



# Information Documents

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## **Russian Federation: Council of Europe's response to the situation in the Chechen Republic**

**Report by the Secretary General on the presence of Council of Europe's Experts in the Chechen Republic and overview of the situation since June 2000**

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## CONTENTS

	Pages
<b>INTRODUCTION .....</b>	<b>3</b>
<b>PART I: THE COUNCIL OF EUROPE'S PRESENCE IN THE CHECHEN REPUBLIC .....</b>	<b>4</b>
A. Registration and Follow-up of Complaints.....	6
B. Complaints Lodged with the Office and Follow-up by Prosecuting Bodies.....	6
C. Ensuring Human Rights during Security Operations.....	7
D. Coordination Between Military and Civilian Authorities.....	7
E. Additional Tasks .....	8
<b>PART II: OVERVIEW OF THE SITUATION IN THE CHECHEN REPUBLIC SINCE JUNE 2000 .....</b>	<b>9</b>
A. Restoration of Peace and Security .....	9
B. Democratic Institution-Building .....	10
C. Respect for Human Rights.....	10
D. Restoration of the Rule of Law and Fight against Impunity.....	11
E. Reconstruction .....	12
F. Internally Displaced Persons.....	12
<b>PART III: CONCLUDING OBSERVATIONS .....</b>	<b>13</b>
<b>APPENDICES .....</b>	<b>15</b>

## INTRODUCTION

1. The dramatic events in the Chechen Republic of the Russian Federation since the autumn of 1999 led me to take a number of measures of an exceptional character. First of all, I availed myself of the powers conferred on me by Article 52 of the European Convention of Human Rights (ECHR) and I invited, on 13 December 1999, the Russian Federation “*to furnish, in the light of the case-law of the European Court of Human Rights, explanations concerning the manner in which the Convention [was] implemented in Chechnya, and the risk of violation which [might] result therefrom*”. The Russian authorities explained that, despite difficulties encountered in the fight against terrorism, they took all necessary measures to comply with the requirements of the ECHR and international humanitarian law. However, independent experts concluded that the replies given by the Russian authorities “*were not adequate and that the Russian Federation ha[d] failed in its legal obligations as a Contracting State under Article 52 of the Convention*” (see docs SG/Inf(2000)21 and SG/Inf(2000)24 for more details).
2. Consequently, I took steps to respond to two basic inter-related needs: (i) to provide the Russian authorities with practical assistance to restore the rule of law, respect for human rights and democratic principles in the Chechen Republic, and (ii) to activate appropriate Committee of Ministers’ monitoring procedures to ensure that, as a follow-up to the use of my investigative powers under Article 52 of the ECHR, the Russian authorities take all necessary measures to comply with their obligations and commitments as a Council of Europe member State. I also needed to ensure that the Committee of Ministers and the Parliamentary Assembly be informed of all measures undertaken in this respect.
3. With this in mind, and following the visit of the Commissioner for Human Rights, Mr Alvaro Gil-Robles, to the region, an institution of a ‘Special Representative of the President of the Russian Federation for ensuring human rights and civil rights and freedoms in the Chechen Republic’ was established and a Joint Programme with the European Commission to complement this action was concluded. An agreement was reached in 2000 between the Russian Minister of Foreign Affairs and myself, whereby Council of Europe experts have provided consultative assistance to the Office of the Special Representative.
4. In parallel, on 26 June 2000, I seized the Committee of Ministers of the situation in the Chechen Republic of the Russian Federation by virtue of paragraph 1 of the 1994 Declaration on compliance with member States’ commitments.
5. As a follow-up decision, the Ministers’ Deputies agreed, in October 2000, to hold regular discussions on the contribution of the Council of Europe towards the restoration of the rule of law, respect for human rights and democracy in the Chechen Republic. For this purpose, I have regularly provided them with two sets of documents: (i) interim reports containing first-hand information collected by Council of Europe expert staff working in the Chechen Republic, and (ii) addenda to my interim reports, containing information collected by the Monitoring Department of the Directorate of Strategic Planning (DSP) in the context of the Committee of Ministers’ 1994 Declaration.

6. Three and a half years have now elapsed since the Council of Europe experts first joined the Office of the Special Representative and since I seized the Committee of Ministers of the situation in the Chechen Republic by virtue of paragraph 1 of the 1994 Declaration. The time has come to take stock of developments since then. This document therefore contains my evaluation of the Council of Europe's presence in the Chechen Republic (**Part I**) as well as an overview – in the context of the 1994 Declaration – of the situation since June 2000 (**Part II**). Concluding observations can be found in **Part III**.

## **PART I: THE COUNCIL OF EUROPE'S PRESENCE IN THE CHECHEN REPUBLIC**

7. In autumn 1999, the Chechen Republic was in a situation where the rule of law, respect for human rights and democracy were seriously affected. Destruction or total absence of state institutions necessitated direct rule of this subject of the Russian Federation by the federal government and other institutions from Moscow, as an exception to the standard set up of federal relations provided by the federal Constitution.
8. Restoration of the basic principles of the Council of Europe and local institutions were an integral part of efforts by the Russian Federation to protect its sovereignty and territorial integrity and to return the Chechen Republic into the constitutional environment of the Russian Federation.
9. Membership of the Russian Federation of international organisations (the Council of Europe, OSCE and the UN in particular) offered valuable help in these difficult endeavours.
10. Since the outbreak of the second military campaign in the Chechen Republic in autumn 1999, the question was not whether the Council of Europe should be involved, but what to do and how. The Chairman of the Committee of Ministers visited Moscow in January 2000, the Human Rights Commissioner visited Russia, including the Chechen Republic, in December 1999 and in February 2000. A Parliamentary Assembly delegation visited Northern Caucasus in January 2000. At the end of the visit, the Assembly President Lord Russell-Johnston met with the then acting Russian President, Mr Vladimir Putin, who agreed on an international presence in Chechen Republic. The call for an international presence in the Chechen Republic was strengthened on 25 February 2000 by a tripartite declaration by the UN Human Rights Commissioner, the Secretary General of the OSCE and myself.
11. A presence in the Chechen Republic was also needed in order to help re-establish the trust of the population in the State and its institutions, and to cooperate with the Russian federal authorities in fulfilling their obligations towards the population in the field of human rights.
12. On 17 February 2000, acting President Putin established the Office of a Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic. The two main tasks of this Special Representative were:
  - to safeguard the conditions for implementation by the President of the Russian Federation of its constitutional powers with regard to human rights and freedom of people and citizens in the Chechen Republic;

