

**Chechnya after the elections and civil society in Russia**

**European Parliament resolution on Chechnya after the elections and civil society in Russia**

*The European Parliament,*

- having regard to the Partnership and Cooperation Agreement<sup>1</sup> between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, which entered into force on 1 December 1997,
  - having regard to the objective of the EU and Russia to implement the four 'common spaces' agreed at the EU-Russia Summit on 10 May 2005,
  - having regard to its resolution of 26 May 2005 on EU-Russia relations<sup>2</sup>,
  - having regard to its resolution of 15 December 2005 on human rights in Russia and the new NGO legislation<sup>3</sup>,
  - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and its five Protocols,
  - having regard to the many credible reports by Russian and international NGOs on the continuing grave violations of human rights in Chechnya and the judgments of the European Court of Human Rights in cases relating to Chechnya,
  - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas, on 29 November 2005, the UK Presidency 'welcomed' the parliamentary elections which took place in the Russian republic of Chechnya on 27 November 2005, considering these elections 'an important step towards broader representation of a range of views in Chechen society',
- B. whereas the Commission called it 'encouraging' that these parliamentary elections - the first in Chechnya for eight years - 'took place without any major violence', but declined to comment on the fairness of the vote,
- C. whereas human rights activists, in an open letter to the European Union signed by the Russian human rights group Memorial, the International Helsinki Federation for Human Rights, the Russian-Chechen Friendship Society and others, including the Paris-based International Federation for Human Rights, accused the EU of whitewashing reality by giving an optimistic assessment of the election, underlining that 'this statement not only contradicts the evidence assembled by the Russian and international human rights community ... but also calls the EU's commitment to human rights, democracy and the

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<sup>1</sup> OJ L 327, 28.11.1997, p. 3.

<sup>2</sup> *Texts Adopted*, P6\_TA(2005)0207.

<sup>3</sup> *Texts Adopted*, P6\_TA(2005)0534.

rule of law into question',

- D. pointing out that the official figure of a 57% turnout at the election has been questioned by Memorial, which claims that participation was much lower and that the voting was marred by widespread fraud and acts of intimidation,
- E. whereas serious human rights violations in the form of murder, enforced disappearance, torture, hostage-taking and arbitrary detention, are still occurring in the Chechen Republic and, in some cases, in neighbouring regions of the Northern Caucasus,
- F. whereas the Russian Government has transferred many of its responsibilities for counter-terrorist operations from federal Russian authorities to the local authorities, trying to turn a decade-long conflict between Russia and Chechnya into an internal Chechen one which, according to a recent joint report by the Helsinki Federation, the International Federation for Human Rights, the Norwegian Helsinki Committee and Memorial, has 'resulted in the brutalisation of the warring sides and pervasive fear and insecurity for the civilians',
- G. whereas a growing number of the kidnappings, instances of torture and arbitrary killings in Chechnya in the past two years are being attributed to Chechen paramilitary forces,
- H. whereas many of the abuses and human rights violations in Chechnya remain largely unpunished, creating a climate of impunity which is spreading beyond the Chechen and Ingush republics into other regions of the Northern Caucasus, including North Ossetia and, more recently, Kabardino-Balkaria,
- I. whereas in recent years democracy has been continuing to deteriorate substantially in Russia, in particular owing to increasing government control over major TV and radio stations, the spread of self-censorship among the print media, the closure of independent media, restrictions on the right to organise public demonstrations, a worsening climate for NGOs, involving cases of harassment of human rights activists, and increased political control of the judiciary,
- J. stressing that so far the EU-Russia human rights consultation has not brought about any substantial progress in this field, which should be a priority in EU-Russia relations,
- K. whereas on 20 December 2005 the European Court of Human Rights ruled that a complaint about the disappearance of Ruslan Alikhajiyeu, a former parliamentary speaker of the fairly elected parliament of the self-proclaimed Chechen republic of Ichkeria, was admissible; whereas an investigation instigated by the Chechen prosecutor's office has yielded no results; and whereas the Russian Government declined to pass on the criminal case materials to the European Court of Human Rights,
- L. whereas on 13 December 2005 the Commission allocated EUR 6 000 000 in aid for the victims of the ongoing crisis in the Northern Caucasus, a decision which will bring the EU's total assistance to the region for 2005 to EUR 26 300 000, making this programme the EU's fifth biggest humanitarian operation worldwide and the EU the largest donor in the region,
- M. whereas on 23 and 27 December 2005 the slightly revised bill restricting the activities of NGOs in Russia was approved by both chambers of parliament and now needs only the

