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REPORT

Fifth sitting

Wednesday 25 January 2006 at 3 p.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are summarised.
3. Speeches in German and Italian are reproduced in full in a separate document.
4. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

The contents page for this sitting is given at the end of the verbatim report.

Mr Van der Linden, President of the Assembly, took the chair at 3.05 p.m.

THE PRESIDENT. – The sitting is open.

1. Minutes of proceedings

THE PRESIDENT. – The minutes of proceedings of the third sitting have been distributed.

Are these minutes agreed to?

The minutes are agreed to.

2. Statement by Mr Jackson Ramírez, President of the Senate of Mexico

THE PRESIDENT. – We now have the honour of hearing an address by Mr Enrique Jackson Ramírez, President of the Senate of Mexico. After his address Mr Jackson Ramírez has kindly agreed to take questions from the floor.

I now have the pleasure to welcome Senator Enrique Jackson Ramírez, President of the Senate of the Mexican Republic.

Mr President, Mexico enjoys Observer status with the Council of Europe, a status that you earned as a result your commitment to respect the principles of democracy, the rule of law and human rights and fundamental freedoms. This Assembly has excellent relations with the Mexican Parliament. The Mexican Observer delegation takes an active part in our work and contributes to debates on international and European issues.

Assembly committees have co-organised events with the Mexican parliamentary delegation, discussing issues that range from migration, education, science and cultural diversity to freedom of expression and protection of our environment. The Assembly welcomes the willingness of the Mexican Congress to combat violence against women, including domestic violence. This is an endeavour that we fully share.

In the globalised world of today, we face global challenges that can only be addressed by a joint and concerted approach. Therefore, it is very important that we continue our communication and co-operation. Your participation today is a contribution towards that. Thank you very much for coming, Mr President. You have the floor.

Mr JACKSON RAMÍREZ (*President of the Senate of Mexico*) said that he appreciated the kind words of the President about his country and Mexican parliamentarians. He expressed his gratitude to the distinguished members of the Assembly for their attendance. He conveyed friendly greetings from the Congress of Mexico.

In Mexico this year the Mexicans were celebrating the bicentenary of Benito Juárez. He wished to share his pride in this man of liberal and universal ideas, a republican and a patriot, who strove to introduce the rule of law and social justice into his country. Benito Juárez had forged the national identity of Mexico and bequeathed to its people a free and independent nation. Over recent years, a democratic nation had been built in Mexico. That was work in progress, and there was a continuing battle to ensure that the democratic institutions raised the standard of living for all. Mexico was working towards tolerance, the rule of law, progress and social justice. Its parliamentarians knew that inequality between individuals and between nations was the biggest problem facing the world today. The new world order had not helped everybody. Few had benefited and many people had seen the gap between rich and poor widen. There was a need to impose rules on the powerful might of the market. Obviously, development was not possible without the market, but not everything could be reduced to a commercial transaction.

Countries needed to share their knowledge and to co-operate to face the new challenge of terrorism. They needed to ensure that the gap between rich and poor countries was not increasing. International action against poverty was an imperative. Poverty was the scourge of entire countries and whole regions, blighting the lives of many. The rights of migrants should be respected, and immigration should not be a police matter, because these people had committed no crimes. He strongly condemned the building of walls between countries in an attempt to restrict immigration. The building of walls was symbolic of a lack of respect and disharmony between neighbouring countries. Any country that thought

that walls would solve these problems was on entirely the wrong track. Instead, the solution lay in working together, in applying the law, and in shared international obligations.

Like all those present, Mexico wished to shape a new public morality. That involved initiatives on good governance and education as well as legislative work paying attention to economic growth and social policies. It was vital to prevent and punish violence against women and discrimination. Corruption had to be stamped out. Countries needed to overcome the problem of impunity, protect their children, create new jobs and boost their competitiveness. They also had to safeguard the natural environment through sustainable development. Mexico had a rich natural biodiversity. In seven weeks' time it would be hosting the fourth world water forum. Water was a scarce resource that was often contaminated or wasted and was at the heart of concerns for the future. Water was a vital strategic element, and the fourth world water forum would involve an exclusive meeting for legislators on that subject.

Members of the Parliamentary Assembly had an extremely important role to play in determining the future of water management. He invited those present to come to Mexico for the world water forum, where they would be made very welcome. He was honoured to have the opportunity to address such a distinguished Assembly. It was important that Mexico should continue to forge ties with Europe and move together towards new horizons. As Juarez had recommended, countries should strive towards the dual goal of domestic well-being and mutual international support. Mexico had been working with the Council of Europe for five years. Over that time, it had come to realise that the member states shared important principles which united them, as well as common values, endeavours, agreements and emotions which brought them together.

He concluded that politics and legislative work should regain its original sense, that power should be wielded for progress, opportunity, dignity and the happiness of the people.

THE PRESIDENT. – Thank you very much, Mr Jackson Ramírez, for your most interesting address. Members of the Assembly have expressed a wish to put questions to you.

I remind them that questions and supplementary questions must be limited to thirty seconds and no more. Colleagues should ask questions, not make speeches.

I will allow supplementary questions only at the end and only if time permits. We will have to interrupt the questions at 3.30 p.m.

The first question is by Mr de Puig, on behalf of the Socialist Group.

MR DE PUIG (*Spain*) welcomed the participation of a Hispanic country in the Council of Europe. He had attended the delegation in Mexico, standing in for Mr Schieder, to observe the elections. He asked Mr Jackson Ramírez whether he had any political or technical concerns about the run-up to the new elections in Mexico.

THE PRESIDENT. – Thank you, Mr de Puig. I call Mr Jackson Ramírez to reply.

MR JACKSON RAMÍREZ said that elections to the federal congress would be held in July and 500 federal deputies and 128 senators were up for election. The elections would be closely fought, but the climate was one of solid economic stability and unprecedented political maturity. He cited the example of Subcomandante Marcos, who had declared war in Mexico twelve years ago and was currently travelling around the country holding meetings and discussing his ideas with Mexican citizens. Although his policies were at odds with those of the Mexican Republic, that showed that there was a peaceful co-existence in Mexican politics.

Mexico had shown that there could be a peaceful change of administration and that there was no risk of economic collapse. Mexican citizens had to be convinced of the blueprint for the future, not only in creating a peaceful society but in improving living conditions. This was a golden opportunity for the Mexican people.

