

Report on the fact-finding mission to the Chechen republic (26-28 November 2005) - CG/BUR (12) 99

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Joint mission by the Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities

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1. Introduction

1. From 26 to 28 November 2005, on the occasion of the parliamentary elections on 27 November, a joint delegation of the Parliamentary Assembly¹ of the Council of Europe and the Congress of Local and Regional Authorities made an official journey to the Chechen Republic at the invitation of the President of the Republic, Mr Alu ALKHANOV.

2. The composition of the delegation is shown in Appendix II.

3. The delegation was made up of Mr Rudolf BINDIG, Rapporteur, Committee on Legal Affairs and Human Rights of the Parliamentary Assembly, Mr Andreas GROSS, Chairperson of the Ad hoc Sub-Committee on the Organisation of a Round Table on the Political Situation in the Chechen Republic, Mr Tadeusz IWINSKI, Vice-President of the Parliamentary Assembly and former Rapporteur on the humanitarian situation, Mr Morten MESSERSCHMIDT, a Danish parliamentarian, Mr Marko MIKHELSON, an Estonian parliamentarian, Mr Pascal MANGIN, Deputy Mayor of Strasbourg, Mr GUEGAN, Mayor of Chapelle-Caro, and Mr Petru RADU PAUN JURA, Mayor of Simerias (Romania). The delegation was accompanied by Mr Bas KLEIN, Deputy Director, Inter-Parliamentary Co-operation Secretariat, Parliamentary Assembly, Mr Martin ZEMAN, Political Affairs Department, and Ms Juliette REMY-SARTIN, Consultant, for the Congress.

4. The joint Parliamentary Assembly and Congress delegation would like to thank the Duma of the Russian Federation for preparing the practical and logistical aspects, and also expresses its gratitude to the Commander of the Russian Federal Forces HQ where the delegation was accommodated during its mission. The programme for the visit to the Chechen Republic was drawn up and subsequently revised on the spot. The delegation was accompanied by representatives of the Duma of the Russian Federation, including Mr Leonid SLUTSKY. On 27 November 2005 the delegation visited two municipalities, Tsenteroi and Achkhoy Martan, a visit which took place in four polling stations. It should be noted that the delegation met with the President of the Chechen Republic, Mr Alu ALKHANOV, on several occasions, on 26, 27 and 28 November 2005, in the company of members of his Government, but was unable to speak separately with representatives of any of the political parties or of civil society. Only one meeting was held with representatives of civil society and members of some political parties on 26 November 2005.

The Council of Europe delegation held a press conference on 27 November at the end of the day's polling.

5. During the interviews, the President of the Chechen Republic mentioned a number of points which we feel it is important to include in this report. We have also reproduced excerpts from the press conference given by the Council of Europe delegation. During this official visit we were able to collect recent data on the political context and the human rights situation in the Chechen Republic. These data are also included in the report, which is designed as an information document on the current situation in the Chechen Republic. We conclude with a number of recommendations on future co-operation between the Congress and the Chechen Republic.

2. Context – situation (political and human rights situation in the Chechen Republic)

6. The Parliamentary Assembly examined the last two reports on the political and human rights situation in the Chechen Republic in September 2004 (Document 10283 of 20 September 2004 and Document 10276 of 17 September 2004). After examining the two reports, the Parliamentary Assembly reiterated its intention to continue to monitor the issue, and proposed organising a Round Table geared to organising an exchange of views between the political representatives of the Chechen Republic and the Russian Federal Authorities. The first encounter took place in Strasbourg in 2004. A second Round Table is scheduled for 2006.

7. As both Parliamentary Assembly reports point out, lasting peace in Chechnya is only possible with the support of all the major political forces. The problem is to create the necessary conditions for a climate conducive to a political settlement. There have been insufficient improvements in the human rights situation. Fresh allegations of serious violations of human rights continue to emerge each month, and the authorities seem unable to conduct convincing investigations. A climate of total impunity prevails in the Chechen Republic.

8. The two political and human rights Rapporteurs consider that until this situation changes there is no alternative but to continue denouncing the violations. Human rights protection is one of the Council of Europe's priority objectives, and in the light of the number of disappearances, abductions and non-judicial executions that have occurred, the Rapporteurs would point out that it is up to the Council of Europe to advocate independent and impartial inquiries into these incidents and to urge the authorities to bring suspected perpetrators of human rights violations before independent courts. The human rights situation in the Chechen Republic is a major curb on the establishment of a law-based State.