- to coordinate his activities through officially recognised means with international and foreign public and non-governmental organisations in order to create a coherent approach towards ensuring human rights and freedom of people and citizens in the Chechen Republic.
13. Mr Vladimir Kalamonov was nominated to this post from February 2000 to June 2002. In July 2002, Mr Abdul-Khakim Sultygov was appointed to this post.
  14. By an exchange of letters dated 30 March and 4 April 2000 respectively, I concluded an agreement with the Minister for Foreign Affairs of the Russian Federation on the Council of Europe consultative expert assistance to the Office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic. The validity of this agreement has been extended on a regular basis.
  15. According to the above-mentioned agreement, three Council of Europe staff members have been working in the Office of the Special Representative (and living) in Znamenskoye since June 2000. The three Council of Europe staff members ensured, on a rotation basis, a permanent presence of at least two of them in the Office. Altogether 13 Council of Europe staff members have participated in this mission between April 2000 and December 2003. Until June 2001, when the OSCE Assistance Group returned, and after 31 December 2002, when the OSCE AG mandate expired, the Council of Europe was the only international organisation which had staff working and residing in the Chechen Republic.
  16. The Council of Europe consultative experts worked within the limits and the framework of the mandate of the Special Representative and enjoyed the same rights and duties as the Russian staff of the Office.
  17. The experts reported to the Special Representative. As Council of Europe staff members, they also reported freely to me, whilst keeping the Special Representative informed at the same time.
  18. The Russian authorities provided the necessary security measures and the required protection for the staff. The staff enjoyed all possibilities for freedom of movement and access to the local population, subject to security and safety restrictions only.
  19. The Council of Europe experts have helped to establish the Office, as well as to develop its operations:
    - Office headquarters in Znamenskoye – since May 2002 in Grozny plus 15 branch offices throughout the Chechen Republic – were set up. More than 45,000 people have contacted the Office so far;
    - Staff members of the Office (over 80 people) were trained in maintaining the necessary standards for processing applications and also offered training aimed at enhancing their own professional skills and efficiency;
    - Nearly 10,000 applications (according to Mr Sultygov's report, of which I was given a copy in September 2003) on alleged human rights violations have been registered in an archive set up according to the standards of the European Court of Human Rights;
    - Serious human rights cases have been followed up by collecting information from the prosecution, the military and the law-enforcement agencies, with a view to bringing those who committed crimes to justice.

20. By an exchange of letters between the Russian Foreign Minister and myself dated 6 and 24 June 2002 respectively, the mandate of the experts was enlarged to include additional tasks with other *ad hoc* experts being involved in their implementation. For further details see “Additional tasks” below.

21. Moreover, the Council of Europe experts have:

- contributed to the re-establishment of the court system in the Chechen Republic;
- helped to find a number of missing persons;
- assisted in the release of more than 200 illegally detained persons from detention centres and prisons;
- provided expertise and assistance in important steps taken by the Special Representative towards the political solution of the Chechen problem:
  - in drafting the Decree of the Head of Administration of the Chechen Republic No. 76 of 24 October 2002 “*On additional measures to safeguard lawfulness and law and order on the territory of the Chechen Republic*”,
  - on the opinion on the “*Draft Agreement on Social Entente concerning the key principles of a political settlement in the Chechen Republic*”,
  - at the first meeting between the Special Representative and 5 members of the former “Parliament of Ichkeria” (the so-called “Maskhadov Parliament”).

#### **A. REGISTRATION AND FOLLOW-UP OF COMPLAINTS**

22. Between 2000 and April 2003, the Office received 45,985 visitors who lodged 9,952 complaints. The majority of all complaints relate to missing persons and to social benefits and rights of various kinds. In 2001, the Office forwarded 83 complaints to the military prosecutors (resulting in 4 criminal proceedings). The corresponding figure for 2002 was 115 (resulting in 19 criminal proceedings).

23. In late 2003, an agreement was reached with the Military Prosecutor for a presence at the Office by the latter when people file complaints. The military prosecutors have been perceived by many Chechens as very hard to get access to.

#### **B. COMPLAINTS LODGED WITH THE OFFICE AND FOLLOW-UP BY THE PROSECUTING BODIES**

24. The main focus of the Office has been on human rights abuses by members of the federal forces and law-enforcement bodies – in particular on extra-judicial killings and disappearances. Most of these complaints have been lodged after the so-called “mop-up” operations and identity checks.

25. Since 2000, the Office has registered 2,056 complaints on disappearances that ultimately led to investigations by prosecuting organs. The development over time is indicated in the following table.

<b>Year</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>January-August 2003</b>	<b>Total</b>
Number of complaints	390	535	738	393	2,056

26. As of January 2003, the Office has managed to establish the whereabouts of 767 missing persons. Of these, 221 were released from pre-trial detention or from their abductors. 49 were found dead. Since 1999, the Military Prosecutor's Office has investigated 16 criminal cases of abduction allegedly committed by members of the federal forces. In 2002, the Prosecutor's Office of the Chechen Republic initiated 77 criminal proceedings on various charges against members of the Ministry of the Interior. Of these cases, 7 ended up in court as of mid-2003 and 20 have been handed over to the military prosecutors.

### **C. ENSURING HUMAN RIGHTS DURING SECURITY OPERATIONS**

27. The experts highlighted the need for a presence of prosecutors and representatives of local civilian administrations during security operations targeting specific villages or households.

28. On 25 July 2001, the Prosecutor General of the Russian Federation issued Order No. 46, which stipulated that special operations should be conducted in the presence of a prosecutor. It also established a code of conduct for servicemen involved in such operations.<sup>1</sup>

29. On 30 March 2002, the Commander of the military operations in Northern Caucasus, General Moltenskoy, issued Order No. 80, which stipulated the drafting of a special document signed by the military, the prosecutor and the local administration after all security operations in populated areas.<sup>2</sup> The Council of Europe experts and human rights organisations had urged for such a measure.

30. On 24 October 2002, the Chechen Head of Administration adopted Decree No. 76 with the aim of ensuring legality and law and order in the Chechen Republic, containing various anti-terrorist measures and safeguards to ensure human rights. Among other things, it stipulated the setting-up of local joint working groups between security organs and prosecutors, as well as the setting-up of joint patrolling by the military and the Chechen police at night. The recommendations of the Council of Europe experts were taken into account when the Decree was adopted.

### **D. COORDINATION BETWEEN MILITARY AND CIVILIAN AUTHORITIES**

31. The large number of different security organs involved in operations in the Chechen Republic has given rise to coordination problems – especially in the context of detentions. In this respect, the Council of Europe Commissioner for Human Rights came up with a suggestion to create a joint body comprised of prosecutors and the Office permitting the follow-up to complaints lodged with the Office to be more efficient.

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<sup>1</sup> "On the strengthened monitoring of citizens' rights during residential controls in the Chechen Republic".

<sup>2</sup> "On measures for the increased activity of local power organs, the population and law-enforcement bodies of the Russian Federation in the fight against breaches of law and order during special operations and targeted measures in populated areas of the Chechen Republic". See SG/Inf (2002) 17, SG/Inf (2002) 39.

32. On 26 March 2001, an agreement was reached establishing a Joint Working Group (JWG) composed of representatives from the Office of the Special Representative, the Prosecutor General of the Russian Federation and the Prosecutor's Office of the Chechen Republic. The experts attended the meetings of the JWG in order to highlight specific cases brought to their attention. The issues raised in the JWG related mainly to human rights violations during special operations, disappearances, the lack of adequate detention facilities and the lack of adequate means to carry out forensic examinations.
33. The agreement establishing the JWG was revised on 14 March 2003. The new agreement provided for an annual joint analysis of identified violations and joint inspections.