THE PRESIDENT. – Thank you. I call Mr Van den Brande to ask a question on behalf of the Group of the European People's Party.

Mr VAN DEN BRANDE (*Belgium*). – Mr Jackson Ramírez, thank you for your statement. We are grateful to you. I am concerned about the implementation of our resolution on trafficking in women and about conditions not just for women who are trafficked, but for people who cannot get to the United States and are in problematic circumstances. What will the Senate do to make things better?

THE PRESIDENT. – Thank you. Mr Jackson Ramírez, you have the floor.

Mr JACKSON RAMÍREZ said it was an issue not of what could be done but of what had already been done. Mexico had played an active role in defending both immigrants in the United States and migrants in Mexico. This was a very serious issue. There were two main areas of concentrated migration – the northern and southern borders of the country. The circumstances on the southern border were complex. Trafficking of people, drugs and arms had taken place. Many of those crossing the southern border hoped to reach the United States as their final destination although they were still 2 000 miles from the United States border. It was very difficult for the Mexican authorities to regulate people trafficking. Migrants in Mexico often lived in shameful conditions and were exploited by people traffickers who moved them around the country towards the United States border.

Mexico was currently debating innovative laws on the rights of migrants settled in Mexico and those hoping to travel on to the United States. Mexican authorities should not be afraid of criticism of their efforts. A raft of proposals were in place to attempt to solve the problems of migrants.

THE PRESIDENT. – Thank you. I call Baroness Hooper, who will ask a question on behalf of the European Democratic Group.

Baroness HOOPER (*United Kingdom*) asked about Mexico's investment policy in energy efficiency and renewables.

THE PRESIDENT. – Thank you. Mr Jackson Ramírez, you have the floor.

Mr JACKSON RAMÍREZ said that Mexico had failed on that issue over the 15 to 20 years of its development. There were many gas-fuelled electricity plants in the country. Although Mexico was gas-rich, the gas was not always accessible, Mexico had to import gas. That was very expensive and had negative effects on domestic and industrial customers.

There were new electricity generation possibilities, including the ambitious building of a hydro-electric plant in the north-west of the country. Mexico was researching all possible ways to develop policies to enable it to be energy self-sufficient. He was concerned that Mexico's national revenue was dependent on oil exports of around 2 million barrels a day. High prices over the past few years had provided valuable extra revenue. Both chambers of the Mexican Parliament were looking at ways to reform the tax regime, encouraging state-owned companies to exploit their own gas reserves and thus reduce the need to import.

Mexico had a challenge on its hands with those energy problems, especially in asking how state-owned power companies could become more efficient while increasing the standard of their infrastructure.

THE PRESIDENT. – Thank you. The next question is by Mr Agramunt.

Mr AGRAMUNT (*Spain*) congratulated the Mexican delegation on its hard work in the Council of Europe. He asked whether Mexico was content with its Council of Europe contribution and wondered whether other Latin American countries should become involved with the Council of Europe.

THE PRESIDENT. – Thank you. Mr Jackson Ramírez, you have the floor.

Mr JACKSON RAMÍREZ said that countries did not need to live alongside each other to know each other better, but there clearly needed to be co-operation in those areas where there were joint aims.

It had been useful to see the steps which the Council of Europe had taken to reduce inequalities providing guidelines for Latin American countries. The chance to discuss economic and social policies had provided an invaluable experience for Mexico. Mexico had been able not only to learn from member countries but to offer an input. Europeans needed to know that Mexico was a country of opportunity with consistently good diplomatic relations and a steady foreign affairs policy. Mexico was striving to overcome its shortcomings. He thought that other Latin American countries becoming associated with the Council of Europe would be of mutual benefit.

THE PRESIDENT. – Thank you. I call Mr Lloyd, to ask the last question.

Mr LLOYD (*United Kingdom*). – I very strongly welcome your earlier comments, Mr Jackson Ramírez. Your vigour and commitment to social justice and to narrowing the economic gaps that exist in our world were refreshing. In that context, may I ask you about the indigenous peoples in your country? We know that, historically, the indigenous Mexicans have lagged way behind in terms of education and economic access. What can the Senate do to ensure that that gap is an ever-closing one?

THE PRESIDENT. – Thank you. Mr President, you have the floor.

Mr JACKSON RAMÍREZ said he was glad to have the opportunity to address the issue of Mexico's indigenous people. Indigenous people had played a significant part in the life of Mexico and were part of its roots.

Five years ago, the Mexican Senate overhauled the Mexican Constitution, with reforms which enshrined the rights of indigenous people and their communities and safeguarded their culture. The constitution allowed for a ring-fenced budget for indigenous people – to be spent on, among other things, education, social services and employment. The Senate had enacted 37 different reforms to laws to ensure that they reflected the constitution; for example, on using land and resources, publishing textbooks in 56 indigenous languages, providing court interpretation and giving indigenous people full labour rights.

A law had been passed inserting a principle in the constitution that set out all the measures that needed to be applied to stamp out discrimination of all kinds. The law was intended to protect indigenous groups. The government was now considering how it might encourage greater involvement of the indigenous people in the administration of the country. The Mexican Government wanted the indigenous people to accompany the government on the road to development without breaking with their traditions or culture. That showed that the Mexican Government had an understanding of the indigenous population's identity. He thanked Mr Lloyd for his comments and thanked Mr van der Linden and the Assembly for the opportunity given to both the Mexican Congress and to him personally to share a few ideas about Mexico.

THE PRESIDENT. – May I thank you, Mr Jackson Ramírez, on behalf of the Assembly for your expression of co-operation on strengthening our relationship? I sincerely hope that we can continue in this way, and your delegation is very welcome to take part in our discussions, because that is the best way to understand each other.

3. The challenge of still unratified credentials of the parliamentary delegation of Azerbaijan on substantial grounds

THE PRESIDENT. – The next item of business this afternoon is the debate on the report on the challenge of still unratified credentials of the parliamentary delegation of Azerbaijan on substantial grounds, presented by Mr Lloyd on behalf of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), Document 10807 revised, with an opinion presented by Mr Pourgourides on behalf of the Committee on Rules of Procedure and Immunities, Document 10813.

The list of speakers closed at 12 noon. Twelve names are on the list, and three amendments have been tabled.

I remind you that the Assembly has already agreed that speaking time in the debate should be limited to four minutes.

I call Mr Lloyd, who has eight minutes.