signature of President Putin to become law,

- N. whereas in a letter sent to the Russian Foreign Minister, Sergey Lavrov, on 28 December 2005 NGOs, including Memorial, the Moscow Helsinki Group and For Civil Rights, stressed that a whole range of aspects of the bill continues to contradict international law, the Russian Constitution, the Russian Civil Code and a series of Russian laws,
  - O. whereas freedom of association is a fundamental human right and of great importance in a democratic society,
  - P. deeply worried by the increase in racially motivated violence in Russia,
  - Q. whereas the trial of Stanislav Dmitriyevsky, who has been accused of having published in his newspaper Aslan Mashkadov's appeal for peace in Chechnya and consequently faces five years' imprisonment, resumed on 18 January 2006,
1. Reiterates its strong condemnation of all acts of terrorism throughout the Russian Federation, for which there can be no justification;
  2. Remains deeply concerned that the Council and Commission have failed to address the ongoing serious human rights violations in the Chechen Republic despite the fact that those violations are still occurring on a large scale on both sides of the conflict and in a climate of almost complete impunity;
  3. Urges the Council and Commission to confront their responsibilities in the face of the most serious human rights issues in the immediate neighbourhood of the European Union;
  4. Urges the Council and Commission to take an active role in preventing further human rights violations and in overcoming the climate of impunity in the Chechen Republic and to insist vis-à-vis the Russian authorities that the necessary measures are taken to ensure that the rights guaranteed by the European Convention on Human Rights, to which Russia is a signatory, are fully respected in the Chechen Republic and that all those who violate those rights are brought to justice without further delay and regardless of their position or nationality;
  5. Regrets the fact that during the preparation and conduct of the parliamentary elections in Chechnya an opportunity for a truly political and democratic process involving all sections of Chechen society was missed;
  6. Reaffirms its full support for the territorial integrity of the Russian Federation, but points out that there cannot be a military solution to the conflict in Chechnya and calls for the start of a real peace process geared to bringing about a negotiated political settlement which is based on dialogue between all the democratic components of Chechen society;
  7. Calls on the Russian authorities to put an end to the present state of impunity by disbanding paramilitary groups, reining in the activities of the security forces and bringing the army under full civilian control;
  8. Calls on the Council and the Member States to consistently raise the issue of Chechnya at their political meetings, in the human rights dialogue and at other meetings with the

Russian Federation in order to ensure that this area does not escape international attention and concern;

9. Calls for the stepping-up of the EU-Russia human rights consultation so as to make it more effective, open to NGOs, when appropriate, and result-oriented with a view to strengthening this element in the new Partnership and Cooperation Agreement due to be negotiated in the near future;
10. Calls on the Council and the Presidency-in-Office to make further efforts to assist Russia in finding a peaceful solution to the conflict - including an offer of EU mediation; stresses that the EU must speak with one voice and stick to agreed CFSP positions on Russia;
11. Calls on the Russian State Duma to set up a committee of inquiry to investigate the failure of law enforcement agencies in the Chechen Republic to bring to account the perpetrators of serious human rights violations as documented by many human rights groups; recalls that so far only a few cases have been brought to trial and that most have been suspended, transferred or dismissed;
12. Stresses that special emphasis must be placed on investigations into crimes against human rights activists, lawyers, prosecutors, judges and applicants to the European Court of Human Rights and their family members;
13. Calls in this context on the Russian authorities to reopen the investigations into and criminal cases against Major-General Vladimir Shamanov and Major-General Yakov Nedobitko, who should both be prosecuted and suspended from their duties during the investigation, since they were held responsible by the Strasbourg Court for the indiscriminate bombing of Chechen civilians in Katyr-Jurt in February 2000;
14. Calls on the Member States to promote, in conformity with international law and on the basis of existing precedents, and with Russian consent, the setting-up of a mixed ad hoc international tribunal for Chechnya to try perpetrators of war crimes and crimes against humanity committed in the Chechen Republic if the climate of impunity continues to prevail;
15. Calls on the Russian authorities to revise the 1998 Law on Terrorism in order to comply with Council of Europe standards, particularly in respect of the powers and responsibilities of persons who conduct counter-terrorist measures;
16. Urges the Commission to investigate whether the humanitarian aid it has provided for the Northern Caucasus region has in fact reached the people in need and to assess the effectiveness of this aid;
17. Is concerned about reports of administrative and judicial harassment of some NGOs active in Chechnya, which seems to be part of a more general process threatening freedom of expression and of association in the Russian Federation, and urges the Russian authorities to put an end to this harassment;
18. Stresses that both the democratic process and the fight against impunity in the Chechen Republic will benefit from the work of strong and independent human rights organisations, and calls on Russia to grant independent media, international and domestic

humanitarian organisations and human rights monitors full access to Chechnya and to assist as far as possible in securing them safe working conditions;

19. Calls for the dropping of all charges against Stanislav Dmitriyevsky and calls on the Russian authorities to respect the freedom of the media and journalists;
20. Regrets that the bill strengthening government control over NGOs in Russia was passed easily in both houses of parliament and failed to take fully into account the recommendations made by the Council of Europe in its provisional opinion on the matter; hopes that President Putin, before signing the bill into law, can still ensure that it is fully in line with the Council of Europe's recommendations and clearly designed to prevent harassment of NGO activists in Russia;
21. Calls, in this regard, on the Council and Commission to make every effort to support the development and consolidation of a strong, lively, independent and genuine civil society in Russia as a fundamental and indispensable element of a functioning democracy;
22. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Russian Federation and the Council of Europe.