9. The process of restoring the foundations of democratic life in the Chechen Republic was initiated with the constitutional referendum in October 2003 and August 2004 and the parliamentary elections in November 2005.

10. The constitutional referendum in 2003 saw a whole series of human rights violations, physical assaults and cases of intimidation, as well as manipulation of lists and of vote-counting procedures.

3. 2005 parliamentary elections

Situation after the electoral campaign for the 2005 parliamentary elections

11. The campaign began on 29 October last. The Russian and Chechen observers, representatives of civil society who had monitored the electoral campaign, noted that it had gone off satisfactorily, with facilities for posters, TV airtime and opportunities to purchase advertising space, for those political parties that could afford to do so. The candidates refrained from criticising the various parties' programmes. Very few irregularities in terms of manipulation or favouritism were noted. The observers stress that in this respect the parliamentary elections were different from previous campaigns, which saw numerous irregularities, physical attacks, and many instances of intimidation and manipulation.

12. Nevertheless, the civil society representatives spoke of alleged prior negotiations between the political parties and the government in power on the apportionment of seats among parties. The democratic parties standing assert that a prior agreement was reached to give the illusion of a pluralist parliament, whereas in fact the majority of seats would go the Unified Russia party.

13. The civil society representatives noted that none of the political parties' programmes mentioned the issues of security or the ongoing conflict. The party programmes dealt exclusively with social, educational and environmental issues.

14. The political forces represented do not include any parties opposing the current regime, that is to say the political wings of the rebel forces, because they advocate "separatism" for the Chechen Republic.

15. The government in power engaged in some displays of force during the campaign, intended to impress or even intimidate the population and show who is in control and wields the real power. It should be noted that one event that sparked widespread festivities throughout the country during the election campaign was the birth of a son to the Deputy Prime Minister.

16. According to official statistics, 426 municipalities and 22 districts were to vote, with 596 961 voters registered in the Chechen Republic, including 34 000 Russian military personnel. A total of 353 candidates, including 27 women, were registered for eight different political parties (the Unified Russia Party, Yabloko, the Communist Party, the Eurasian Alliance Party, the Union of Rightwing Forces, the Russian Democratic Liberal Party and Rodina). 263 candidates in all stood for election to the People's Assembly, 106 of them on party lists and 90 for the Council of the Republic. Of these candidates 58 deputies were elected, 20 from party lists and 38 from single-candidate lists. The Central Election Committee predicted a turnout of 60 to 70% of the electorate.

4. The Council of Europe delegation's meetings

4.1 Political talks with the Parliamentary Assembly and Congress delegation on 26 November 2005

17. On the afternoon of Saturday 26 November, the date of their arrival, our delegation held extended talks with the Chechen President, Alu ALKHANOV, in the presence of his whole government, the Military Prosecutor, the President of the Central Election Committee and the press. The President pointed out that the Chechen Republic was heading towards peace even though the elections, which had been eagerly anticipated by the population, were far from being "European-style elections". The President warmly thanked the Council of Europe delegation for its presence.

18. Mr Andreas GROSS introduced the delegation and observed that on election day the Council of Europe would not be acting as an observer but endeavouring to secure information and assess the situation. Mr GROSS argued that the quality of the elections depended on the quality of the procedures implemented in the weeks preceding to the elections. He accordingly asked the President about the number of public election meetings and rallies that had been held.

19. The President paid tribute to the good conduct of the parties. He said that he was closely monitoring the preparations for the elections and following all the debates and discussions. He added that all the political parties had organised encounters with the general public, the media and civil society, and that the campaign had gone off very smoothly. With reference to one particular opinion poll, he had noted that in reply to the question "what should be the Chechen Republic's foremost concern?", 57% of voters interviewed had said "job creation", 48% had prioritised the reconstruction of the economy, and 25% had said "security". Conversely, during the referendum in 2003 60% of those interviewed had mentioned security.

20. Mr Tadeusz IWINSKI asked the President about the actual participation of opposition political forces, particularly the supporters of Mr DOUDAIEV and Mr MASLADOV. President ALKHANOV replied that the fact of a former rebel such as Mr KHAMBIYEV, with the Union of Rightwing Forces, taking part in the elections clearly demonstrated the authorities' willingness to dialogue.

