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**JUDGMENT OF THE CONSTITUTIONAL COURT
OF THE RUSSIAN FEDERATION OF 31 JULY 1995**

**on the constitutionality of the
Presidential Decrees and the Resolutions
of the Federal Government concerning
the situation in Chechnya**

In the name of the
Russian Federation

**JUDGMENT OF THE CONSTITUTIONAL COURT
OF THE RUSSIAN FEDERATION**

regarding the examination of the constitutionality of the Decree of the President of the Russian Federation of 30 November 1994, No. 2137 on Measures to Restore Constitutional Legality and Law and Order on the Territory of the Chechen Republic; the Decree of the President of the Russian Federation of 9 December 1994, No. 2166 on Measures to stop the Activities of Illegal Armed Formations on the Territory of the Chechen Republic and in the Zone of the Ossetian-Ingush Conflict; the Resolution of the Government of the Russian Federation of 9 December 1994, No. 1360 on Ensuring State Security and Territorial Integrity of the Russian Federation, Legality, the Rights and Freedoms of Citizens and Disarmament of Illegal Armed Formations on the Territory of the Chechen Republic and Adjacent Areas of the Northern Caucasus; Decree of the President of the Russian Federation of 2 November 1993, No. 1883 on the Main Provisions of the Military Doctrine of the Russian Federation.

MOSCOW**31 July 1995**

The Constitutional Court of the Russian Federation comprising its Chairman Tumanov, judges Ametistov, Baglai, Vitruk, Gadzhiyev, Danilov, Zorkin, Kononov, Luchin, Morshchakova, Oleinik, Rudkin, Seleznyov, Strekozov, Tinnov, Khokhryakova, Yebziyev and Yaroslavtsev

with the participation of representatives of the Federation Council of the Federal Assembly of the Russian Federation Kostoyev, Mizulina, Yakovleva, representatives of a group of deputies of the State Duma of the Federal Assembly of the Russian Federation Karelin, Kalmykov, Lukyanov, representatives of the President of the Russian Federation and the Government of the Russian Federation Baturin, Kutafin, Shakhrai

proceeding under Article 125, section A of part 2 of the Constitution of the Russian Federation, subsection A of item 1 of part 1 of Article 3, part 1 of Article 21, parts 1, 2 and 3 of Article 74, Article 86 of the federal constitutional law on the Constitutional Court of the Russian Federation

has considered in open session the case on examining the constitutionality of the decrees of the President of the Russian Federation of 13 November 1994, No. 2137; of 9 December 1994, No. 2166; the Resolution of the Government of the Russian Federation of 9 December 1994, No. 1360; Decree of the President of the Russian Federation of 2 November 1993, No. 1833.

The grounds for considering the case, under part 1 of Article 36 of the Federal Constitutional Law on the Constitutional Court of the Russian Federation were an interpretation of a group of deputies of the State Duma of the Federal Assembly of the Russian Federation to check the constitutionality of the Decree of the President of the Russian Federation of 2 November 1993 No. 1833 on the Main Provisions of the Military Doctrine of the Russian Federation in the part concerning the use of the armed forces of the Russian Federation in resolving internal conflicts and the resolution of the Government of the Russian Federation of 9 December 1994 No. 1360, the interpellation of the Federation Council of the Federal Assembly of the Russian Federation to check the constitutionality of the Decrees of the President of the Russian Federation of 30 November 1994 No. 2137 and of 9 December 1994 No. 2166, as well as the resolution of the Government of the Russian Federation of 9 December 1994 No. 1360, as well as the interpellation of a group of deputies of the Federation Council of the Federal Assembly of the Russian Federation of the same content.

By decision of the Constitutional Court of the Russian Federation in accordance with Article 48 of the Federal Constitutional Law on the Constitutional Court of the Russian Federation the cases on these interpellations, as concerning one and the same subject, were merged into a single proceeding.

