



**Russian Federation
Chechen Republic
Referendum of 23 March 2003**



JOINT ASSESSMENT MISSION

Preliminary Statement

Moscow, 3 March 2003 – A **joint assessment mission** of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Council of Europe's Secretariat visited the Russian Federation, including the Chechen Republic, from 26 February to 3 March 2003. The joint mission was deployed following an invitation from the Election Commission and the Head of Administration of the Chechen Republic to observe the referendum on the draft constitution and election laws scheduled to be held on 23 March.

At a high-level meeting in The Hague on 6 February, after discussions between the OSCE Chairman-in-Office, the Minister of Foreign affairs of the Netherlands, and the Minister of Foreign affairs of the Russian Federation, the OSCE and the Council of Europe agreed to send a joint needs assessment mission to the Chechen Republic for the referendum. Without prejudice to ongoing debates on the referendum in political bodies of both organizations, notably in the Parliamentary Assembly of the Council of Europe following the adoption of resolution 1315 (2003), the aim of the joint assessment mission was to review the preparations for the referendum and to assess the feasibility of a possible observation.

The **referendum** will pose three separate questions: (1) a draft Constitution for the Chechen Republic; (2) a draft law on the election of the President of the Republic; and (3) a draft law on the election of the Parliament of the Republic. Since the Council of Europe's Venice Commission is due to assess in March the draft Constitution that is the subject of the referendum, the joint assessment mission did not evaluate the substance of the draft constitution and the election laws.

International community representatives have characterized the referendum as the **first step** in a search for a political resolution for the conflict in Chechnya and have urged a true political reconciliation process for all Chechens after the referendum. The joint assessment mission heard similar hopes in Chechnya from interlocutors among officials, community elders, ordinary citizens and displaced persons. While some citizens did not seem aware of the provisions of the draft constitution and simply wished that the political process of the referendum should replace the status quo, others had evidently read the draft constitution provisions and were already demanding their rights spelled out in the draft. The mission also took note of the deep skepticism that some members of civil society have about the referendum.

In the absence of a functioning Republic-level legislature, a Russian Federation Presidential Decree sets forth the **legal basis** for the referendum. The Decree (Provisions) as supplemented by references to other federal laws contain a relatively complete legal basis for the conduct of the referendum. The Provisions contain considerable detail on virtually all aspects of the conduct and administration of the referendum, similar to details that would be commonly found in comprehensive election laws. The parts of the Provisions relating to transparency and observation are quite open. However, a main shortcoming of the Provisions relates to the absence of definite time limits for the announcement and publication of the results. To prevent delays and unnecessary suspicions, this shortcoming should be remedied

through more precise regulations issued by the Election Commission. Additionally, no groups have registered to campaign against the referendum. Consultative membership on election commissions is limited to Initiative Groups and a few other political organizations. As no such organizations have been registered in the Chechen Republic, the membership of election commissions may not be balanced.

The referendum process was launched in October 2002 on the basis of a proposal of an “**initiative group**” of prominent citizens of the Chechen Republic. Following what appears to be limited consultations and expert reviews, a draft constitution was elaborated. The full text as well as excerpts of the draft constitution have been published in the form of booklets and in the print media in the Russian and Chechen languages and are in the process of distribution to the general population in the Republic. The “initiative group” is holding community meetings throughout the Republic, including after Friday prayers in mosques, to urge participation in and approval of the referendum. While federal and republic authorities are not allowed to take part in the campaign for or against the referendum, there is evidence to suggest that this prohibition is not enforced strictly.

A deadline of 6 February expired without any “initiative groups” registering to **campaign against** the referendum, understandable in the extremely polarized environment of the Chechen Republic. As such, no group has been able to campaign officially against the referendum in the mass media or distribute literature arguing against the referendum. However, individuals representing political and other forces against the referendum have occasionally appeared on the Russian Federation as well as the Chechen Republic mass media to argue for non-participation or a vote against the referendum. This debate must continue freely and expand without overt or covert hindrance during the three weeks before the referendum date.

In addition to the **Election Commission** of the Chechen Republic which has been operating since January 2000, 20 territorial and 414 precinct commissions have been appointed, partly trained and are operating with some 4,000 members. The training of commission members is still underway. The Russian Federation Central Election Commission is providing additional expertise to the Election Commission of the Chechen Republic. In contrast to the 2000 federal elections when polling stations could not be established in the southern parts of the Chechen Republic, polling stations have been established throughout the territory for the referendum. Significantly, no resignations from precinct boards due to intimidation were reported to the assessment mission. Election materials, including voter information in Russian and Chechen languages, have already been distributed to the territorial commissions. Invitations to vote are expected to be sent to eligible voters shortly. Ballot boxes are ready for distribution. The ballots in Russian and Chechen languages are expected to be printed shortly. While technical preparations seem well underway and the election commission members at the three levels with whom the mission met seemed highly motivated, complications during voting day and during the aggregation of results cannot be excluded due to the extremely difficult conditions under which they must operate.

Some 536,000 **voters** are registered on the preliminary lists compiled for the referendum, 38,000 more than during the 2000 federal presidential election. The mission noted that some interlocutors expressed doubts about the accuracy of the lists. The eligibility to vote is based on the maintenance of permanent residence in the Chechen Republic and excludes those who have been registered elsewhere. The lists have already been distributed to precinct commissions for public scrutiny and corrections up until the day of voting. This extended

period of scrutiny should be used to improve the quality of the registers, which is all the more significant because of the 50% turnout requirement for the referendum to be validated. Two military and Interior Ministry units with 23,000 troops are permanently based on the territory of the Chechen Republic and in accordance with the law are included in the voter registers. They will vote in regular, civilian precincts. The law excludes from voting in the referendum all other security units temporarily based on the territory of the Chechen Republic.

