the Russian Federation, Mr S. Fridinsky
- representatives of human rights organisations

1 June 2004, Moscow

Breakfast meeting with the Representative of the European Commission in Moscow and the Ambassadors of Ireland, the Netherlands and Norway in Moscow

Meetings with:

- the Plenipotentiary Representative of the Russian President in the Southern Federal District, Mr V. Yakovlev
- officials of the Ministry of the Interior in charge of public order in the Chechen Republic
- the Commissioner for Human Rights in the Russian Federation, Mr Lukin
- the member of the Administration of the Russian President, Mr A. Aslakhonov
- the Deputy Foreign Minister, Mr S. Razov
- members of the State Duma of Russian and the Federation Council of Russia coming from Chechnya and Ingushetia, Mr A. Zavgaev, Mr B. Kodzoev, Mr U. Dzabrailov, Mr M. Umarov, Mr V. Likhachev, Mr I. Kostoev

2 June 2004, Chechnya

Visit to Machackala (Republic of Dagestan) and meeting with officials

Visit to Grozny and Znametskoye (Chechen Republic) and meetings with:

- the President ad interim and Chairman of the Chechen Government, Mr S. Abramov
- the Minister of the Interior of the Chechen Republic

- the Mayor of Grozny
- the Prosecutor of the Chechen Republic
- the Chief Military Prosecutor in Grozny
- the President of the Chechen Supreme Court and judges from the districts
- the President of the Chechen Bar Association

3 June 2004, Chechnya and Ingushetia

Visit to Grozny and Znametskoye, continued

Visit to Nazran (Republic of Ingushetia) and meetings with officials and representatives of Memorial

Visit of the last IDP camp in Ingushetia

Departure to Moscow

16 June 2004, Geneva Centre for Security Policy

Talks with:

Mr Andrey Piontkovsky, Director, Centre for Strategic Studies, Moscow

Mr Alexei Malashenko, Carnegie Moscow Centre

Mr Malik Saidoullaev, politician and businessman, Moscow

Mr Shamun Kagermanov, Editor in Chief, Selskaya Zhezin, Moscow

Mr Toby Lanzer, Chief, Consolidated Appeals Process, UN OCHA, Geneva

Mr Alexander Petrov, Deputy Director, Human Rights Watch, Moscow

26 August 2004, Moscow

Meetings with:

- the Swiss Embassy,
- Mr Ruslan Khasbulatov,
- the correspondent of the Swiss news agency SDA,
- Russian television journalists.

27 August 2004, Moscow

Meetings with:

- the correspondent of the Financial Times,
- the Plenipotentiary Representative of the Russian President in the Southern Federal District, Mr V. Yakovlev,
- the Deputy Minister for Migration of the Russian Federation.

28 August 2004, Grozny

Departure to Chechnya

Meetings with:

- returned refugees in a refugee building,
- the acting President of the Chechen Republic,
- members of the Government of the Chechen Republic

29 August 2004, Grozny

Meetings with:

- returned refugees in a second refugee building,
- staff at two polling stations,
- Mr Ramzan Kadyrov.

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30 August 2004, Grozny and Nazran

Meetings with:

- returned refugees in a third refugee building,
- members of the Central Election Commission of the Chechen Republic,
- the acting President and the President elect of the Chechen Republic,
- the President of Ingushetia.

31 August 2004, Moscow

Return to Moscow via Vladikavkaz

Reporting Committee: Political Affairs Committee.

Reference to Committee: Reference 2844 on 27 05 03

Draft Resolution unanimously adopted by the Committee on 14 September 2004

Draft Recommendation unanimously adopted by the Committee on 14 September 2004

Members of the Committee: MM. **Jakic** (Chairman), **Margelov** (Vice-Chairman), Spindelegger (Vice-Chairman), **Ates** (Vice-Chairman), Mrs **Aguiar**, MM. Arzilli, **Atkinson**, **Azzolini**, Banáš, Berceanu, **Bianco**, Blankenborg, Bokeria, **van den Brande**, Čekuolis, Curiel Alonso, Davern, Dreyfus-Schmidt (alternate : **André**), Mrs **Druviete**, Mr Duivesteijn, Mrs **Durrieu**, MM. **Elo**, Goerens (alternate: **Glesener**), **Goulet**, **Gross**, Hedrich, Henry, Hörster, **Iwinski**, Jahić, **Jovašević**, **Judd**, Kalezić, Karpov, Klich (alternate : **Markowski**), Koçi, **Kosachev**, Kostenko, **Lindblad**, van der Linden, Lloyd (alternate : **Tomlinson**), Loutfi, Magnusson, **Marty**, Matušic, **Medeiros Ferreira**, Meimarakis (alternate : **Papadimitriou**), Mercan, Mignon, **Mihkelson**, Mrs Narohnitskaya, Mrs **Nemcova**, MM. Nemeth, Oliynyk, Ouzky, **Pangalos**, Mrs **Petrova-Mitevka**, Mrs Petursdottir, Mrs Pintat Rossell, MM. Pourgourides, Prentice, Prijmireanu, **Prisacaru**, Puche, de Puig, Pullicino Orlando, Ranieri (alternate : **de Zulueta**), Roth, **Severin**, Mrs **Severinsen**, MM. **Seyidov**, **Slutsky**, Tabajdi, **Tekelioglu**, **Torosyan**, **Toshev**, Mrs Tritz (alternate : **Bindig**), MM. Vakilov (alternate : **Mollazade**), **Wielowieyski**, Mrs Wohlwend, Mrs Wurm, Mr Zacchera.

Ex-officio: MM. Eörsi, Einarsson, **Russell-Johnston**

N.B. : The names of the members who took part in the meeting are printed in bold

Head of the Secretariat : Mr Perin

Secretaries to the Committee: Mr Chevtchenko, Mr Dossow