The grounds for hearing the case in accordance with Part 2 of Article 36 of the Federal Constitutional Law on the Constitutional Court of the Russian Federation was the discovered uncertainty in the question whether the acts, mentioned in the said interpellations, accorded with the Constitution of the Russian Federation.

On hearing out communications by judges-rapporteurs Baglai and Tiunov, the explanations of the sides, statements by experts and specialists, having studied the

submitted materials the Constitutional Court of the Russian Federation

found:

1. The Federation Council of the Federal Assembly of the Russian Federation to substantiate its demands insists that the challenged decrees of the President of the Russian Federation of 30 November 1994 No. 2137, of 9 December 1994 No. 2166 and the resolution of the Government of the Russian Federation of 9 December 1994 No. 1360 formed a single system of normative legal acts and resulted in an unlawful use of the Armed Forces of the Russian Federation since their use on the territory of the Russian Federation as well as the other measures and actions stipulated in the Decrees of the President of the Russian Federation and the Resolution of the Government of the Russian Federation are legally possible only within the framework of a regime of a state of emergency or a state of martial law. It is stressed in the interpellation that these measures resulted in unlawful restrictions and mass-scale violations of the constitutional rights and freedoms of Russian citizens.

The group of deputies of the State Duma of the Federal Assembly of the Russian Federation in its interpellation challenges the constitutionality of the decree of the President of the Russian Federation of 2 November 1993 No. 1833 in the part concerning the possibility of using the Armed Forces of the Russian Federation in the settling internal conflicts and the resolution of the Government of the Russian Federation of 9 December 1994 No. 1360. In their opinion the use in fulfilment of these acts of the Armed Forces of the Russian Federation on the territory of the Chechen Republic, that brought about considerable casualties among the civilian population, contradicts Article 15 of the Constitution of the Russian Federation and the international obligations taken upon itself by the Russian Federation.

2. In 1991-1994 an extraordinary situation arose on the territory of the Chechen Republic which is a subject of the Russian Federation. The validity of the Constitution of the Russian Federation and federal laws was denied, the system of legitimate bodies of power had been destroyed, regular unlawful armed formations were created armed with the latest weaponry and widespread violations of the rights and freedoms of citizens took place.

In the autumn of 1991, the legitimately elected Supreme Soviet of the Republic was dissolved. The new elections to the supreme body of State power and the elections of the President of the Republic held on 27 October 1991 were qualified on 2 November 1991 by the Fifth Congress of People's Deputies of RSFSR as illegitimate and their enactments not subject to implementation. The evaluation of these events as unconstitutional and as entailing grave consequences was given in the Declaration of the 7th Congress of People's Deputies of Russian Federation of 10 December 1992 addressed to the people, the bodies of power and Government of the Chechen Republic and in other documents of the federal authorities. The decisions of the Congress were confirmed by the State Duma of the Federal Assembly on 23 December 1994 in a Statement in connection with the Resolution on the Situation in the Chechen Republic adopted by the European Parliament. The Statement said that no free elections or referendums were held in the Chechen Republic and legitimate bodies of power were not formed. Subsequently, the political situation in the Chechen Republic continued to worsen. In the autumn of 1994, armed conflicts took place on its territory between feuding groups threatening to develop into a civil war.

This extraordinary situation is historically stemming from the fact that in the period of Stalin's repressions the Chechen people had been deported and the consequences of that deportation had not been properly rectified. The State power first in the USSR and then in Russia has been unable to correctly assess the legitimate bitter feelings among the Chechens, the developments in the Republic and their motive forces. The federal bodies of power of the Russian Federation relaxed their law enforcement activities in the Chechen Republic, failed to ensure the protection of the State ammunition dumps on its territory and for several years exhibited passivity in addressing the problems with that Republic as a subject of the Russian Federation.

The Constitution of the Russian Federation, like the previous Constitution of 1978, does not envisage a unilateral resolution of the issue of changing the status of the subject of the Federation and its secession from the Russian Federation. Under Article 66, part 5 of the Constitution of the Russian Federation the status of a subject of the Russian Federation may only be changed by mutual agreement between the Russian Federation and the subject of the Russian Federation in accordance with the federal constitutional law.