Mr LLOYD (*United Kingdom*). – The report is an important test of the credibility of our Assembly. The parliamentary election that took place in Azerbaijan last November was subject to heavy criticism, not only by our own Parliamentary Assembly election monitoring delegation but by delegations from the Organization for Security and Co-operation in Europe, the European Parliament and, in general, by reputable international monitors, as detailed in our document.

When members of the Assembly cast their vote this afternoon it is important that they recall that this is not the first time that we have debated the question of elections in Azerbaijan. Last June in our part-session, we passed a report with a recommendation that made it clear that that was the last time for Azerbaijan to do something about the credibility of its election process without a challenge to the

credentials of its delegation. Given that colleagues in the Assembly supported that motion last June, when we find significant irregularity in the electoral process as outlined in the report and indeed, by our colleague Leo Platvoet some time ago, the Assembly should do two things. First, how do we ensure that Council of Europe standards on elections – the Assembly has a duty to maintain those standards – are maintained? Secondly, how do we help the people of Azerbaijan – not the élite, the political ruling class or those who sought, and in some cases, won election – to gain access to a free, fair electoral test that allows them to demonstrate their opinion through the ballot box?

If we do not recognise that we have reached the point at which we must take action we will fail in our duties on both counts. We will fail in our duties as custodians of the values of the Council of Europe, and we will fail in our duty to maintain the highest democratic standards on behalf of the people or citizens of a member nation of the Council of Europe. Members of the Assembly must take on those serious challenges. The election was seriously flawed. Indeed, it was so flawed that simply re-running 10 elections will not resolve the problem with the credibility of the electoral process. It will go some way towards doing so, but it will not undo the damage done last November with the wide-scale irregularities in Azerbaijan.

The 10 partial elections, however, provide an opportunity for Azerbaijan to make it clear to the world and to its own people that it is powering on – not just moving on or making progress – in its determination to offer proper, free, fair elections to all the people of Azerbaijan. It should have taken that opportunity last November, but it failed to do so. The Council of Europe cannot simply say, as it did last June, that it will let Azerbaijan try one more time before it considers taking action. Colleagues may be concerned that we are doing too much. Some people say, for example, that it is better to negotiate a little with our colleagues, some of whom are very good members of the Azeri delegation. Mr Seyidov, the leader of that delegation, is a democrat who is just as committed to democracy as I am. I am happy to say that publicly to him and, through the Assembly, to the outside world. It is not enough, however, to say that because there are good democrats in the Azeri Assembly that ratifies the electoral process. It does not – a flawed electoral process leads to a flawed Assembly.

How, then, can we genuinely help? If we simply say that once again we will do nothing, as we said last year, perhaps rightly, we will put the ball in the court of people who want to make the minimum progress and who believe that any change is good enough. However, fundamental change is necessary. The report provides the Assembly with an opportunity to do one of two things. First, it can simply ratify the credentials of the Azerbaijan delegation. Colleagues may choose to vote for the wording of the main text. Secondly, colleagues will have an opportunity to vote for an amendment – obviously, Mr President, you will wish to consider that later – that will allow the Assembly to choose, not to strip the delegation of those credentials, but to say that a flawed Milli Majlis should not be represented here.

There is a strong argument that if we are true to our principles we should take that course. However, we could say in a much softer way that we welcome our Azeri colleagues in our Assembly in working and debating with us to try to improve both the way in which they do things and the way in which we do things with them. However, a measure is needed which tells the Azeri people who want democracy that we are on their side. That is why we must ensure that there is a sanction, not against individual members of the Azeri delegation, but on the Azeri electoral process. It would deprive the delegation of its voting rights, although not indefinitely. It would simply do so until elections are held in May this year. If conducted properly, those elections will send a good signal to everyone that Azerbaijan has made a genuine change.

The amendment is not draconian. It is not an attempt to brutalise, stigmatise or chastise the Azeri delegation. It is the smallest step that we can take. Members of the Azeri Majlis must go home and insist that their authorities run an election that is free and fair, because that is the only way in which its delegation can properly sit as full members of our Assembly. The sanction is small.

Members have the power today to give that signal, which we should do if we are committed to democratic standards on behalf of the Council of Europe and if we are committed to democracy for the people of Azerbaijan. We should not maintain the fiction that proper elections were held, when no such elections took place.

THE PRESIDENT. – Thank you. I call Mr Pourgourides, who will present the opinion of the Committee on Rules of Procedure and Immunities.

Mr POURGOURIDES (*Cyprus*). – As the successful contestation of credentials of a national delegation on substantial grounds under rule 8.2.b requires a persistent failure to honour obligations and commitments, we must consider whether that criteria has been met.

On sanctions against member states, the provisions of the Statute of the Council of Europe and of the UN Charter both refer to either serious violations or persistent violations of their obligations by such states. This is how the term "persistent" is interpreted in international law: first, there must be repeated violations; secondly, the term "persistently" points to a stubborn resolve to continue the law-breaking practice; thirdly, the "persistent violation" formula emphasises a "quantitative" and a "qualitative" aspect. The importance of the principle violated can also be taken into consideration. The explanations given in the report of the Monitoring Committee conform with those principles. The criteria mentioned in rule 8.2.b of the Assembly's Rules of Procedure have therefore been met.

I shall now discuss the consequences of the persistent failure of the Azeri authorities to honour obligations and commitments. The draft resolution presented in the Monitoring Committee report concludes that the conduct of the November 2005 parliamentary elections in Azerbaijan falls within the provision of rule 8.2.b of the Assembly's Rules of Procedure. However, the Monitoring Committee proposes that the Assembly should ratify the credentials of the parliamentary delegation of Azerbaijan. In order to make paragraphs 10 and 11 fully consistent, it has been proposed that the word "however" should be inserted at the beginning of paragraph 11.

That conclusion conforms with the possibilities provided for in rule 8.5 of the Rules of Procedure. The Committee on Rules of Procedure and Immunities notes that the draft resolution presented by the Monitoring Committee proposes that the Assembly should "instruct its Monitoring Committee to submit to the Assembly at its June part-session a report on the progress made in all the areas mentioned in paragraph 9 of the resolution. On the basis of this report, the Assembly will then examine whether to apply rule 9 of the Rules of Procedure on the reconsideration of previously ratified credentials on substantial grounds." That proposal is consistent with the Rules of Procedure.

THE PRESIDENT. – Thank you. I call Mr Hancock, who will speak on behalf of the Alliance of Liberals and Democrats for Europe.