#### **E. ADDITIONAL TASKS**

34. In the exchange of letters of 24 June 2002, participation of the experts was proposed in the implementation of tasks as support to the improvement of the functioning of public authorities, assistance in developing a system of education, psychological rehabilitation, legislative expertise, assistance to various bodies facilitating the political solution and restoration of human rights.
35. Since March 2003, seven additional tasks – in the form of seminars, training and needs assessment missions – have been implemented, covering the following topics: good practice in electoral matters, human rights for students and law-enforcement agencies, local-government, psychosocial rehabilitation and reintegration of widows and orphans. In the framework of the setting-up of a human rights library at Grozny State University, three Chechen teachers were trained in Strasbourg in the management of a human rights library. Further implementation of this project includes the sending of a core collection of some 500 books and publications.



## **PART II: OVERVIEW OF THE SITUATION IN THE CHECHEN REPUBLIC SINCE JUNE 2000**

36. The Committee of Ministers has been seized twice on the basis of paragraph 1 of its 1994 Declaration on compliance with member states' commitments. On both occasions, this concerned the specific situation in the Chechen Republic of the Russian Federation. This was done for the first time by me, in June 2000, and a second time by the Parliamentary Assembly in April 2003 in its Recommendation [1600](#) (2003).
37. Hence, I will provide an overview of the situation in the Chechen Republic since June 2000 on the basis of all relevant information at my disposal (see, in this connection, paragraph 1 of the 1994 Declaration). A list of sources of information used for this Part can be found in Appendix II to the present document.
38. To start with, the Russian Federation, upon admission to the Council of Europe in 1996, had committed itself to settle internal disputes by peaceful means. All Council of Europe actors share the view that a lasting political solution can only be based on genuine dialogue and the sovereignty and territorial integrity of the Russian Federation. However, no political solution can be envisaged unless violence is stopped, democratic institutions exist and function properly, human rights are respected, impunity is sanctioned and measures are taken to ensure reconstruction.

### **A. RESTORATION OF PEACE AND SECURITY**

39. In 2000, the Parliamentary Assembly was of the view that the introduction of a cease-fire should be given priority treatment. However, few efforts have been made by all sides to break the vicious circle of violence.
40. As reflected in my interim reports, Chechen illegal armed groups have regularly carried out attacks against members of the military, police and security forces, the prosecuting bodies and heads of local administration. At the same time, the Russian authorities have continued to make extensive use of military force for law-enforcement purposes, notably through aerial attacks, including bombings, large-scale security operations (so-called "mop-up" operations) in Chechen towns and villages or "targeted" security operations that often take the form of raids on Chechen residents' homes during the night. In addition, a number of actions have been carried out by paramilitary groups allegedly supporting the newly-established Chechen institutions. Repressive use of force by all sides of the conflict has had tragic repercussions upon the civilian population.
41. The Russian authorities are of the view that the setting-up of new civilian institutions will bring peace and help restore law and order in the Chechen Republic. This process was accelerated in the second half of 2002 with the finalisation of a draft Chechen Constitution and the holding of a referendum in 2003 (see below, II.B.). However, although new political institutions are being set up, violence has regrettably not stopped and has spread to the neighbouring republics and to Moscow.

## **B. DEMOCRATIC INSTITUTION-BUILDING**

42. As shown by the appointment of Mr Akhmad Kadyrov as Head of a provisional Chechen Administration in June 2000, the restoration of an effective civilian executive power in the Chechen Republic is considered a priority for the Russian authorities. In 2001, the Chechen Administration acquired a permanent status. Initial plans referred to the drafting of a new Chechen Constitution and a legal basis for the holding of elections. The Chechen democratic institution-building process was accelerated in 2002. The strategy followed by the authorities has consisted of drafting a new Chechen Constitution, holding a constitutional referendum, organising Chechen presidential elections and parliamentary elections, signing a power-sharing Treaty between the federal authorities and the newly-elected republican authorities and organising local elections. Particular emphasis has been placed on the holding of a referendum which may provide democratic solutions to situations of conflict. Additional measures have been taken in this context, such as the conclusion of an agreement for a social *entente* and the adoption of new amnesty regulations (see also Part I).
43. The Council of Europe has assisted the Russian authorities in their democratic institution-building. For instance, the Venice Commission provided an Opinion on the draft Chechen Constitution, in which it expressed the view that the latter was not sufficiently well-tailored to the specific needs of a conflict situation, but that it could be a first step in the process of devolution of powers to the Republic. The Parliamentary Assembly was of the view that the intention of the Chechen and Russian federal authorities to hold a constitutional referendum on 23 March 2003 was badly timed as the necessary conditions for such a referendum or any subsequent elections were unlikely to be met by that date and called upon the competent authorities to take steps to achieve such conditions (for more details, see Parliamentary Assembly's [Resolution 1315](#) (2003)).
44. However, the opinions expressed by the Parliamentary Assembly and the Venice Commission were not acted upon and the resultant referendum and elections did not dispel these misgivings. That said, the referendum was seen by the Chechen population as part of a process which could eventually restore peace and the rule of law.

## **C. RESPECT FOR HUMAN RIGHTS**

45. Both the Committee of Ministers and the Parliamentary Assembly agree that an improvement of the human rights situation in the Chechen Republic is the key to an equitable political solution based on national reconciliation.
46. As I have repeatedly underlined since 2000, no political cause can justify terrorism. From the very beginning, the Council of Europe recognised that the Russian authorities pursue a legitimate aim by trying to protect everyone against terrorism.
47. A Joint Council of Europe/Russian Expert Group has indicated that certain aspects of the Russian 1998 Law on the Suppression of Terrorism needed clarification, notably as concerns – on the one hand – the powers, limits and responsibilities of persons who conduct anti-terrorist action and – on the other hand – appropriate application of the law in conformity with the Russian Code of Criminal Procedure. The present legal framework (and application of the law) continues to give rise to very serious concern (see also 2002 [Guidelines](#) on Human Rights and the Fight against Terrorism).

48. Although the Russian authorities have explained that the means employed in their military and security operations in the Republic are proportionate to the situation, the Parliamentary Assembly, the Human Rights Commissioner and I have regularly received alarming information about disproportionate action causing unacceptable and unnecessary suffering to the Chechen population. The adoption of various regulations by the prosecuting bodies and the military command is most welcome (see Part I), but it has had too little impact on the human rights situation. Large-scale and ‘targeted’ security operations as well as measures taken at checkpoints have reportedly led to looting, illegal arrests, forced disappearances, and in some cases, extra-judicial executions. Representatives of the military and police forces have indicated that the situation in the Chechen Republic makes it very difficult to apply the principle of proportionality.
49. The Russian authorities deny the existence of torture on the territory of the Chechen Republic. However, during its various visits, the European Committee for the Prevention of Torture (CPT) received credible and consistent allegations of severe ill-treatment by the federal forces. Despite alarming information on this matter, the Russian authorities did not take the necessary measures. The Committee twice issued public statements (in [2001](#) and again in [2003](#)). The Russian authorities have regrettably not yet authorised publication of CPT reports.
50. Illegal arrests and the use of illegal places of detention provide conditions under which torture and inhuman or degrading treatment may be inflicted; a number of cases have been reported in this context. The Human Rights Commissioner issued a specific Recommendation “concerning certain rights that must be guaranteed during the arrest and detention of persons following ‘cleansing’ operations in the Chechen Republic of the Russian Federation” (doc. [CommDH/Rec\(2002\)1](#)).
51. Freedom of expression and information is another issue of concern. According to the information I have received, no truly independent journalism can yet be seriously carried out in the Chechen Republic (see, in this connection, the Committee of Ministers’ [Declaration](#) of 3 May 1996 on the protection of journalists in situations of conflict and tension).