State integrity is one of the foundations of the constitutional system of the Russian Federation. It is enshrined in Articles 4 (part 3), 5 (part 3), 8, 65, 67 (part 1), 71 item "6" of the Constitution of the Russian Federation. State integrity is an important condition of the equal legal status of all citizens irrespective of their place of residence and a guarantee of their constitutional rights and freedoms.

The constitutional goal of preserving the integrity of the Russian State accords with the universally recognised international legal principles concerning the right of nations to self-determination. It follows the Declaration of the principles of international law pertaining to friendly relations and co-operation between States in accordance with the Charter of the United Nations, adopted on 24 October 1970, that the exercise of the right to self-determination "should not be construed as sanctioning or encouraging any acts leading to the dismemberment or complete disruption of territorial integrity or political unity of sovereign independent States acting pursuant to the principle of equality and self-determination of nations".

Mindful of this, the federal authorities, the President, the Government and the Federal Assembly made repeated attempts to overcome the crisis in the Chechen Republic. However, they did not lead to a peaceful political solution.

The Decrees of the Russian President of 30 November 1994, No. 2137; of 9 December 1994 No. 2166; the Resolution of the Government of the Russian Federation of 9 December 1994, No. 1360 challenged by the Federation Council prescribed the use of measures of State coercion to ensure the State security and territorial integrity of the Russian Federation, disarming of illegal armed formations on the territory of the Chechen Republic.

Under part 2 of Article 3 of the federal constitutional law "On the Constitutional Court of the Russian Federation", the Constitutional Court of the Russian Federation does not consider the political opportuneness of the decisions made or the appropriateness of the actions carried out on their basis.

3. The Decree of the President of the Russian Federation of 30 November 1994, No. 2137 on Measures to Restore Constitutional Legality, Law and Order on the Territory of the Chechen Republic, established the timeframe for the start of a number of measures to restore constitutional legality, law and order at 6 a.m. on 1 December 1994, prescribed a creation of a group to supervise actions to disarm and liquidate the armed formations and introduce a state of emergency on the territory of the Republic as well as determined the mechanism of the co-ordination of the activities of the federal bodies of executive power and the security forces in carrying out these measures. However, the planned measures were not

fulfilled at time specified and the make-up of the group and its powers were consequently changed.

The Decree No. 2137 of 30 November 1994 was consequently declared void by the presidential Decree No. 2169 of 11 December 1994 "On Measures to ensure Legality and Order and Public Security on the Territory of the Chechen Republic", item 5, given that it was impossible to introduce a state of emergency in the Chechen Republic as per the law of the RSFSR of 17 May 1991 on the state of emergency. The said law in its content is not applicable to extraordinary situations like the one that took shape in the Chechen Republic, where the federal bodies were opposed by forces relied on - unlawfully established regular armed formations equipped with modern military hardware.

Over the period from its issue up to the abrogation of the Decree No. 2137 of 30 November 1994, measures it provided for that could affect citizens' constitutional rights and freedoms were not realised, so the decree did not lead to their restriction or violation. Given the aforesaid, the Russian Federation Constitutional Court holds that the Decree in question falls under part II of Article 43 of the federal constitutional law on the Constitutional Court of the Russian Federation, under which the process started by the Constitutional Court can be stopped if by the beginning or during the period of the consideration the disputed constitutional act was abrogated or became void and has not violated citizens' rights and freedoms.

4. The Decree of the President of the Russian Federation of 9 December 1994 No. 1-26 "On Measures to Repress the Activity of the Illegal Armed Formations on the Territory of the Chechen Republic and in the Area of the Ingush-Ossetian Conflict" authorised the Russian Federation Government, in realisation of its powers according to items d and e of part I of Article 114 of the Russian Federation Constitution, to apply all means at the disposal of the State to ensure State security, legality, citizens' rights and freedoms, public order protection, to combat crime and to disarm all illegal armed formations.