21. Mr Pascal MANGIN, Deputy Mayor of Strasbourg, mentioned the need to elect mayors in order to ensure that democracy would really take root in the Chechen Republic, and listed the necessary measures to promote the restoration of a genuine civil society, the right of association and the right of assembly.

22. President ALKHANOV stated that the parliamentary elections were only the beginning of a democratic process which would eventually also embrace local elections. The President asserted his intention to hold municipal elections in eighteen months time.

4.2 Talks with representatives of civil society, human rights NGOs and political parties

23. It should be remembered that Russian NGOs have the utmost difficulty working in Chechnya. The information documents depicting the current situation in the Chechen Republic which the Demos Centre for Human Rights Information and Research, the Chechen NGO Information and Advice Centre and the Memorial Centre on Human Rights submitted to our delegation had already been presented to the European Parliament's Sub-Committee on Human Rights in October 2005. The number of missing persons had fallen in 2005 as compared with 2004, and most of these kidnappings were ascribable to various armed formations, independent militias working for Rasman KHADYROV, the Deputy Prime Minister. With many persons still going missing, this phenomenon generates such fear that people are no longer prepared to denounce these acts and prefer to remain silent. Families scrape together the money to pay the ransoms rather than filing a police report, which would in any case never be investigated. Our delegation noted this fact during its interviews with local people on 27 November 2005. The population are terrified of these "Khadyrovsky", and various individuals informed us in detail of the kidnapping operations conducted by these armed groups.

24. On Saturday 26 November 2005 our delegation held an hour of talks with an NGO collective and representatives of various political parties (Peace and Human Rights, Freedom of the Soul, Strategika, the Union of Chechen Women, Yabloko and the SPD). The NGOs played an active role in the campaign, monitoring propaganda, etc. Mr IWINSKI, representing the delegation, invited the NGO representatives to detail the progress made over the past year. The Yabloko party representative said that the Chechen President was doing his utmost to change Russian attitudes to the Chechens. He quoted the example of the "friendship train" that was travelling around Russia in order to promote a positive image of the Chechens. The Yabloko representative stressed that all the requisite conditions had been fulfilled for holding the elections. All the candidates had been given free access to address the general public. The resultant parliament would be in a position to supervise the acts and decisions of the executive. This was a major advance for the Chechen people. According to the representative of the "Strategika" NGO, an independent polling institution, 21% of voters polled had stated that they would be turning out for the elections, and 8% considered that the elections would be honest while the other 92% thought they would be unfair. One party, the Republic Party, was barred from the elections because of forged signatures on their list. The Republic Party candidates stood on single-candidate lists.

25. Pascal MANGIN, Deputy Mayor of Strasbourg, urged the NGOs and parties present to be more open in their comments during the exchange. "It is in no one's interests, particularly not those of NGOs and political parties, to claim that everything is perfect in this election, because in any case no one would ever believe that". Our delegation went on to put a series of questions to the participants: what security problems have emerged? What is the percentage female turnout at elections? What are the voters' main concerns? What problems do they spotlight? Do the parties mention the human rights situation? Is it possible to discuss the issue of missing persons? Is there any substance in the rumours of prior consultations between the political parties and R. KHADIROV geared to assigning seats to specific parties? Has there been any contact between your associations and organisations close to the rebels?

26. In reply to these questions, the participants pointed out that all citizens had been free to participate in the encounters, and that although female participation in elections was still too low (7%), in the subsequent elections more women would turn out. All the parties had been able to put their views across. While the Republican Party had been unable to stand as a party, some of its members had stood in 12 constituencies on single-candidate lists. All the political parties' programmes addressed the matters of public health, education and employment. Peace and stability had not been adopted as campaign themes. The Communist Party had dismissed the theory of a prior agreement on apportionment of seats in parliament as arrant nonsense, and, as regards contacts with organisations close to the rebels, described such opposition as "insignificant".

27. In conclusion, the delegation once more called on participants to come forward with any complaints, criticism or differences of opinion, stressing the importance of reporting missing persons and discussing security issues. Mr BINDIG recalled that the Council of Europe had received personal accounts of more than 80 cases in the last few months. The only reply forthcoming was from one participant, who confirmed that the Chechen Republic was aware of these problems and that an ombudsman institution had been introduced. Our delegation concluded that the organisations represented were unable to express their opinions freely on the current climate in the country.