#### **D. RESTORATION OF THE RULE OF LAW AND FIGHT AGAINST IMPUNITY**

52. The Committee of Ministers and the Parliamentary Assembly share the view that, if a meaningful political process is to develop in the Chechen Republic, human rights violations must stop and those responsible for past abuses must be brought to justice. However, more resolute and efficient action is needed against perpetrators of human rights violations.
53. The gradual re-establishment of institutions and bodies which are instrumental in restoring the rule of law in the Republic, such as Chechen courts, Chechen police and a Chechen Bar Association, has certainly contributed to some positive developments in this context.

54. Nevertheless, the prevailing climate of impunity in the Republic can be explained by a number of factors, such as the absence of a clear-cut division of responsibilities between various forces engaged in the fight against terrorism, of discipline within these forces and the non-observance of codes of conduct. Judges and prosecutors are doing their utmost to improve the presently unsatisfactory situation, but have encountered tremendous difficulties in terms of insecurity and human and logistical resources. Serious concern has been expressed about the independence of military judges and prosecutors. As indicated in my interim reports, representatives of the military prosecuting bodies cite insecurity, obstruction and pressure from military forces to hide crimes allegedly committed by the latter, and lack of professionalism as the principal obstacles encountered. Inappropriate protection of lawyers and witnesses add doubts as to the capacity of the Russian and Chechen authorities to restore the rule of law.

## **E. RECONSTRUCTION**

55. As highlighted by the Human Rights Commissioner, a political solution to the present situation would offer the population the prospect of a normal life. The situation is indeed bleak in the Chechen Republic. The vast majority of the population is unemployed and below the poverty line. Efforts have been made in the past to allocate sufficient funds for reconstruction in the Republic. However, concern has understandably been expressed as to whether, in the present situation, fair, proper and transparent use of such aid can be assured.

56. Measures have also been taken, subsequent to the 2003 referendum, to ensure that Chechen residents who had lost their property during anti-terrorist operations could receive appropriate compensation. Constant appeals have been made, in this connection, by the Parliamentary Assembly since 2000.

57. High priority is to be given to reconstruction of schools and to the improvement of teachers' qualifications. In the hope of an improved security and human rights situation, young people would certainly benefit from such improvements.

## **F. INTERNALLY DISPLACED PERSONS**

58. The non-return of Chechen IDPs to their place of residence has been closely linked to the difficult situation in the Chechen Republic, in particular the lack of security and adequate living conditions. Since 2000, fears have been expressed that IDPs within the Chechen Republic and in neighbouring republics would not be able to return freely to their place of residence. This situation has been exacerbated by the closure of tent camps, security operations within tent camps and subsequent human rights violations, administrative obstacles for registration, interruption of humanitarian assistance, etc. There were about 180,000 IDPs in Ingushetia in early 2001, 100,000 in early 2003 and 70,000 as of 15 November 2003. That said, the authorities regularly provide assurances that Chechen IDPs return to their place of residence on a voluntary basis.

### PART III: CONCLUDING OBSERVATIONS

59. The implementation of the agreement reached between the Russian Minister for Foreign Affairs and myself in 2000 (see paragraph 14) was carried out under difficult technical and security conditions. The Council of Europe would like to express its gratitude to the Russian security protection team for its highly professional round-the-clock protection. Nevertheless, their efforts could not prevent the incident of 21 April 2003 when a bomb exploded on in Grozny as the convoy of experts passed.
60. The Council of Europe was the first international organisation to establish a permanent presence in the Chechen Republic after the beginning of the crisis in September 1999. During the last three years, the Council of Europe experts have been instrumental in giving an impetus to the Special Representative's Office and gaining the trust of the local population, which was demonstrated by the 46,000 people who contacted the Office. Moreover, travelling throughout the Chechen Republic allowed the experts to progressively establish contact and confidence with the local population which helped develop a feeling amongst the people that the international community had not forgotten them. The experts also contributed to efforts made in the restoration of human rights, the rule of law and pluralist democracy. At the same time, my interim reports on their presence in the Chechen Republic (31 Interim Reports until December 2003) – made public through Internet – have been a unique and important source of information.
61. In a situation where work on human rights has been hard or even sometimes impossible to carry out, and where distrust *vis-à-vis* the authorities is still deeply rooted, the very establishment of a mediating body such as the Office is a very important achievement. Moreover, the presence in the Office of three Council of Europe experts represents a unique form of cooperation between an intergovernmental organisation and the Russian Federation.
62. The setting-up of a Joint Working Group between civilian and military authorities and the adoption of officially sanctioned codes of conduct for special operations are other achievements in the context of the Council of Europe presence in the Chechen Republic – even though the efficiency of these mechanisms must be improved.
63. According to the Russian authorities, the referendum in March 2003 and the presidential election in October 2003, as well as the ongoing establishment of a Chechen court system are encouraging signs of normalisation under way in the Chechen Republic. The civilian population also understood these developments as part of a process which could result ultimately in the restoration of peace and the rule of law. However, it is hard to talk about normalisation as long as the number of disappearances remains on the same – or even higher – level than in 2000. The persisting problem of disappearances was recently highlighted by both President Akhmad Kadyrov and Special Representative Abdul-Khakim Sultygov.
64. The ultimate success of the Office should be assessed in the light of follow-up given to complaints lodged with the Office. Much has yet to be achieved considering the relatively small number of investigations finalised with respect to charges of abduction and the relatively small number of people convicted of abuses in the Chechen Republic. These figures must be seen in the light of the large number of complaints registered by the Office.