This Decree addressed the Government of the Russian Federation and by virtue of Article 90 part II of the Constitution was binding. According to it, the Government, within the limits of its constitutional powers, was charged to eliminate violations existing in the Chechen Republic of Article 13 part 5 of the Russian Constitution, which prohibits the activity of public associations whose activities are aimed at changing by violent means the fundamentals of the constitutional system, violating the integrity of the Russian Federation, undermining the security and establishing armed formations. The Decree did not grant the Government with any powers whatsoever, that did not stem from the Constitution of the Russian Federation.

The interpellation of the Federation Council challenges the powers of the President of the Russian Federation to instruct the Government to use special measures, including the use of the armed forces, to protect in accordance with Articles 80 and 82 of the Constitution the fundamentals of the constitutional order, the sovereignty and State integrity, since the use of the armed forces of the Russian Federation on its territory in extraordinary circumstances is allowed only within the framework of a state of emergency or a state of martial law sanctioned by the Federation Council. It does not follow, however, from the Constitution of the Russian Federation that the State integrity and constitutional order in extraordinary situations can be ensured only by way of introducing a state of emergency or martial law.

The constitutional grounds for the Decree of the President of the Russian Federation of 9 December 1994, No. 2166 are Article 71 paragraph m, Article 78 Part 4, Article 80 Part 2, Article 82, Article 87 Part I, Article 90 Part 3 of the Constitution of the Russian Federation. It follows from these norms that the President is obliged to take measures to protect the sovereignty of the Russian Federation, its independence, security and State integrity.

The President and the Government of the Russian Federation ensure the implementation of the powers

of the federal State power throughout the territory of the Russian Federation, including in such a sphere that is within the competence of the Federation as defence and security.

The Constitution of the Russian Federation determines at the same time that the President of the Russian Federation shall act in accordance with a procedure established by the Constitution. In the case of instances when this procedure is not stated in detail, and also in respect of the powers not listed in Articles 83 - 89 of the Constitution of the Russian Federation, their common framework is determined by the principle of the division of powers - Article 10 of the Constitution, and the requirements of Article 90 Part 3 of the Constitution, according to which decrees and orders of the President should not contradict the Constitution, and the laws of the Russian Federation. In addition to this, the implementation by the President of his competence in the manner stipulated by the Constitution of the Russian Federation presupposes also the charging of the Government of the Russian Federation in accordance with paragraph g of Part I of Article 114 of the Constitution with the task of carrying out the Decrees of the President.

By instructing the Government of the Russian Federation to use "all the means at the disposal of the State", the President, at the same time, as it is seen from the text of the Decree, proceeded from the assumption that the use of these means was limited by the powers of the Government, established by paragraphs e, f of Part I of Article 114 of the Constitution of the Russian Federation, according to which the Government of the Russian Federation, among other matters, carries out measures to "ensure State security" and to "ensure legality, the rights and freedoms of citizens, protection of property, public law and order and crime control". The directive "to use all the means available to the State" cannot be interpreted as granting the Government powers to act outside the framework established for it by the Constitution of the Russian Federation and applicable legislation.

The preamble to the Decree of 9 December 1994, No. 2166 validly cites a reference to the prohibition of activities aimed at violating the integrity of the Russian Federation, undermining the security of the State, the creation of armed formations, the fomenting of ethnic and religious discord contained in Article 13, part V of the Constitution of the Russian Federation.

However, the recognition of such activities as "out of law" has no legal relevance as it distorts the text of the above constitutional norm and has no grounds in applicable legislation.

5. In accordance with the principles of a law governed State, fixed in the Constitution of the Russian Federation, the bodies of power in their activities are bound both by internal and international law. The universally recognised principles and norms of international law and international treaties are, under Article 15, part 4 of the Constitution of the Russian Federation a component part of the legal system and must be observed in good faith, including by being taken into account in internal legislation.