5. The election on Sunday 27 November 2005, talks and press conferences held by the delegation

28. On election day the delegation travelled by armoured vehicle and helicopter to visit two polling stations in Grozny and two other polling stations in the villages of Tsenteroi and Achkoi-Martan. In all four polling stations the delegation noted that the electoral equipment was adequate and that ballot boxes were available in sufficient numbers, although their quality left something to be desired (cardboard boxes held together with adhesive tape). The delegation noted the efforts expended by committee members to discharge their duties properly (checking identities and lists) without any handbooks or copies of the electoral code. Despite the legislation excluding police officers from the polling stations, number armed officers and soldiers were present both inside and outside the stations. In the two polling stations in Achkoi-Martan the committee informed our delegation that by 4 pm 400 of the 1197 registered voters had cast their votes, ie some 30% of the registered electors. The irregularities which we witnessed firsthand included a campaign poster for one of the political parties, Unified Russia, which was still on display on the polling station wall, and the constant presence of police and army in the polling stations.

29. The delegation was also invited by the Deputy Prime Minister Mr KHADIROV to visit the village of Tsenteroi, the stronghold of the KHADIROV family, where a ceremony had been organised in memory of the President assassinated in 2004. The press also attended the ceremony. During the lunch which was provided for the delegation, the Deputy Prime Minister was very open about the need to show the Chechen population, by means of displays of force (cavalcades of four-wheel drive cars and armed men), what their responsibilities were and who held the power in Chechnya.

30. The Deputy Prime Minister also informed the delegation of the importance which he attached to Koranic law, which he regarded as transcending any other law and democracy itself. He said that the Koran was a code of ethics for leading a more just life. However, the Deputy Prime Minister objected to any reference to Wahhabism. Our delegation drew his attention to the risks of religious references in a democracy, and observed that secularism had been one of Chechnya's historical assets.

31. To round off the 27 November election day, the delegation returned to Achkoi-Martan to speak with the Central Election Committee. The Committee expressed its great satisfaction with the turnout, and informed the delegation that there had been no anomalies, irregularities or complaints. According to the preliminary results, 56% of the population had voted by 4.30 pm.

32. Reading through the preliminary results, the delegation expressed its concern about the enormous disparities in turnout rates in different constituencies, or indeed within one constituency, where in the space of one hour 600 persons had apparently come to cast their votes. Our delegation reiterated its concern that these figures had been deliberately "upped". However, the absence of observers on the ground made it impossible to confirm these impressions.

33. On the evening of 27 November our delegation gave a press conference. The journalists expressed serious concern about the credibility of the elections and the real risk that the Council delegation would legitimate an undemocratic process by its mere presence. Our delegation replied that the aim of the Council of Europe mission was not to observe the electoral process, which would require a larger presence to have started two months before the elections, but to assess the situation, or in other words to "check the temperature" and form an opinion on developments.

34. Our delegation informed the press that we had visited a number of polling stations and also held a frank discussion with Deputy Prime Minister KHADYROV. Lastly, the delegation said that it had been alarmed to note substantial disparities in turnout rates.

35. The delegation also pointed out that the Council of Europe was the main organisation responsible for co-operating with the Russian Federation on the Chechen issue. A first Round Table had accordingly been held in Strasbourg to discuss political solutions, with a second one being scheduled for 2006, to be attended by representatives of all the political forces involved in the dialogue. The delegation added that the Council of Europe also regularly denounced the human rights abuses committed and that it had notified Mr KHADYROV of its fears concerning the introduction of religion into a democratic State, as these were two incompatible concepts. As for whether the delegation's presence at the time of the elections would legitimate a given situation, the Council delegation reiterated its position that it was much better to be present and to see and hear Chechen political representatives live.

36. At the end of the press conference, in the statements to the French press, the local councillor members of the delegation stressed the importance of ensuring the participation of the grass-roots population, the citizens, the young people, at the basic village level. It should be remembered that elections were the road to democracy, which necessitated early organisation of the local authority level responsible for meeting citizens' needs in terms of schools, hospitals and jobs, etc.