65. It should also be noted that the access of international humanitarian organisations to the Chechen Republic is still very difficult. At present, both the Chechen population and the Russian Government are deprived of a substantial input of humanitarian aid.
66. Security conditions also constitute a serious obstacle for humanitarian organisations in their daily work in the neighbouring republics. For instance, Mr Arjan Erkel, Head of the *Médecins sans frontières* Mission in the Northern Caucasus, was abducted in Dagestan in August 2002 and is still held in captivity. The person who investigated this case was allegedly arrested in late 2003. In this context, the Russian authorities should be encouraged once again to take urgently all necessary measures to secure the release of Mr Erkel.
67. The character of the Office is dependent on the personal priorities of the Special Representative. The second Special Representative, Mr Abdul-Khakim Sultygov, has brought with him an approach to human rights stressing the importance of socio-economic reconstruction, inter-Chechen reconciliation and democratic consultations.
68. This is a positive development, provided that it does not occur at the expense of the original tasks of the Office. The filing and forwarding of human rights complaints should not be seen as intrinsically opposed to the need of socio-economic and political areas of normalisation. On the contrary, the efficient work of the Office with respect to its original tasks is crucial for the overall situation in the Chechen Republic. Only committed and efficient work with human rights complaints can bring sustainable legitimacy to the political and economic system currently being established in the Chechen Republic.
69. The monitoring of cases of human rights abuses should remain the core of the Council of Europe activities in the Chechen Republic and procedures for appropriate and effective follow-up have to be defined – if the confidence of the Chechen people and the credibility of the Organisation are to be preserved. In this context, it is encouraging to observe that the setting-up of the Office of an Ombudsman is enshrined in Article 83 of the newly adopted Chechen Constitution.
70. In order to ensure a more action-oriented dialogue with the Russian Federation, the Russian Foreign Minister and I concluded an agreement, by an exchange of letters on 25 and 30 December 2003, to proceed in 2004 to a new form of cooperation in the Chechen Republic. This agreement foresees Council of Europe experts' involvement with regard to received applications on alleged human rights violations. It further provides for the implementation of concrete programmes on an *ad hoc* basis in fields covering various aspects, such as consultative assistance to the Office of the Special Representative, electoral matters, local government, psychological and social rehabilitation, human rights, legislative expertise and education. The texts of this exchange of letters can be found in Appendix I.
71. This new agreement envisages the implementation of Parliamentary Assembly's specific recommendations, namely the need for the Council of Europe to furnish its expertise to assist the Russian authorities in their efforts to apply the Organisation's standards in the specific situation of the Chechen Republic. The Council of Europe will make every effort to ensure that the new agreement be implemented as effectively and as quickly as possible.

**APPENDIX I****Exchange of letters between the Minister of Foreign Affairs of the Russian Federation  
and the Secretary General of the Council of Europe**

Unofficial translation from Russian

**RUSSIAN FEDERATION**

**MINISTER OF FOREIGN AFFAIRS**

Moscow, " 23 " December 2003

Dear Mr. Secretary General,

In view of the expiration of the mandate, on 4 January 2004, of the Council of Europe expert staff providing consultative expertise to the Office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic, taking into account the recent political developments in the Chechen Republic and the results of the consultations of the Director General of Political Affairs of the Council of Europe Secretariat K.Schumann with the Special Representative A.-K.A.Sulygov, I confirm the readiness to proceed to a new form of cooperation in the Chechen Republic which foresees CoE experts involvement in the implementation of concrete programmes on an "ad hoc" basis.

We envisage to implement together in 2004 the activities which were agreed upon by Your representative K.Schumann and A.-K.A.Sulygov on 28 November 2003 during consultations held in Moscow (see Appendix). The exact dates and place of their implementation could be finalized at a working level. On the Russian side the coordination of the Programmes of Cooperation will be carried out by the Office of the Special Representative with the support of International Projects and Programmes Centre Addressing Regional Policy and Federal Relations.

**Mr. Walter SCHWIMMER**  
**Secretary General**  
**of the Council of Europe**  
**Strasbourg**

In order to ensure the security of the CoE "ad-hoc" experts participating in the implementation of concrete projects of cooperation the Russian authorities will take the necessary measures and provide the required protection for the duration of their stay in Chechnya and if need be, in adjacent areas on the same conditions as it was done before with regards to the CoE experts and as it was agreed upon by paragraph 10 of the letters exchanged between us on 30 March 2000 and 4 April 2000 respectively.

This agreement can be extended into the subsequent programmes of cooperation for the Chechen Republic by mutual consent.

Taking this opportunity I would like to express my sincere gratitude to the Council of Europe experts who rendered assistance to the work of the Office of the Special Representative in 2000-2003 for their selflessness and professionalism shown in a period which was not easy for the Chechen Republic.

Sincerely yours,

**I.IVANOV**



Unofficial translation from Russia

Appendix

**List of cooperation activities between the Russian Federation  
and Council of Europe in the Chechen Republic in 2004**

1. Provision upon agreement by the Special Representative of the President of the Russian Federation for Ensuring Human and Civil Rights and Freedoms in the Chechen Republic of appropriate consultative expertise to the Office of the Special Representative by the Council of Europe, i.a. with regard to the received applications on alleged human rights violations.
2. Training seminars in good practice in electoral matters in the perspective of the parliamentary elections to be held in the Chechen Republic in March 2004.
3. Development of local self-government in Chechnya – follow-up to the needs assessment mission in May 2003 and study visit to Mordovia in August 2003.
4. Psychological and social rehabilitation for women and orphans – follow-up to the seminar held in Nazran in May 2003.
5. Human rights training of staff of law enforcement agencies, local police and prison staff – follow-up to the needs assessment mission in April 2003.
6. Human rights training of students of the State University of Grozny and the State University of Nazran.
7. Setting up of a human rights library in the State University of Grozny.
8. Expertise on legislation of the Chechen Republic.
9. Assistance in developing a system of education, and in particular civic education.

***The Secretary General***

Strasbourg, 30 December 2003

Dear Minister,

Thank you for your letter dated 25 December 2003.

In view of the expiry of the mandate, on 4 January 2004, of the Council of Europe expert staff providing consultative expertise to the Office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic, and taking into account the recent political developments in the Chechen Republic and the results of the consultations of the Director General of Political Affairs of the Council of Europe Secretariat Mr K. Schumann with the Special Representative Mr A.-K.A.Sulygov, I confirm our readiness to proceed with a new form of cooperation in the Chechen Republic which foresees Council of Europe experts' involvement in the implementation of concrete programmes on an "ad hoc" basis.

We envisage to implement together in 2004 the activities which were agreed upon by Mr K. Schumann and Mr A.-K.A.Sulygov on 28 November 2003 during consultations held in Moscow. (see Appendix). This list of activities is not exhaustive and the Council of Europe will be ready to consider any other proposals or more specific requests. The exact dates and place of their implementation could be finalized at a working level.

I understand that on the Russian side the coordination of the Programmes of Cooperation will be carried out by the Office of the Special Representative with the support of International Projects and Programmes Centre Addressing Regional Policy and Federal Relations. The Directorate General of Political Affairs will be in charge of coordination and implementation of the Programme on behalf of the Council of Europe.

**Mr Igor Ivanov**  
**Minister for Foreign Affairs**  
**of the Russian Federation**  
**Moscow**

In order to ensure the security of the Council of Europe "ad-hoc" experts participating in the implementation of concrete projects of cooperation, the Russian authorities will take the necessary measures and provide the required protection for the duration of their stay in Chechnya and, if need be, in the adjacent areas under the same conditions as before with regards to the Council of Europe experts and as agreed upon in paragraph 10 of the letters exchanged between us on 30 March 2000 and 4 April 2000 respectively.

This agreement can be extended into the subsequent programmes of cooperation for the Chechen Republic by mutual consent.