The Supreme Soviet of the USSR in ratifying, on 4 August 1949 the additional protocol to the Geneva Conventions of 12 August 1949 pertaining to the protection of the victims of armed conflicts that are not international in character (Protocol 2) directed the Council of Ministers of the USSR to prepare and submit to the Supreme Soviet proposals on making corresponding amendments in the legislation. However, that direction was not followed. Nevertheless, the provisions of this additional protocol on human treatment of all the persons who were not directly involved or have ceased to take part in hostilities, on the wounded, the sick, on the protection of civilians, of the facilities required for the survival of the civilian population, the installations and structures containing dangerous forces, on the protection of cultural values and places of worship are binding on both parties to the armed conflict.

At the same time improper consideration of these provisions in internal legislation has been one of the reasons of non-compliance with the rules of the above-mentioned additional protocol whereby the use of force must be commensurate with the goals and every effort must be made to avoid causing damage to civilians and their property.

6. At the time Decree No. 2166 was issued on 9 December 1994, legal regulation allowed for the use of the Armed Forces of the Russian Federation not only to defend the State against external threats, but also to defend the population, territory and sovereignty - Article 1 of the Law of the Russian Federation of 24 September 1992, "On defense" - and also to provide defense against internal threats directed against the individual, society and the State, including its constitutional system, sovereignty and territorial integrity - Article 1 of the Law of the Russian Federation of 5 March 1992, "On security".

The President of the Russian Federation, being the Commander-in-Chief of the Armed Forces under Article 87 of the Constitution, exercises overall direction of the use of the Armed Forces as a means of ensuring security, and also takes operational decisions on ensuring security within the limits of the jurisdiction as defined by the law - Article 11 of the Law of the Russian Federation "On Security". Here, the Constitution of the Russian Federation and the laws "On defense" and "On security" do not link the use of the armed forces exclusively to the proclamation of a state of emergency or martial law.

This position is confirmed, from the point of view of the law, by the activities of the State Duma in connection with the situation in the Chechen Republic and the issue of Decree No. 2166 of the President of the Russian Federation of 9 December 1994. In adopting its resolution of 23 December 1994, the State Duma stated that the disarmament of the unlawful armed militia raised in that republic, which were using tanks, missile launchers, artillery systems and war planes, "was impossible in principle without the use of regular troops". Such situations are not covered by the provisions for the use of the armed forces during natural disasters and emergencies in conformity with the RSFSR Law of 17 May 1991 on the State of Emergency, paragraph 6 of Article 4 and Part III of Article 21.

In the course of the examination of the case, the sides repeatedly pointed to gaps, contradictions and outdated provisions in the legislation on ensuring the country's defense and security. The resolution of the State Duma of 13 January 1995, "On strengthening Russia's statehood and on measures to overcome the crisis caused by the situation in the Chechen Republic" also reiterates that, "the legal basis of the use of the armed forces of the Russian Federation and other troops to ensure the guarantees of the constitutional system is imperfect". That was to be rectified by the law-maker, but it was not done in good time.

Such a state of legislation considerably increases the importance of direct application of constitutional norms. The point of view of the Federation Council representatives, according to which the Russian President's powers can only be realised if there is a respective law, is tantamount to a renunciation of the principle of direct effect of the Constitution, sealed by Article 15 Part I of the Russian Federation Constitution.

International treaties in which the Russian Federation participates also proceed from the possibility of using armed forces to defend the national unity and territorial integrity of the State. According to Article 15 part IV of the Russian Constitution they are a constituent part of its legal system. Taking into account the possibility of such situations, the international community formulates in an additional protocol to the Geneva Conventions of 12 August 1949 (Protocol 2), two rules on the protection of victims of armed non-international conflicts.

7. The fundamentals of the military doctrine of the Russian Federation, adopted by the Decree No. 1833 of 2 November 1993, are a constituent part of the security concept of the Russian Federation and are a system of officially adopted views on military issues, including those concerning the use of the armed forces and other troops for the protection of vital interests. The document considers the possibilities of military threats and the State's adequate response, and the use of its armed forces.