Conclusions by President ALKHANOV on the day after the elections

37. At our last working meeting the day after the parliamentary elections, the President confirmed that the Unified Russia Party had come first with over 65% of the vote, followed by the Communist Party with 12%, the Eurasian Alliance Party with 4.5%, Yabloko with 3.5% and the Fatherland Party with 2.06%. Only 150 of the 430 official records of the polls had been processed, but the President could already say that there would be no major changes. The President stated that the high turnout had shown the genuine will of the people. Our delegation reminded him that the Council of Europe hoped that the Chechen Republic would set up legitimate institutions, and reaffirmed its support in ensuring that Parliament would be fully operational. The delegation informed the President of its talks with women in the village of Achkoi-Martan who had been terrorised by the kidnappings, which they ascribed to representatives of the Federal Forces, the security services and the "Khadyrovsky". How could normal elections be run in such a climate of fear, even if they technically had gone off well? Our delegation also expressed its concern about the disparities in turnout rates from one constituency to another.

38. The President acknowledged that there were difficulties. He opposed authoritarianism and was actively combating human rights violations. He said "these abductions do exist and we must make headway towards consolidating justice in order to address the situation". In connection with the turnout and the substantial fluctuations according to constituency, the President repeated that there had been no complaints to date, and that nothing could be done until all the votes had been counted. People wanted democracy. "I called on the population to turn out *en masse* for these parliamentary elections". The President ascribed the low turnout in some districts to the opposition political forces.

39. The local councillor members of our delegation stressed security and local democracy close to the citizen, reminding the President that the Chechen population needed to have a future and that Chechen should be able to make their way to their homes without having to fear for their lives. Early progress could be made towards this goal by introducing a system of elected mayors capable of managing and developing streets, schools and transport. It was vital to reinforce the democratic security forces, police services etc, under the President's responsibility. In reply the President pledged that the first step would be taken by organising municipal elections in a year's time. He was convinced that, once the people had elected their own municipal representatives, they would breathe new life into the economic process. The President also pointed out that the Council of Europe had organised training courses for the police to familiarise them with the methods used in western countries, thus helping change police attitudes. The local councillors reiterated their proposal to support the Chechen Republic in this transition to local democracy.

40. The President concluded by listing the immediate tasks facing the authorities: preparing the local elections, taking advantage of the Council of Europe's expertise in this field, and reconciling the Chechens with each other, which was a major challenge and a long-drawn-out process. The Council of Europe was proposing to organise a second Round Table to be attended by all the political forces.

41. Significantly, it was the Duma representative who closed the President's meeting, reminding us that the latter had already given the delegation hours of his time and that he had previously visited Strasbourg to speak before the Committee of Ministers and the Parliamentary Assembly committees. The Duma representative said that a new political phase was beginning, and he called on the Council of Europe, the Congress and the Parliamentary Assembly to adopt a constructive attitude.

42. After the meeting the President held a press conference, accompanied by all the Government representatives, the representative of the Russian Federation, representatives of the military authorities and the Council delegation. He outlined the preliminary results of the parliamentary elections.

6. Observations and recommendations

43. Much clearly remains to be done in the Chechen Republic. Having adopted a new Constitution and acquired a new President, the election of the first regional parliament symbolises a return to some kind of normality in a country ravaged by twelve years of war and internal strife. It is now up to the Council of Europe to help this republic consolidate its institutions and to provide the Chechen Parliament with the technical and other resources to function properly. Parliament should be given access to the Council of Europe's expertise, and in particular to the assistance of the Congress and Parliamentary Assembly experts, with a view to establishing co-operation on parliamentary practices, the organisation of parliament, drafting of proceedings, legislative procedure, supervisory procedure, the *travaux préparatoires* concept, etc.

44. There is evidently an enormous need to discuss issues relating to local democracy. Great importance attaches to any events that might be organised in co-operation with or at the initiative of the Congress to encourage genuine dialogue on the principles of decentralisation and local self-government.

45. The Congress ought also to be brought in on the dialogue among the various political forces at the forthcoming Round Table organised by the Parliamentary Assembly. There is a risk that progress will be slow, because the Chechen Republic lacks any mechanisms for producing swift solutions. This means that the Congress must be able to transmit the experience of the various European countries in order to help the Chechen political forces to evolve towards democracy.