Internally displaced persons (IDPs) within the Chechen Republic can vote in the nearest precinct to their place of temporary residence. Since voting in the referendum is limited to precincts established on the territory of the Chechen Republic, the Provisions exclude the possibility of setting up polling stations in the neighboring Republic of Ingushetia for the benefit of IDPs there from the Chechen Republic. According to the Federal Migration Service, some 65,000 IDPs (the Danish Refugee Council cites 106,000 as of Nov 2002), including 16,000 in temporary camps, are in Ingushetia and some 5,000 are displaced to other neighboring territories. Arrangements are underway to establish mobile ballot boxes in buses stationed on the administrative border between the Ingush and Chechen Republics. The federal migration services are in the process of compiling lists of IDPs in Ingushetia who wish to take part in the voting on 23 March. Plans are under preparation to transport them to the administrative border with the Chechen Republic where they will vote in the mobile boxes. While many IDPs may take advantage of this opportunity to exercise their right to vote, others may be reluctant for a variety of reasons to return to the Chechen Republic, even to the administrative border, and may be disenfranchised. All practical arrangement possibilities should be explored to extend the “mobile voting” and to bring it to the IDPs in Ingushetia.

The joint assessment mission traveled by land some 200 kilometers within the Chechen Republic and noted the reduced **military presence** and security check points on roads between towns. Moreover, public bus lines seemed operational and agricultural activity seemed underway along the route traveled. These were in marked contrast to earlier visits to the Republic. However, tension was evident in Grozny following the December bomb blast destroying the Republic administration building and military presence was much in evidence in the capital, although a small reduction of check points was also underway there. The mission did not travel south of Grozny. The reduced check points and military presence should improve the freedom of movement on the day of the referendum. However, additional measures may be necessary to reassure the population that their freedom of movement will be ensured on that date and their right to vote protected.

While the Prosecutor General of the Chechen Republic informed the mission that the **crime rate** was slightly reduced in the Republic during the preceding year, kidnappings, assassination and other physical assaults against local government officials and ordinary citizens continue and hundreds of kidnapping cases are still pending. The Prosecutor General also informed that 45 crimes were committed by officials against the population. During the past two years, the office of the Special Representative of the Russian Federation President on the Protection of Human Rights in the Chechen Republic has received more than 2,100 complaints about various violations allegedly committed by the authorities ranging from illegal arrests and detentions, searches, and disappearances, to the violation of housing and employment rights. More than 450 criminal proceedings have been initiated to investigate these complaints. Nonetheless, human rights groups, including Memorial, Human Rights Watch, and the International Helsinki Federation for Human Rights report continuing

disappearances, and other egregious violations of human rights and humanitarian laws committed with impunity by both sides in the Chechen Republic.

Obviously, the preparations for the referendum are proceeding under **extraordinary conditions** and the voting on 23 March will take place in equally exceptional circumstances.

In the absence of civil society organizations in the Chechen Republic able to deploy **observers**, the Chairman of the Central Election Commission appealed to all political parties in the Russian Federation to send observers to monitor the referendum on 23 March.

The joint assessment mission finds that a standard OSCE/ODIHR observation mission with long-term observers to be deployed throughout the territory for four weeks prior to the referendum date and the additional deployment of a larger number of short-term observers around the referendum date is not possible. However, short of a standard observation mission, the competent institutions of the OSCE and the Council of Europe could consider a **second part of the joint assessment mission** with the deployment of another team of experts immediately around the referendum date to follow the proceedings on that occasion in the Chechen Republic and the IDP voting in the Ingush Republic.

*This statement is available also in Russian (after 18:00 on 3 March).
However, the English text remains the only official version.*

MISSION INFORMATION & ACKNOWLEDGMENTS

Mr. Hrair Balian (USA), Head of the OSCE/ODIHR Election Section, led the joint assessment mission which included Mr. Geza Mezei (Hungary), Secretary of the Parliamentary Assembly of the Council of Europe (PACE) Monitoring Committee, Mr. Alessandro Mancini (Italy), Administrator of the Congress of Local and Regional Authorities in Europe (CLRAE), Mr. Declan Greenway (Ireland), Security Coordinator for the OSCE Conflict Prevention Center, Mr. Vadim Zhdanovich (Russian Federation), OSCE/ODIHR Election Advisor, and Mr. Jens-Hagen Eschenbacher (Germany), OSCE/ODIHR Spokesperson.

The joint assessment mission attended in Moscow the session of the Russian Federation Central Election Commission devoted to the preparations for the referendum in the Chechen Republic, and met with the Special Representative of the Russian Federation President on the Protection of Human Rights in the Chechen Republic, the Russian Federation Minister for Reconstruction of the Chechen Republic, and representatives of the Federal Ministry of the Interior, the Central Election Commission, the diplomatic community accredited in Moscow, and the human rights non-governmental organization Memorial. In the Chechen Republic, the joint assessment mission met with the Head of the Chechen Republic Administration, the Prime Minister of the Republic, the Election Commission of the Chechen Republic, territorial election commission and polling commission members, regional administration officials, the Prosecutor General, the "Initiative Group" organizing the campaign for the referendum, community elders and religious leaders, ordinary citizens and displaced persons, and international experts working in the Republic. The joint assessment mission visited the Chechen Republic together with the Chairman and members of the Russian Federation Central Election Commission.

The joint assessment mission wishes to express appreciation to the Ministry of Foreign Affairs and the Central Election Commission of the Russian Federation, and the Election Commission of the Chechen Republic for their cooperation and assistance during the course of the assessment visit. The joint assessment mission is grateful for the assistance received from the Embassy of the Netherlands in Moscow.

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