The main provisions of the Russian Federation's military doctrine contain no normative precepts. For this reason, the presidential Decree of 2 November 1993, No. 1833, whereby they were adopted, also lacks normative content. Therefore, these documents do not fall within the category of legal acts that can be verified by the Constitutional Court of the Russian Federation - whether they agree to the Russian Constitution, and consequently, their examination must be stopped on the basis of item 1, Part I of Article 43 and Article 68 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation".

8. The resolution of the Russian Federation Government of 9 December 1994, No. 1360 "On ensuring State security and territorial integrity of the Russian Federation, legality, rights and freedoms of citizens, the disarmament of illegal armed formations on the territory of the Chechen Republic and adjacent areas of the northern Caucasus" provides for concrete measures for the implementation of laws in force of the Russian Federation and the decree of the President of the Russian Federation of 9 December 1994, No. 2166, including those related to restrictions of constitutional rights and freedoms. Most of these measures, in their volume, content and conditions of application do not exceed the limits set by the law of the RSFSR of 18 April 1991 "On the militia", the law of the Russian Federation of 24 September 1992 "On the Interior Forces of the Ministry of Internal Affairs of the Russian Federation", and that of 13 March 1992 "On operative and search activities of the Russian Federation", and other legislative acts are admissible and possible, in the event of the realisation by competent bodies of their powers that they were vested with by the government - quote: "of confiscation of illegally held arms, identification and detention of persons suspected of having committed grave crimes", item 3 of the resolution, and consequently, correspond to Article 55, Part III of the Constitution of the Russian Federation.

On the other hand, the stipulations of Part V paragraph 1, point 3 of the resolution "On the expulsion out of the Chechen Republic of persons who pose a threat to public security and to the personal security of citizens, who do not live on the territory of the said Republic", cannot be regarded as being tantamount to what has been established by point 22 Article 11 of the Law of the Russian Federation on the Militia as the right of the militia to keep citizens away from certain localities, facilities, to oblige them to stay there or to leave these localities and facilities with the aim of protecting the health, lives and property of citizens, conducting search and investigation measures.

The stipulation of Part V paragraph 1, point 3 of the resolution cannot be based on the powers of interior forces established by point d, Part II of Article 23 of the Law of the Russian Federation on Interior Forces of the Ministry of Internal Affairs of the Russian Federation, because these powers, coinciding by their content with what is provided for by point 22, Article 11 of the Law of the Russian Federation on the Militia, can be implemented by the interior forces only in conditions of the legal regime of a state of emergency.

Part V of paragraph 1, point 3 of the resolution actually restricts the rights established by Article 27, Part I of the Constitution of the Russian Federation, of every person, who is lawfully on the territory of the Russian Federation, to freely move and choose his place of residence. This contradicts Article 55, Part III of the Constitution of the Russian Federation that allows the establishment of restrictions on human rights and freedoms and on the rights and freedoms of a citizen only by federal law.

Paragraph 2, point 6 of the resolution under study instructs the provisional information centre under *Roskompechat* immediately to revoke the accreditation those journalists working in the zone of the armed conflict who transmit untruthful information, engage in the propaganda of national or religious enmity.

In accordance with Part V, Article 48 of the Law of the Russian Federation of 27 December 1991 "On the Mass Media" a journalist may be deprived of his accreditation if he or his media outlet violate the established regulations of accreditation or circulate information that does not correspond to reality, that smear the honour and dignity of the organisation that accredited the journalist, this being confirmed by a court ruling entered into force. Thereby Part II, point 6 of the said resolution introduces new grounds and a new procedure of depriving a journalist of his accreditation that are not provided for by law. This contradicts Article 29, Parts 4 and 5 that establishes the right to free information, Article 46 that guarantees judicial protection of rights and freedoms, as well as Article 55, Part III of the Constitution of the Russian Federation.