46. The desire expressed by the President of the Chechen Republic to organise local elections in eighteen months time illustrates the determination of the Chechen Republic to advance towards conformity with Council of Europe standards. Nevertheless, many problems will have to be solved before the next elections, particularly where the work of the electoral administration is concerned. The professional management of the Central Election Committee must be overhauled to ensure transparency and impartiality.

47. Thought must be given to formulating or revising the electoral code, as well as to improving decision-making procedures within the committees. In this connection, we might make the following recommendations to the authorities of the Chechen Republic:

- provide training for electoral officials well in advance of the elections;
- promote active participation by women in political life, and, in particular, refrain from hampering such participation;
- improve the system for publishing election results;
- revise the membership and chairmanship of the Central Election Committee in order to depoliticise it as far as possible;
- protect and promote balanced representation of women and men;
- protect and promote equality of civil and political rights, including the right to stand for election and the right of association;
- promote and foster measures to stimulate and support a desire in women to take part in decision-making in political and public life.

APPENDIX I

Programme for the visit to the Chechen Republic by the joint Council of Europe delegation from 26 to 28 November 2005

Friday 25 November 2005

Arrival of the delegation members in Moscow. The delegation is met at the airport and transferred to the National Hotel.

Saturday 26 November 2005

7 am Departure for Grozny.

4 pm Arrival in Grozny.

5 – 7 pm Interview with President ALKHANOV with the participation of members of the government, including the Minister for Justice, the Chairman of the Central Election Committee, the Military Prosecutor and the Deputy Representative of the Federal Region.

7 – 8 pm Talks with NGOs and political parties, with the participation of the Yabloko Party, the Communist Part, the Union of Chechen Women, the SPD, the Strategika NGO, the Peace and Human Rights NGO and the Writers' Union.

8 pm Official dinner given by the President in honour of the Council delegation.

10 pm official dinner given by the Commander of the military base accommodating the delegation.

Sunday 27 November 2005

8 am Meeting with President ALKHANOV.

8.30 am Visit to two polling stations in Grozny.

10 am Departure by helicopter to the village of Tsenteroi.

11 am Ceremony at the cemetery in honour of the late President KHADYROV, in the presence of President ALKHANOV and

Deputy Prime Minister KHADYROV.

11.45 am Visit to the Tsenteroi polling station.

1 pm Official lunch given by Deputy Prime Minister KHADYROV.

3 pm Departure by helicopter to Achkhoy-Martan.

3.30 pm Visit to a polling station in Achkhoy-Martan.

4 pm Informal talks with inhabitants of Achkhoy-Martan.

5 pm Departure for Grozny.

6.30 pm Meeting with the Chairman of the Central Election Committee.

9 pm Press conference given by the Council of Europe delegation.

Monday 28 November 2005

9 am Meeting with President ALKHANOV further to the publication of the preliminary results.

12 noon Press conference given by President ALKHANOV.

3 pm Departure from Grozny.

10 pm Arrival in Moscow.

Tuesday 29 November 2005

Departure of the Council of Europe delegation.

APPENDIX II

Parliamentary Assembly of the Council of Europe

- Mr Rudolf BINDIG (Germany, SOC) Rapporteur, Human Rights Committee
- Mr Andréas GROSS (Switzerland, SOC) President of *ad hoc* sub-committee for the organisation of a round table on the political situation in the Chechen Republic
- Mr Tadeusz IWINSKI (Poland, SOC) Parliamentary Assembly Vice-president and former rapporteur on the human situation
- Mr Morten MESSERSCHMIDT (Denmark, EDG)
- Mr Marko MIKHELSON (Estonia, EPP)

Congress

- Mr Pascal MANGIN (France, L, SOC), Deputy Mayor of Strasbourg
- Mr Michel GUEGAN (France, L, NI), Mayor of "Chapelle-Caro"
- Mr Petru RADU PAUN JURA (Romania, L, GILD), Mayor of Simerias

The delegation consisted of Mr Bas KLEIN, Deputy to Head of Secretariat of the Interparliamentary co-operation Unit, Parliamentary Assembly Secretariat of the Council of Europe, Mr Martin ZEMAN, expert-consultant, Directorate General of Political Affairs of the Council of Europe, and Mrs Juliette REMY-SARTIN, expert consultant, for the Congress.