**Yours sincerely,**

[signed]

**Walter SCHWIMMER**

**[Appendix]****List of cooperation activities between the Council of Europe and the Russian Federation in the Chechen Republic in 2004**

1. Provision upon agreement by the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic of appropriate consultative expertise to the Office of the Special Representative by the Council of Europe, i.a. with regard to the received applications on alleged human rights violations.
2. Training seminars in good practice in electoral matters in the perspective of the parliamentary elections to be held in the Chechen Republic in March 2004
3. Development of local self-government in Chechnya - follow-up to the Needs assessment mission in May 2003 and study visit to Mordovia in August 2003
4. Psychological and social rehabilitation for women and orphans - follow-up to the seminar held in Nazran in May 2003
5. Human rights training of staff of law enforcement agencies, local police and prison staff – follow-up to the Needs assessment mission in April 2003
6. Human rights training of students of the State University of Grozny and the State University of Nazran
7. Setting up of a human rights library in the State University of Grozny
8. Expertise on legislation of the Chechen Republic
9. Assistance in developing a system of education, and in particular civic education

## APPENDIX II

### Overview of the situation in the Chechen Republic (Part II): list of principal sources of information

The last sentence of para. 1 of the Committee of Ministers Declaration of 10 November 1994 on compliance with commitments accepted by member States of the Council of Europe reads: "*the Committee of Ministers will take account of all relevant information available from different sources such as the Parliamentary Assembly and the [O]SCE*".

As concerns Russian Federation's commitments, see Parliamentary Assembly's Opinion No. 193 (1996) of 25 January 1996 and Committee of Ministers' Resolution (96)2 of 8 February 1996 (see also doc. Monitor/Inf(99)1). As regards Council of Europe's calls for a political solution in the Chechen Republic, see in particular Committee of Ministers' Final Communiqués, 107<sup>th</sup> session, 108<sup>th</sup> session, Replies to the Parliamentary Assembly Recommendations, documents CM/AS(2000)Rec1456, 27/6/2000 and docs. CM/AS(2003)Rec1593 final, 2/6/2003; Parliamentary Assembly's Resolution 1221 (2000), 29/6/2000, Resolution 1227 (2000), 28/9/2000, Resolution 1240 (2001), 25/1/2001, Resolution 1270 (2002), 23/1/2002, Resolution 1315 (2003), 29/1/2003, Commissioner for Human Rights' Reports, doc. CommDH(2001)3, 14/3/2001 and doc. CommDH(2003)5, 4/3/2003.

See also Secretary General's Documents SG/Inf(2000)43 Addendum, 9/11/2000, SG/Inf(2001)22, 26/11/2001, SG/Inf(2001)24 Addendum, 17/7/2001, SG/Inf(2001)33 Addendum, 17/10/2001, SG/Inf(2001)37 Addendum, 19/11/2001, SG/Inf(2001)41 Addendum, 12/12/2001, SG/Inf(2002)9 Addendum, 5/4/2002, SG/Inf(2002)23 Addendum, 27/5/2002, SG/Inf(2002)47 Addendum, 19/11/2002.

#### A. Restoration of peace and security

Committee of Ministers' Replies to the Parliamentary Assembly Recommendations, doc. CM/AS(2000)Rec1456, 27/6/2000, doc. CM/Del/Dec(2001)756, Parliamentary Assembly's doc. 9126, 21/6/2001, doc. 9413, 19/4/2002 and doc. CM/AS(2003)Rec1600 final, 2/6/2003, Chairman of the Committee of Ministers, Report following his visit to the Russian Federation, doc. CM/Inf(2002)7, 15/2/2002, Chairman of the Committee of Ministers, Report following his visit to the Russian Federation, doc. CM/Inf(2002)7, 15/2/2002, Parliamentary Assembly's Resolution 1221 (2000), 29/6/2000, Resolution 1227 (2000), 28/9/2000, Resolution 1240 (2001), 25/1/2001, Resolution 1270 (2002), 23/1/2002, Resolution 1315 (2003), 29/1/2003, doc. 9732, 13/3/2003, and Addendum, 31/3/2003, Commissioner for Human Rights' Reports, doc. CommDH(2001)3, 14/3/2001 and doc. CommDH(2003)5, 4/3/2003.

Secretary General's Documents SG/Inf(2000)27 rev., 5/9/2000, SG/Inf(2001)16 Addendum, 15/5/2001, SG/Inf(2001)22, 26/11/2001, SG/Inf(2001)33, 17/10/2001, SG/Inf(2001)37, 19/11/2001, SG/Inf(2001)41, 12/12/2001, SG/Inf(2002)9, 13/3/2002, SG/Inf(2002)23, 17/5/2002, SG/Inf(2002)39 Addendum, 22/10/2002, SG/Inf(2003)7 and Addendum, 4/3/2003, SG/Inf(2003)23 Addendum, 19/5/2003, SG/Inf(2003)24, 20/6/2003, SG/Inf(2003)31, 17/9/2003, SG/Inf(2003)37, 20/10/2003, SG/Inf(2003)41, 28/11/2003, press release, 26/3/2003.

#### B. Democratic institution-building

Committee of Ministers' Declaration on the referendum held in the Chechen Republic on 23 March 2003, 26/3/2003, replies to Parliamentary Assembly's recommendations, doc. CM/AS(2000)Rec1456, 27/6/2000, Parliamentary Assembly's Resolution 1221 (2000), 29/6/2000, Resolution 1227 (2000), 28/9/2000, Resolution 1240 (2001), 25/1/2001, Resolution 1270 (2002), 23/1/2002, Resolution 1315 (2003), 29/1/2003, Progress Reports on the activities of the Parliamentary Assembly/Russian State Duma Joint Working Group on Chechnya, doc. 9227, 24/9/2001, doc. 9415 Addendum rev., 22/4/2002, Venice Commission's Opinion on the draft Constitution of the Chechen Republic, doc. CDL-AD(2003)2, and Comments on the draft law of the Chechen Republic on elections to the Parliament of the Chechen Republic, doc. CDL(2003)2 fin., 2/4/2003, Commissioner for Human Rights' Reports, doc. CommDH(2001)3, 14/3/2001 and doc. CommDH(2003)5, 4/3/2003.

Secretary General's Documents SG/Inf(2000)51 Addendum III, 24 January 2001, SG/Inf(2001)3 Addendum, 15/2/2001, SG/Inf(2001)22, 26/6/2001, SG/Inf(2001)41 Addendum, 12/12/2001, SG/Inf(2001)41 Addendum III, 17/1/2002, SG/Inf(2002)9 (especially Appendix II: Speech by the President of the Russian Federation), 13/3/2002, SG/Inf(2002)9 Addendum, 5/4/2002, SG/Inf(2002)33 and Addendum, 17/9/2002, SG/Inf(2002)39, 22/10/2002, SG/Inf(2002)47, 17/11/2002, SG/Inf(2002)51 and Addendum, 9/12/2002, SG/Inf(2003)2 and Addendum, 24/1/2003, SG/Inf(2003)7 and Addendum, 4/3/2003, SG/Inf(2003)23, 14/5/2003, and Addendum, 19/5/2003, SG/Inf(2003)31, 17/9/2003, SG/Inf(2003)37, 20/10/2003, press release, 26/3/2003.

See also International Helsinki Federation (IHF), 18/7/2003 and Appeal to the Committee of Ministers, 27/10/2003.

