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MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Charles Tannock, Bogdan Klich and Ari Vatanen

on behalf of the PPE-DE Group

on the situation in Chechnya after the elections and civil society in Russia

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

The European Parliament,

- having regard to the Partnership and Cooperation Agreement 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 in May 2005,
 - having regard to its resolution of 26 May 2005 on EU-Russia relations,
 - having regard to its resolution of 15 December 2005 on human rights in Russia,
 - having regard to the European Convention on Human Rights and its five Protocols,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the UK Presidency of the European Union '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 Helsinki Federation, 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 rule of law into question',
- D. whereas thousands of Russian soldiers who are not local residents participated in the vote,
- 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 the 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 human rights organisations, 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, tortures and arbitrary killings in Chechnya in the past two years are attributed to the so-called 'Kadyrovtsy', the Chechen security force that is effectively under the command of Ramzan Kadyrov, the First Deputy Prime Minister of Chechnya,
- 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, threatening the rule of law throughout the Russian Federation,
- I. whereas on 28 December 2005 Alexander Torshin, the head of the Russian parliamentary commission investigating the previous year's Beslan school siege, said that 'the counter-terrorist operation was plagued by shortcomings' and accused police and security officials in North Ossetia and the neighbouring region of Ingushetia of 'negligence and carelessness' that allowed the attackers, who were demanding that Russian troops withdraw from nearby Chechnya, to take hostages, while Deputy Prosecutor General Nikolai Shepel, who is leading the prosecutor's investigation, said on 27 December 2005 that his probe had not so far discovered any mistakes by security forces in dealing with the siege,
- J. 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 his mother Zura Alikhajiyeu, whose requests for information have gone unanswered by the Russian authorities, has asked the court to acknowledge violations of several articles of the European Convention on Human Rights, including the right to life, the prohibition of torture, the right to freedom and personal inviolability and the right to effective means of legal assistance; whereas an investigation instigated by the Chechen prosecutor's office has yielded no results; whereas the Russian Government did not keep a promise to supply Dennis Hastert, Speaker of the US House of Representatives, with full information concerning the case and declined to pass the criminal case materials to the European Court of Human Rights,
- K. whereas on 13 December 2005 the Commission allocated EUR six million 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 26.3 million, making this programme the EU's fifth biggest humanitarian operation worldwide and the EU the largest donor in the region,
- L. whereas on 23 and 27 December 2005 the slightly revised bill restricting the activities of non-governmental organisations in Russia was approved by both chambers of parliament and it now only needs the signature of President Putin to become law,
- 1. 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

these violations are still occurring on a large scale on both sides of the conflict and in a climate of almost complete impunity;

2. 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, as a lack of effective action by the Council and Commission will seriously threaten the credibility of the European Union as a whole;
3. 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 these rights are brought to account without further delay and regardless of their position or nationality;
4. Urges the Council and Commission to request in particular the setting-up within the Russian State Duma of a committee of inquiry to investigate the failure of law enforcement agencies in the Chechen Republic to hold responsible 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 were suspended, transferred or dismissed;
5. Urges the Commission to investigate whether the humanitarian aid provided by the Commission for the Northern Caucasus region has in fact reached the people in need and to assess the efficiency of this aid;
6. 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;
7. Calls in this context on the Russian authorities to reopen the investigations into and criminal cases against General Vladimir Shamanov and General Yakov Nebitko, 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;
8. Calls on the EU Member States to promote in conformity with international law and on the basis of existing precedents 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;
9. Calls on the Russian authorities to create a training system on European human rights standards for members of the legal profession and law-enforcement agencies;
10. Calls on the Russian authorities to revise the 1998 law on terrorism in order to achieve compliance with Council of Europe standards, particularly in respect of the powers and responsibilities of persons who conduct counter-terrorist measures;

11. 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;
12. Underlines 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;
13. Welcomes therefore the changes made by the State Duma to the draft law on the legal status of non-governmental organisations, which are a step in the right direction, but stresses that the draft law is still problematic and that, before signing it, President Putin should ensure that it is fully in line with the recommendations made by the Council of Europe and clearly designed to prevent harassment of NGO activists in Russia;
14. Instructs its President to forward this resolution to the Commission, the Council, the Parliaments and Governments of the Member States, the Government and Parliament of the Russian Federation and the Council of Europe.