On the basis of the outlined and proceeding from Part I of Article 71, Articles 72 and 87 of the Federal Constitutional Law on the Constitutional Court of the Russian Federation, the Constitutional Court of the Russian Federation:

(1) Under Article 68 and Part II of Article 43 of the Law on the Constitutional Court of the Russian Federation, the hearings on the case as regards the examination of the constitutionality of Decree No. 2137 of the President of the Russian Federation of 30 November 1994, on measures to restore constitutional legality and law and order on the territory of the Chechen Republic shall be closed.

(2) It shall be recognised that Decree No. 2166 of the President of the Russian Federation of 9 December 1994, on measures to neutralise the activities of the unlawful armed militia on the territory of the Chechen Republic and in the zone of the Ossetian-Ingushi conflict was adopted within the limits of the constitutional powers of the President of the Russian Federation as stipulated by Article 71, paragraph m; Article 78, Part IV; Article 80, Part II; Article 82, Part I; Article 87, Part I; Article 90, Part III; and Article 114, paragraph g, point 1 of the Constitution of the Russian Federation, and

conforms to the Constitution of the Russian Federation.

(3) It shall be recognised that the provisions on evicting persons posing threats to public safety and to the personal safety of citizens out of the territory of the Chechen Republic, contained in Decree No. 1360 of the Government of the Russian Federation of 9 December 1994, "On ensuring the State security and territorial integrity of the Russian Federation, rule of law, the rights and freedoms of the citizens, the disarmament of the unlawful armed militia on the territory of the Chechen Republic and adjacent regions of the northern Caucasus", Part V of paragraph 1, clause 3, and also on depriving journalists working in the armed conflict zone of their accreditation, paragraph 2 of clause 6, do not conform to the Constitution of the Russian Federation, and, in particular, to Article 27, Part I; Article 29, Parts IV and V; Article 55, Part III; and Article 56 of the Constitution of the Russian Federation.

(4) Under Article 68 and paragraph 1, Part 1 of Article 43 of the Federal Constitutional Law on the Constitutional Court of the Russian Federation, hearings on the case with regard to the examination of the constitutionality of Decree No. 1833 of the President of the Russian Federation of 2 November 1993, on the main provisions of the military doctrine of the Russian Federation, and also with regard to the examination of the constitutionality of the main provisions of the military doctrine of the Russian Federation, shall be closed.

(5) The examination of the practical actions of the parties in the course of the armed conflict from the point of view of compliance with the additional protocol to the Geneva Conventions of 12 August 1949, with regard to protection of the victims of non-international armed conflicts, Protocol 2, in accordance with Article 125 of the Constitution of the Russian Federation, and Parts I, II and III of Article 3 of the Federal Constitutional Law on the Constitutional Court, may not be a subject for consideration by the Constitutional Court of the Russian Federation and ought to be performed by other competent organs. In accordance with Articles 52 and 53 of the Constitution of the Russian Federation and the International Covenant on Civil and Political Rights, Part III of Article 2, victims of any violations, crimes and abuses of power shall be granted efficient remedies in law and compensation of damages caused.

(6) The Federal Assembly of the Russian Federation shall settle the legislation on the use of the armed forces of the Russian Federation, as well as on the regulation of other conflicts and issues arising out of extraordinary situations, including those falling under the additional protocol to the Geneva Conventions of 12 August 1949, concerning protection of the victims of armed conflicts of a non-international character (Protocol 2).

(7) Under Parts I and II of Article 79 of the federal constitutional law on the Constitutional Court of the Russian Federation, the present decision shall be final, not appealable and shall come into force immediately upon its publication and shall be self-implementing.

(8) Under Article 78 of the federal constitutional law on the Constitutional Court of the Russian Federation the present Decision shall be published in the Collection of legislation of the Russian Federation, the Rossiiskaya Gazeta and other official publications of the bodies of power of the Russian Federation as well as in the Bulletin of the Constitutional Court of the Russian Federation.

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