#### D. Respect for human rights

Committee of Ministers' Replies to the Parliamentary Assembly Recommendations, doc. [CM/AS\(2000\)Rec1456](#), 27/6/2000, doc. [CM/Del/Dec\(2001\)756](#), Parliamentary Assembly's doc. 9126, 21/6/2001, doc. 9413, 19/4/2002, doc. [CM/AS\(2000\)Rec1498/1499final](#), 9/12/2002, doc. [CM/AS\(2003\)Rec1593 final](#), 2/6/2003 and doc. [CM/AS\(2003\)Rec1600 final](#), 2/6/2003, Parliamentary Assembly's Resolution 1221 (2000), 29/6/2000, Resolution 1227 (2000), 28/9/2000, Resolution 1240 (2001), 25/1/2001, Resolution 1270 (2002), 23/1/2002, Resolution 1315 (2003), 29/1/2003, Resolution 1323 (2003), 2/4/2003, European Court of Human Rights, Khashiyev and Akayeva v. Russia, 19/12/2002, Isayeva, Yusupova and Bazayeva v. Russia, 19/12/2002, Isayeva v. Russia, 19/12/2002, Shamayev and 12 others v. Georgia and Russia, 16/9/2003, Committee for the Prevention of Torture's preliminary observations, 03/04/2000, first public statement with respect to the Russian Federation, 10/7/2001, second public statement with respect to the Russian Federation, 10/7/2003, Commissioner for Human Rights' Reports, doc. [CommDH\(2001\)3](#), 14/3/2001, doc. [CommDH\(2003\)5](#), 4/3/2003, Recommendation, doc. [CommDH/Rec\(2002\)1](#), 30/5/2002.

Secretary General's Documents SG/Inf(2000)27 rev., 5/9/2000, [SG/Inf\(2000\)43 Addendum](#), 9/11/2000, [SG/Inf\(2000\)51 Addendum](#), 11/12/2000, [Addendum II](#), 16/1/2001, [SG/Inf\(2001\)3 Addendum](#), 15/2/2001, [SG/Inf\(2001\)12 and Addendum](#), 17/4/2001, [SG/Inf\(2001\)16 Addendum](#), 15/5/2001, [SG/Inf\(2001\)20 Addendum](#), 19/6/2001, [SG/Inf\(2001\)22](#), 26/6/2001, [SG/Inf\(2001\)24 Addendum](#), 17/7/2001, [SG/Inf\(2001\)29 Addendum](#), 19/9/2001, [SG/Inf\(2001\)33 Addendum](#), 17/10/2001, [SG/Inf\(2001\)37 Addendum](#), 19/11/2001, [SG/Inf\(2001\)41 Addendum](#), 12/12/2003, [SG/Inf\(2001\)41 Addendum III](#), 17/1/2002, [SG/Inf\(2002\)2](#), 21/1/2002, [SG/Inf\(2002\)2 Addendum](#), 20/2/2002, [SG/Inf\(2002\)9 Addendum](#), 5/4/2002, [SG/Inf\(2002\)23 Addendum](#), 27/5/2002, [SG/Inf\(2002\)39](#), 22/10/2002, [SG/Inf\(2002\)47 and Addendum](#), 19/11/2002, [SG/Inf\(2002\)51 and Addendum](#), 9/12/2002, [SG/Inf\(2003\)2 and Addendum](#), 24/1/2003, [SG/Inf\(2003\)7 Addendum](#), 4/3/2003, [SG/Inf\(2003\)23](#), 14/5/2003, [SG/Inf\(2003\)23 Addendum](#), 19/5/2003, [SG/Inf\(2003\)24](#), 20/6/2003, [SG/Inf\(2003\)41](#), 28/11/2003.

#### E. Restoration of the rule of law and fight against impunity

Committee of Ministers' Replies to the Parliamentary Assembly Recommendations, documents [CM/AS\(2000\)Rec1456](#), 27/6/2000, Parliamentary Assembly's doc. 9126, 21/6/2001, doc. 9413, 19/4/2002, doc. [CM/AS\(2003\)Rec1593 final](#), 2/6/2003 and doc. [CM/AS\(2003\)Rec1600 final](#), 2/6/2003, Chairman's Report following his visit to the Russian Federation, doc. [CM/Inf\(2002\)7](#), 15/2/2002, Parliamentary Assembly's Resolution 1221 (2000), 29/6/2000, Resolution 1227 (2000), 28/9/2000, Resolution 1240 (2001), 25/1/2001, Resolution 1270 (2002), 23/1/2002, Resolution 1315 (2003), 29/1/2003, Resolution 1323 (2003), 2/4/2003, European Court of Human Rights, Khashiyev and Akayeva v. Russia, 19/12/2002, Isayeva, Yusupova and Bazayeva v. Russia, 19/12/2002, Isayeva v. Russia, 19/12/2002, Shamayev and 12 others v. Georgia and Russia, 16/9/2003, Committee for the Prevention of Torture's preliminary observations, 03/04/2000, first public statement with respect to the Russian Federation, 10/7/2001, second public statement with respect to the Russian Federation, 10/7/2003, Commissioner for Human Rights' Reports, doc. [CommDH\(2001\)3](#), 14/3/2001 and doc. [CommDH\(2003\)5](#), 4/3/2003, Recommendation, doc. [CommDH/Rec\(2002\)1](#), 30/5/2002.

Secretary General's Documents SG/Inf(2000)27 rev., 5/9/2000, [SG/Inf\(2000\)43](#), 8/11/2000, [SG/Inf\(2000\)43 Addendum](#), 9/11/2000, [SG/Inf\(2000\)51 and Addendum](#), 11/12/2000, [Addendum II](#), 16/1/2001, [SG/Inf\(2001\)3](#), 15/2/2001, [SG/Inf\(2001\)8](#), 13/3/2001, [SG/Inf\(2001\)12](#), 17/4/2001, [SG/Inf\(2001\)16](#), 15/5/2001, [SG/Inf\(2001\)16 Addendum](#), 15/5/2001, [SG/Inf\(2001\)20](#), 15/6/2001, [SG/Inf\(2001\)20 Addendum](#), 19/6/2001, [SG/Inf\(2001\)22](#), 26/6/2001, [SG/Inf\(2001\)24](#), 15/7/2001, [SG/Inf\(2001\)24 Addendum](#), 17/7/2001, [SG/Inf\(2001\)29 and Addendum](#), 19/9/2001, [SG/Inf\(2001\)33 Addendum](#), 17/10/2001, [SG/Inf\(2001\)37](#), 19/11/2001, [SG/Inf\(2001\)41 Addendum](#), 12/12/2001, [SG/Inf\(2001\)41 Addendum III](#), 17/1/2002, [SG/Inf\(2002\)2](#), 21/1/2002, [SG/Inf\(2002\)2 Addendum](#), 20/2/2002, [SG/Inf\(2002\)33](#), 17/9/2002, [SG/Inf\(2002\)39](#), 22/10/2002, [SG/Inf\(2002\)47 and Addendum](#), 17/11/2002, [SG/Inf\(2002\)51](#), 9/12/2002, [SG/Inf\(2003\)2](#), 24/1/2003, [SG/Inf\(2003\)7 and Addendum](#), 4/3/2003, [SG/Inf\(2003\)23](#), 15/5/2003, [SG/Inf\(2003\)23 Addendum](#), 19/5/2003, [SG/Inf\(2003\)24](#), 20/6/2003, [SG/Inf\(2003\)31](#), 17/9/2003, [SG/Inf\(2003\)41](#), 28/11/2003.