Mr HANCOCK (*United Kingdom*). – I accept Mr Lloyd's point of view, but I think that he is mistaken. When the Assembly agreed to the membership of Azerbaijan, it lowered the threshold for membership. Once countries that are not benchmarking their activities on, for example, democracy and the rule of law are allowed to join, one is left with two choices. One can either not allow them in or one can work with them and try to accommodate their development, which will take a long time.

Anyone who reads the reports that have been placed before the Assembly, including Mr Lloyd's report following Mr Gross's challenging of credentials, cannot miss the point that there has been a consistent failure on the part of the Azeri authorities to fulfil their obligations to this Organisation. To my mind, the only option left open was to vote on whether to remove Azerbaijan from the Council of Europe. The Monitoring Committee, which includes Mr Gross, Mr Lloyd and the others, and which now advocates a different measure, had an opportunity to vote on that option. More than 50 members were present at that meeting, but only one of them – me – voted for that proposition, and the rest of the members voted against.

If members vote not to chuck out Azerbaijan, they are playing gesture politics with the issue. Mr Lloyd's amendment is as useful as your giving me your umbrella to go out in a hurricane, Mr President. It is pointless, because we have already accepted that Azerbaijan is in. Everyone, including Mr Gross and Mr Lloyd, accepts that we have given the Azerbaijan delegation credentials, but we will change the situation by withholding its voting rights for a few months to teach Azerbaijan a lesson. Do we seriously believe that that is what will happen? I think not.

What we should have done, and what we should do, is work consistently with Azerbaijan between elections rather than for one month or three months in the run-up to an election. The fabric of democracy does not suddenly emerge. It has taken our countries hundreds of years to evolve to what we have today, but we expect countries such as Azerbaijan to achieve the same results in less than a decade. That is manifestly unfair and unachievable. If we are to take such action, we should not have let that country in in the first place. We should not play about, and Azerbaijan should be either in or out. What will we do in June if the May elections are not right? If we take the delegation's voting rights away now, we may face a choice on kicking them out. What will be the alternative in June if Mr Lloyd has his way? I am yet to hear a convincing argument that there are any other options.

The Monitoring Committee and my Alliance of Liberals and Democrats for Europe have had lengthy discussions on the matter. The Monitoring Committee voted to amend the report following the intervention by Mr Van den Brande, and if Azerbaijan is in, then he has got the right idea. My group

accepts that Azerbaijan is in and that we must work with the Azeri people, so it will back the amendment today. Once we decided to give the credentials, we had to make it work. When Mr Lloyd, Mr Gross and others had an opportunity to take the necessary action, they chose not to – I wonder why.

THE PRESIDENT. – Thank you. I call Mr Walter from the United Kingdom, who speaks on behalf of the European Democratic Group.

Mr WALTER (*United Kingdom*). – I concur with much of what Mr Hancock said on behalf of the Alliance of Liberals and Democrats for Europe.

Like many colleagues in this Assembly, I was in Azerbaijan at the time of the elections. In many instances, they were a shambles. I could point to all sorts of examples. In some polling stations, people were having their fingers inked before they even knew whether they were eligible to vote, and then were ineligible to vote because they should have been at a different polling station. In one case, ballot papers were, surprisingly, in the kitchen of the man who was running the polling station instead of being in the polling station. At the end of one count, the man doing the counting said to me, "I had to adjust the figures to make them balance."

All those things are inappropriate. However, we have to accept that Azerbaijan is a young democracy that lacks the traditions, procedures and checks and balances that we in our mature democracies are well used to. I do not believe that there was a systematic programme of trying to rig these elections, as we have seen in other countries over many years, or any conspiracy as such. In all honesty, in our consciences, can we put our hands on our hearts and say that similar practices have taken place in many of the democracies that are represented in this Assembly but have been ignored by us in accepting their credentials?

I asked two simple questions of myself after having observed those elections. First, would the result have been any different if they had been conducted absolutely perfectly? My observations on the ground led me to believe that the result of those elections would not necessarily have been any different.

Secondly, and more importantly, what message would we send back to Azerbaijan were we to accept the amendment proposed here today? I believe that it would be a negative message. That is why I concur with my colleague, Mr Hancock. We should be working with the Azeri people to improve their democracy. In particular, we should work with them in the re-run of the elections that is proposed for this May.

I wholeheartedly concur with the original draft motion, which concludes that although the elections were not within the provisions of the Assembly's Rules of Procedure, we have decided to ratify the credentials of the parliamentary delegation of Azerbaijan without qualification, but will observe the re-run of the elections on 13 May and instruct the Monitoring Committee to come back with a report on that.

I believe that that is the right way to proceed. It will send the right message to the people of Azerbaijan – that we welcome them as full members of the Council of Europe but want to help them, in every way possible, to come here as a fully fledged nation.

THE PRESIDENT. – Thank you. I call Mr Lintner of Germany, who speaks on behalf of the Group of the European People's Party.

Mr LINTNER (*Germany*) said that everyone agreed on one goal: that Azerbaijan must be helped along the difficult route to democracy. Differences arose over how best to support this process. He agreed with the previous speakers that in the current dilemma, the Council of Europe also needed to be self-critical. Mature democracies had required more than ten years to become truly democratic and for a democratic spirit to be established from the bottom up. It would be counter-productive to impose sanctions on the Azerbaijan delegation. Rather, the Council of Europe needed to support and accompany it along the road to democracy, acting critically and intensively. The elections were far from over. The Council of Europe was closely involved in the run-up to the new elections. No one denied that there had been serious problems in the last round. Ten results had been cancelled and would be re-run in May. Azerbaijan should use that re-run as an example of its improvement. Its performance could be re-assessed during the plenary week in June.

Azerbaijan deserved to be given this opportunity. He was confident that, in June, the Council of Europe would see that real progress had been made. The Monitoring Committee had investigated the matter thoroughly and he urged members to support its conclusions.

THE PRESIDENT. – Thank you. I call Mr Slutsky.

Mr SLUTSKY (*Russian Federation*) said that the decision being taken was whether to introduce new standards into the Council of Europe. There were many democracies within the Council of Europe and there was no guarantee that one day elections would not happen which were not legitimate or fair. Would the Assembly then deprive that country of its credentials and strip it of their voting rights? Was that acceptable? It would create a two-tier Council of Europe. Was that not contrary to the Organisation's founding principles?