#### F. Reconstruction

Committee of Ministers' Replies to the Parliamentary Assembly's Recommendations, doc. [CM/AS\(2000\)Rec1456](#), 27/6/2000, doc. [CM/Del/Dec\(2001\)756](#), Chairman's Report following his visit to the Russian Federation, doc. [CM/Inf\(2002\)7](#), 15/2/2002, Parliamentary Assembly's Resolution 1221 (2000), 29/6/2000, Resolution 1240 (2001), 25/1/2001, Recommendation 1499 (2001), 25/1/2001, Resolution 1270 (2002), 23/1/2002, Commissioner for Human Rights' Reports, doc. [CommDH\(2001\)3](#), 14/3/2001 and doc. [CommDH\(2003\)5](#), 4/3/2003.

Secretary General's Documents SG/Inf(2000)43 Addendum II, 7/12/2000, SG/Inf(2000)51 and Addendum, 11/12/2000, SG/Inf(2001)3, 15/2/2001, SG/Inf(2001)12, 17/4/2001, SG/Inf(2001)22, 26/6/2001, SG/Inf(2001)24, 15/7/2001, SG/Inf(2001)29, 19/9/2001, SG/Inf(2001)41, 12/12/2001, SG/Inf(2002)9, 13/3/2002, SG/Inf(2002)47, 17/11/2002, SG/Inf(2003)7 Addendum, 4/3/2003, SG/Inf(2003)24, 20/6/2003, SG/Inf(2003)41, 28/11/2003.

### G. Internally displaced persons

Committee of Ministers' Replies to the Parliamentary Assembly's Recommendations, doc. [CM/AS\(2000\)Rec1456](#), 27/6/2000, doc. [CM/Del/Dec\(2001\)756](#), Chairman's Report following his visit to the Russian Federation, doc. [CM/Inf\(2002\)7](#), 15/2/2002, Parliamentary Assembly's Resolution 1221 (2000), 29/6/2000, [Resolution 1240 \(2001\)](#), 25/1/2001, [Recommendation 1499 \(2001\)](#), 25/1/2001, [Resolution 1270 \(2002\)](#), 23/1/2002, Commissioner for Human Rights' Reports, doc. [CommDH\(2001\)3](#), 14/3/2001 and doc. [CommDH\(2003\)5](#), 4/3/2003.

Secretary General's Documents SG/Inf(2000)34, 10/10/2000, SG/Inf(2000)43, 8/11/2000, SG/Inf(2000)43 Addendum, 9/11/2000, SG/Inf(2000)51, 11/12/2000, SG/Inf(2001)3 and Addendum, 15/2/2001, SG/Inf(2001)8 Addendum, 13/3/2001, SG/Inf(2001)12 and Addendum, 17/4/2001, SG/Inf(2001)16 and Addendum, 15/5/2001, SG/Inf(2001)20, 15/6/2001, SG/Inf(2001)20, 19/6/2001, SG/Inf(2001)22, 26/6/2001, SG/Inf(2001)24 Addendum, 17/7/2001, SG/Inf(2001)29 and Addendum, 19/9/2001, SG/Inf(2001)33 Addendum, 17/10/2001, SG/Inf(2001)37 and Addendum, 19/11/2001, SG/Inf(2001)41 and Addendum, 12/12/2001, SG/Inf(2001)41 Addendum III, 17/1/2001, SG/Inf(2002)2 and Addendum, 20/2/2002 and 21/2/2002, SG/Inf(2002)9, 13/3/2002, SG/Inf(2002)9 Addendum, 5/4/2002, SG/Inf(2002)23, 17/5/2002, SG/Inf(2002)23 Addendum, 27/5/2002, SG/Inf(2002)33 and Addendum, 17/9/2002, SG/Inf(2002)39 and Addendum, 22/10/2002, SG/Inf(2002)47 and Addendum, 17/11/2002, SG/Inf(2002)51 Addendum, 9/12/2002, SG/Inf(2003)2 and Addendum, 24/1/2003, SG/Inf(2003)7 Addendum, 4/3/2003, SG/Inf(2003)23 and Addendum, 19/5/2003, SG/Inf(2003)31, 17/9/2003, SG/Inf(2003)41, 28/11/2003.

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\*

As concerns the fate of Mr Arkan Erkel (see para. 66), see MSF's website, [Arjan Erkel: August 12, 2002 – December 25, 2003 – 500 days in captivity – still missing](#) and [Novaya Gazeta](#), 22/12/2003.

**APPENDIX III****COUNCIL OF EUROPE  
COMMITTEE OF MINISTERS****DECLARATION****ON COMPLIANCE WITH COMMITMENTS  
ACCEPTED BY MEMBER STATES OF THE COUNCIL OF EUROPE**

*(Adopted by the Committee of Ministers on 10 November 1994  
at its 95th Session)*

The Committee of Ministers,

Bearing in mind:

- the vocation of the Council of Europe to promote the reinforcement of democratic security in Europe, as stressed by the Vienna Summit (October 1993), where heads of state and government also resolved to ensure full compliance with the commitments accepted by all member states within the Council of Europe;
- the commitments to democracy, human rights and the rule of law accepted by the member states under the Council's Statute, the European Convention on Human Rights and other legal instruments;
- the importance of the strict compliance with these commitments by every member State;
- the statutory responsibility incumbent upon itself for ensuring full respect of these commitments in all member states, without prejudice to other existing procedures, including the activities of the Parliamentary Assembly and conventional control bodies;
- the need to facilitate the fulfilment of these commitments, through political follow-up, carried out constructively, on the basis of dialogue, co-operation and mutual assistance,

Decides as follows :

1. The Committee of Ministers will consider the questions of implementation of commitments concerning the situation of democracy, human rights and the rule of law in any member State which will be referred to it either:
    - by member states,
    - by the Secretary General, or
    - on the basis of a recommendation from the Parliamentary Assembly.
- When considering such issues the Committee of Ministers will take account of all relevant information available from different sources such as the Parliamentary Assembly and the CSCE.
2. The Secretary General will forward to the Committee of Ministers to this end information deriving from contacts and co-operation with member states that are liable to call for the attention of the Committee of Ministers.
  3. The Committee of Ministers will consider in a constructive manner matters brought to its attention, encouraging member states, through dialogue and co-operation, to take all appropriate steps to conform with the principles of the Statute in the cases under discussion.
  4. The Committee of Ministers, in cases requiring specific action, may decide to:
    - request the Secretary General to make contacts, collect information or furnish advice;
    - issue an opinion or recommendation;
    - forward a communication to the Parliamentary Assembly;
    - take any other decision within its statutory powers.
  5. The Committee of Ministers will continue to seek greater efficacy in its procedures with a view to ensuring compliance with commitments, in the framework of a constructive dialogue.