It had once been said that the Council of Europe was not a hospital for democracy. However, it had to apply all therapeutic measures possible. It could not simply reject young democracies. Last year, the Russian delegation had been stripped of its voting rights because of the situation in the Chechen Republic. That was not fair and he would not want Azerbaijan to experience similar treatment. President Aliyev wanted to see the victory of the rule of law. Why make life more difficult for him, just when he needed the most help? Yesterday, at the meeting of the Monitoring Committee, members made a "judgment of Solomon". The decision could be revisited if the re-runs of the election in May violated Council of Europe standards. Many young Azeri parliamentarians were part of the current delegation and had been elected for the first time. He called on the Council of Europe to support this new generation of politicians.

THE PRESIDENT. – Thank you, Mr Slutsky. I call Ms Hajiyeva.

Ms HAJIYEVA (*Azerbaijan*). – The Council of Europe is an organisation of high values, principles and standards. Those principles include democracy, human rights, equality and the rule of law. Together, arm in arm, we are struggling to spread those standards throughout Europe. We are struggling to spread ideas, but we are not simply idealists. We are pragmatic, realistic politicians who realise that democratic societies will not and cannot be built in a day. Democracy is a process that permanently changes, develops and improves. It is a functional and dynamic system.

Today we must answer the question, "What is our basic goal?" Is it to punish the Azerbaijan nation and its people, whose hopes and wishes for democracy are closely connected with the Council of Europe? Those people consider the Council of Europe to be a bridge to democracy and European integration. Is it our task to help Azerbaijan? If the task is to punish us, you can challenge our credentials and say farewell to the Azerbaijan delegation. However, if the task is to help my country and the ordinary people who rely greatly on this Organisation, we must make a fair and wise decision.

The way to help my country is by not damaging the process of democratisation there. Even the most pessimistic member of the Assembly must admit that Azerbaijan achieved some success after accession to the Council of Europe. If members compare the position on the eve of our accession with the situation now, they will realise that great progress has been made in many spheres, including democracy, human rights and the rule of law.

Yes, there were some falsifications, irregularities and shortcomings in the elections, but at least elections were held. Perhaps for the first time in Azerbaijani history, the November elections resembled real elections. If we did not punish Azerbaijan and other countries for their worse conduct of elections, we cannot do it now when such serious and significant improvements have been made.

We must underline the shortcomings and convey a serious message to the Azerbaijan authorities, but we should under no circumstances damage or destroy or the hopes of Azerbaijani people for a better life, democracy and high standards of human rights.

Another reason for supporting my country is that we are the victims of aggression from Armenia. If that aggressor, which violated the rights of 1 million Azerbaijani refugees and internally displaced persons, is not subject to sanctions by the Council of Europe, they should not be applied to my country, which is the victim of that conflict.

THE PRESIDENT. – Thank you, Ms Hajiyeva. I call Mr Gross.

Mr GROSS (*Switzerland*) said that no member of the Assembly had been to Azerbaijan as often as he had. He had been 25 times in five years. Azerbaijan needed to admit external observers to its electoral processes because democracy was a process with which countries required help. Over the years, the Council of Europe had made a number of proposals about what Azerbaijan needed to do to improve. Despite that, each vote had been the same. There was no question of any improvement in

plurality having occurred. The last elections had been as bad as the ones before. There was, perhaps, more hope pinned on them, but there was also more malevolence on the part of the authorities. The Council of Europe had tried extremely hard with Azerbaijan, but all Azerbaijan had done was to lie through its teeth. The Council of Europe had never made so much effort with a country before.

Some 80% of the population of Azerbaijan was suffering, despite the fact that Azerbaijan was a rich country. The Council of Europe owed that 80% a duty of care. He acknowledged that his opinions would be thought extreme, but repeated the point that the Azerbaijan delegation was not there on a legitimate basis. It was impossible to imagine what life was like for opposition politicians in Azerbaijan. Anyone with a different opinion was put in jail, even if he or she was just handing out leaflets or standing as an opposition candidate. All those who had suffered under totalitarian communist regimes – the subject of the next debate – should be able to appreciate the gravity of the situation and agree that it was unacceptable. Yet it was a reality in Azerbaijan. The totalitarian government in Azerbaijan had no legitimacy and often used political violence. For example, in the presidential elections, children and women peacefully demonstrating were cruelly treated on 26 November last year. Those responsible had to be made accountable. The 80% of the population who were suffering deserved better political conditions and an opposition to represent them.

In June, the Council of Europe had said that Azerbaijan would face consequences in January if things did not improve. This was the opportunity to keep that commitment. He urged members to consider whether they would be able to look themselves in the mirror tomorrow morning without shame.

THE PRESIDENT. – Thank you, Mr Gross. I call Mr Herkel.

Mr HERKEL (*Estonia*). – I should like to make one thing clear in the Chamber. There is no such phenomenon as democracy in Azerbaijan as we understand it according to the values of the Council of Europe. Of course, there is some imitation of democracy and there are democratic institutions. There are democratically minded people who hope for something from the message that we send today and there is some pluralism in the media.

Many previous speakers used the term, “the problems of young democracies”. One of the highest ranking officials in Azerbaijan said, while speaking to Mr Gross, Mr Platvoet and me, “You must believe us. We have the typical problems of a young democracy.” I answered that the problems of a young democracy may appear in countries such as Ukraine and Georgia. As a first step there is a coalition government. Political parties and people who do not like each other strive for a minimum agreement. It is not a sign of young democracy when opposition is not allowed and when fraud is used to such an extent in elections to parliament.

I want to make it very clear that the re-run elections in 10 constituencies are not taking place because the fraud was most evident in those constituencies – vice versa. In some cases, invalidating the result was a weapon used against the election of opposition candidates to parliament. As rapporteurs, we cannot lose our credibility in the eyes of democratically minded people in Azerbaijan, so we tabled an amendment to the resolution that there should be minimum – I emphasise, minimum – sanctions. Thank you.

THE PRESIDENT. – Thank you, Mr Herkel. I call Mr Seyidov.

Mr SEYIDOV (*Azerbaijan*). – Thank you, Mr President.

It is difficult to speak about Azerbaijan today because our rapporteurs and our colleagues are so tough with Azerbaijan. They criticise and propose the use of sanctions. Azerbaijan has been a member of the Council of Europe for only five years, yet within that time it has done much to implement democratic principles. My colleagues have just mentioned the improvements in recent elections compared to the last elections. Never in Azerbaijan have we seen 2 000 observers in our country, as we did in the recent elections. Never in Azerbaijan has the inking of fingers been used in our electoral process. Never in Azerbaijan have non-governmental organisations from all over the world, despite financial problems, taken part in our elections as observers – more than 30% of their budgets went towards that. Never in Azerbaijan have more than 2 000 candidates run for election. All those things show that we are trying to open up to the rest of the world. We are trying to do our best, but at the same time there were some problems, irregularities and shortcomings during the elections.

Yes, my dear colleagues and rapporteurs, we have problems, but we do not want to change the orientation of Azerbaijan. We do not want to change our way. The Azerbaijan nation has chosen to be with Europe, not the other way around. We shall be in Europe but we need your assistance, not your punishment. If you want to punish us, do it at the end of the process not in the middle. The election process is ongoing. As my colleague pointed out, the re-run elections will be in May. How can sanctions be possible at this time? If the Council of Europe wants to consider the situation in Azerbaijan, please do it in June. Give us a chance. Give members of the Assembly the chance to speak to the people of Azerbaijan and to the authorities.

We know we have to change, but discussions such as those we have had today are a punishment to Azerbaijan. But if at the end of the discussions our Assembly adapts our new voting rights that will be a disproportionate use of its rights against Azerbaijan. That is why we should support our most respectable Monitoring Committee. The committee is to discuss the issue in June. It will help us and it will closely observe the re-run elections in May. I hope and believe that, with my colleagues from the Council of Europe, we shall be able to organise normal free and fair elections.

We do not want to hide our problems. We want to be open about them, but we have seen today that because of our openness our colleagues are trying to punish us. Do not do that. If that happens, forces here and inside Azerbaijan will try to pick on Azerbaijan; they will try to change Azerbaijan and its way. I hope that colleagues will support Azerbaijan.

THE PRESIDENT. – Thank you, Mr Seyidov. I call Mr Abbasov.

Mr ABBASOV (*Azerbaijan*). – Mr President, ladies and gentlemen, I want to express my deepest gratitude to the members of the Parliamentary Assembly of the Council of Europe for their strong support during a difficult period for the Azerbaijan delegation to the Assembly.

I am a new member of parliament. I am the youngest member of the national delegation to the Parliamentary Assembly. I do not look like the victim of a totalitarian regime. No one has the right to say that more than 80% of the Azeri people have a problem. How can we judge the Azeri people, government and parliament? How can it be said that we are not doing our job properly? The elections in 2006 were not fully democratic. There were some problems, but Mr Gross personally observed the election in my district and he admitted that there was no rule-breaking there. That was reported on television and in the newspapers.

When we talk about the violation of people's rights in Azerbaijan we never talk about the million refugees whose rights were violated for more than sixteen years. If we want to help the Azeri people we must not punish them; we must help them. We must bring them to democracy, because the poorest people in Azerbaijan, the young, are taking the most important decisions in Azerbaijan and we want to live in democracy. We have chosen our way and our rules for democracy, but if democracy means being pushed away from the biggest organisations we do not want such a democracy; we want to be with the European family.

As a young person, as a young member of parliament, I ask members to take seriously the fact that the Azeri population needs your help and I hope that you will support them.

THE PRESIDENT. – Thank you, Mr Abbasov. I call Mr Platvoet.

Mr PLATVOET (*Netherlands*). – Dear colleagues, last November, our Assembly sent a delegation of 50 observers – the biggest ever – to observe the elections in Azerbaijan. Yes, Mr Seyidov is right – never before have there been so many observers in Azerbaijan – but what did those international observers conclude? They concluded that the elections were not fair and free and that they did not meet a number of standards and commitments of the Council of Europe.

Mr Lloyd, the rapporteur, who was also an observer on our mission, gave the right information about the elections in his report. Of course, Mr Hancock, no one expects or demands that Azerbaijan will develop a real democracy within the short period of ten years, but we can ask that real progress be made. If you look at the way in which those elections were held, it is a pity to conclude that that was not the case. Sure, there were some improvements, but the bad things dominated. All that is written down in my report on the elections, which was adopted on behalf of the Assembly by the Standing Committee.

No, Mr Abbasov, there were not "some" irregularities. The international observers concluded that in 43% of the observed counting of the votes the procedure was bad or very bad.

The important issues of this debate are: does this Assembly take its own principles and decisions seriously, and what is the best tool we can use to improve the functioning of democratic institutions in Azerbaijan? And this debate is, of course, not a starting point. Half a year ago, this Assembly adopted a resolution in which it said that it hoped that the forthcoming parliamentary elections would be held in a democratic and transparent manner, so as to cast no doubt over the credentials of the new delegation.

In my report, the Assembly adopted the conclusion that these elections were not held in a democratic and transparent manner and that they did not meet our standards. So it is logical to cast doubt on those credentials, not to punish the Azerbaijan delegation, Ms Hajiyeva, or to be a blow to your pride, but to make it clear to the people of Azerbaijan that the Council of Europe takes its own principles seriously in order to serve democracy, human rights and the rule of law. That is also logical to make it clear to the authorities and ruling politicians in Azerbaijan that it is absolutely necessary to make changes and improvements, and both reports include proposals in that respect.

I think that we are in a better position to achieve those changes and improvements when we are clear and confident. For me, that means accepting the credentials but setting aside the voting right until June, after the re-running of elections in just 10 – there should be more – constituencies, and an amendment has been tabled to that effect. That would not make a new standard; it is one of the few tools, and not the sharpest one, that this Assembly can use within the rules and statutes of the Council of Europe just to serve the improvement of democracy in Azerbaijan.

THE PRESIDENT. – Thank you. I call Mr Ali Huseynov.

Mr Ali HUSEYNOV (*Azerbaijan*) hoped that the Council of Europe would show that the organisation was governed not by individual ambitions and emotions, but by common sense and democracy.

As Chairman of the Legal Affairs Committee in Azerbaijan, responsible for the elections, he admitted that there were some shortcomings and gross violations in the parliamentary elections. However, the Azeri leadership had shed light on those violations and the Azerbaijan delegation was aware of inquiries into, and trials of, those who had violated the rules. Anyone found guilty would be brought to justice. Those who held executive powers, and had been found guilty, had already been sacked. That action proved the political will of the Azerbaijan Government.

Azerbaijan would emerge from this. When Azerbaijan abolished the death penalty in 1998 that proved its commitment to European standards, and now Azerbaijan was again being forced to demonstrate its commitment.

Only the Azeri President and elected officials could speak for the Azeri people. He hoped that Azerbaijan's friends in the Council of Europe would support the country and show that democracy would prevail.

THE PRESIDENT. – Thank you. I call Mr Çavuşoğlu.

Mr ÇAVUŞOĞLU (*Turkey*). – Thank you, Mr President. In fact, it is clear that the parliamentary elections held last November in Azerbaijan did not meet a number of the standards and principles of the Council of Europe. Compared with previous elections, these elections constituted a step forward, yet it was insufficient. I also agree that the elections were a disappointment to the Council of Europe and for the pre-election mission and the election mission, which was chaired by Mr Platvoet. Yes, there are deficiencies and there is progress.

While our young colleague from Azerbaijan – Mr Abbasov – was speaking, Mr Gross was shouting that he was lying. First, as a good friend of yours, Mr Gross, I condemn your attitude and behaviour. It was not polite. Secondly, both the pre-election mission report and the election report clearly outlined the progress and the deficiencies of the elections, but now my dear colleagues are saying repeatedly that there is no progress, even though we all agreed during the pre-election mission and the elections on what was happening. Either we were lying that time or we are lying now. That is the question. All colleagues can read both reports. You say that there is a lot of progress; now you say that there is no progress. Which one is the correct statement?

Unfortunately, Mr Gross's problem is that he assumes that he is above the Azerbaijan Parliament and above the Constitutional Court of Azerbaijan. We see that in his behaviour. We are within the framework of the Council of Europe's mandate. Mr Gross, you are my good friend, but I have to say this.

What are we doing today? We are trying to send a message to Azerbaijan – not only to the government and the governing party, but to the opposition. We are giving a message not only to Azerbaijan, but to other countries that do not have democratic referendums, elections and so on. I think that everyone has got this message.

We agreed in the committee yesterday that the reports and the draft resolution constitute a good message for everyone and that we had to wait. We should not challenge the credentials of the Azerbaijan delegation, and we should not suspend its voting rights. We should wait for the election in May. The Assembly is ready to take any step if there is no democratic and fair election in May, but we should not cut the only channel between the Council of Europe and Azerbaijan by suspending voting rights or challenging credentials.

We should vote for this balanced report and the draft resolution.

As for the figure of 43%, I accept that claims were made about 43% of the counts, but not all those claims were critical or serious. Many colleagues made the criticism that the ballot boxes were small or that polling stations were small and cold. Many colleagues made the criticism – I did so myself – that they had not seen the names, but they went to court and returned with a certificate that would allow them to do so. In conclusion, we should support the draft resolution because it is fair.

THE PRESIDENT. – Thank you, Mr Çavuşoğlu. That concludes the list of speakers. The Parliamentary Assembly is always very lively and its members hold different opinions. I ask delegates to respect one another's opinions, especially the work by the rapporteurs, which has received respect in the past. I do not take any position, but it is my duty to make that point.

I call Mr Lloyd to reply. You have four minutes to reply which may be shared with the Rapporteur of the Committee on Rules of Procedure and Immunities for opinion.

Mr LLOYD (*United Kingdom*). – Mr Çavuşoğlu may regret his personal comments when he reflects on his speech. Let us be very clear – this is not about personalities. My Azeri colleagues should be aware that many of us accept that there has been progress in Azerbaijan. Political prisoners, for example, have experienced significant change. May I tell Mr Seyidov that it is not a question of punishing Azerbaijan, least of all punishing it for its openness? Clearly, there were serious electoral irregularities, including the failure to offer proper access to the media to all parties, the failure to protect the rights of free assembly, the failure to allow opposition candidates in particular to present themselves to the electorate, and the use of violence by the security forces. Those are not small or trivial irregularities that we can just sweep aside with the excuse that this is a young democracy.

May I tell Mr Lintner that I am astonished that any democrat can say that democracy is always a slow process? We can demand by presidential decree things such as action to make the media work. That can be done overnight – not after 10, 20 or 30 years. We must make a statement about democratic standards and the progress that we want if the Assembly is to be taken seriously. The position is clear. Mr Slutsky argued for a tactical vote, and warned people who are concerned that their own electoral practices are not satisfactory that our election observers may find other elections unsatisfactory. He is right – if our observers do find other countries to be at fault we should reach similar conclusions. There should be no double standards – a good Russian phrase – but let us start today by saying that there were serious irregularities in Azerbaijan. If we do not achieve anything today it is not the Assembly that we will let down – our standards, however, will slip, as Mr Hancock argued – but the people of Azerbaijan. I wish to leave some time for Mr Frunda to speak, so I shall conclude.

THE PRESIDENT. – I call Mr Pourgourides, Rapporteur of the Committee on Rules of Procedure and Immunities for opinion.

Mr POURGOURIDES (*Cyprus*). – The issue is simple. In this Organisation, we call on member states to keep certain minimum standards. We do not expect them to be ideal democracies, as very few of them have such democracies. There are deficiencies in most democracies, even some advanced democracies. However, we demand of members of the Council of Europe certain minimum standards. If those standards are not met the country's voting rights should be suspended. Given what the rapporteur said – and the facts have not really been disputed by anyone – does Azerbaijan meet those minimum standards? That is the question; everything else is beside the point.

THE PRESIDENT. – Thank you, Mr Pourgourides.

Does the Chairperson of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), Mr Frunda, wish to speak? You have two minutes.

Mr FRUNDA (*Romania*). – Thank you, Mr President. Everyone in the Assembly and the committee wants to help the Azeri people. The question is how. The text of the draft resolution was agreed in committee by 24 to 22. A total of 22 people wanted to suspend the right to vote, because if we do not do anything we will lose our credibility. If we want our institutions to work and help the people of Azerbaijan to achieve something we cannot say that everything is all right and elections will be postponed. We cannot say that because there are bigger issues in other countries it is wrong to start with Azerbaijan. If the police catch a thief who stole an Opel Corsa it is not acceptable for the thief to say, "I am not guilty, because my neighbour stole a Mercedes."

Do we want to be credible or not? In our competition with the European Union do we want to prove that what we are doing is necessary? We must tell the Azeri people that we are concerned about them. Parliamentarians will hold a dialogue with them, but it is clear that they must take action. I therefore urge colleagues to remain true to our goals and principles.

THE PRESIDENT. – The debate is closed.

Mr SEYIDOV (*Azerbaijan*). – On a point of order, Mr President. I fully support the proposals explained by Mr Frunda. He expressed the opinion of 22 members of the committee. However, 24 members were in favour of arrangements in Azerbaijan.

THE PRESIDENT. – Mr Frunda said that 24 members voted in favour and 22 against. That is correct.

The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) has presented a draft resolution to which three amendments have been tabled. They will be taken in the following order: Nos. 2, 1 and 3. If Amendment No. 1 is adopted, Amendment No. 3 falls.

I remind you that speeches on amendments are limited to one minute. I remind the Azerbaijan delegation that it has no voting rights. It cannot take part in the vote.

We come to Amendment No. 2 tabled by Mr Samad Seyidov, Mr Ali Huseynov, Ms Gultakin Hajiyeva, Mr Aydin Abbasov, Mr Akram Abdullayev, Ms Aynur Guliyeva and Mr Aydin Mirzazada, which is, in the draft resolution, paragraph 3, first sentence, after the words "did not meet", insert the following words: "a number of".

I call Mr Seyidov to support Amendment No. 2. You have one minute.

Mr SEYIDOV (*Azerbaijan*). – All the documents on Azerbaijan elections say that they did not meet a number of international standards. However, our colleagues tried to portray them as failing to meet all international standards. The fact that they did not meet a number of international standards does not mean that they did not meet all international standards. It would therefore be a more accurate reflection of the situation in Azerbaijan to insert the words, "a number of" after "did not meet". I urge delegates to vote in favour of the amendment.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr FRUNDA (*Romania*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

The vote is open.

Amendment No. 2 is adopted.

If Amendment No. 1 is adopted, Amendment No. 3 falls. We now come to Amendment No. 1, tabled by Mr Leo Platvoet, Mr Andreas Gross, Mr Mátyás Eörsi, Mr Andres Herkel, Mrs Hanne Severinsen, Ms Katrin Saks, Mrs Sabine Leutheusser-Schnarrenberger and Mr Michael Hagberg, which is, in the draft resolution, replace paragraphs 11 and 12 with the following paragraphs:

"The Assembly decides to ratify the credentials of the Azeri delegation but to suspend its members of their voting rights in the Assembly and its Committees in accordance with Rule 8.5.c until convincing and substantial progress is made in all the aforementioned areas.

The Assembly decides to ask the Bureau to observe the re-run of elections of 13 May and instructs its Monitoring Committee to continue to closely monitor the situation in the country. It resolves to return to the issue after the re-run elections of 13 May 2006; i.e. at the earliest during its June 2006 part-session."

I call Mr Platvoet to support amendment No. 1

Mr PLATVOET (*Netherlands*). – The Monitoring Committee was sharply divided on the issue, which is why I tabled the amendment. The Assembly is the highest level of the Council of Europe, and it should decide the matter. The current text is a step backwards, and, as we decided in June, we need to take a step forward. As I have said, it is necessary to take voting rights away for a couple of months. The Azeri delegation should go back to Azerbaijan and make it clear to the authorities that this Assembly wants real change in Azerbaijan.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

I call Mr Van den Brande.

Mr VAN DEN BRANDE (*Netherlands*). – As Mr Frunda, our chairman, has said, no one disagrees with the idea that a strong signal should be sent to Azerbaijan. Paragraph 12 in the draft resolution refers explicitly to five issues on which we are waiting for more democracy. We have asked the Monitoring Committee to monitor the re-run of the elections, which should be free and fair. The Monitoring Committee voted in favour of the text by 21 to 10 with five abstentions.

THE PRESIDENT. – What is the opinion of the committee?

Mr FRUNDA (*Romania*). – As Mr Van den Brande has said, the committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is rejected.

We come to Amendment No. 3, tabled by Mr Erol Aslan Cebeci, on behalf of the Committee on Rules of Procedure and Immunities, which is in the draft resolution, at the beginning of paragraph 11, insert the following word: "However".

I call Mr Cebeci to support Amendment No. 3 on behalf of the Committee on Rules of Procedure and Immunities.

Mr CEBECÍ (*Turkey*). – This is simply a matter of syntax and language.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr FRUNDA (*Romania*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 10807, as amended. A simple majority is required.

The draft resolution in Document 10807, as amended, is adopted.

Mr WALTER (*United Kingdom*). – On a point of order, I raised a point of order this morning about television cameras in fixed positions in the Chamber which obstruct the view of members. Those cameras were then removed, but they have reappeared this afternoon. I ask for the cameras to be restricted to the public gallery and the rear of the Chamber.

THE PRESIDENT. – I will discuss the matter with the Bureau, and we will make a decision.

4. Need for international condemnation of the crimes of totalitarian communist regimes

THE PRESIDENT. – The next item of business this afternoon is the debate on the report on the need for international condemnation of the crimes of totalitarian communist regimes, presented by Mr Lindblad on behalf of the Political Affairs Committee, Document 10765.

The list of speakers closed at 12 noon. Sixty-three names are on the list, and 12 amendments have been tabled.

In order to ensure that we are finished on time, we must interrupt the list of speakers at about 7 p.m.

Are those arrangements agreed to?

They are agreed.

I call Mr de Puig on a point of order.

Mr de PUIG (*Spain*) said that the Socialist Group intended to move that the matter be referred back to the committee. However, in order for that discussion to take place, the group would present its motion at the end of the debate.

THE PRESIDENT said that he noted Mr de Puig's point of order and awaited the motion at the end of the debate. He called Mr Lindblad.

THE PRESIDENT raised a point of order. The Socialist Group intended to move that the item should be referred back to the Committee. However, in order that the discussion could take place, they would present their motion at the end of the debate.

THE PRESIDENT noted Mr de Puig's point of order and said that he awaited the motion at the end of the debate. He called Mr Lindblad.

Mr LINDBLAD (*Sweden*). – This report is overdue, and it is time for the Council of Europe to condemn the crimes of communist regimes. We have had many debates in the Political Affairs Committee, including long meetings in November and December. At the meeting in December, no member of the committee voted against the report – some members voted against the amendments, but at the end of the meeting, the report was adopted.

Most members have probably read "Three Men in a Boat", which is a funny book. A Finnish author wrote a book about two boys in a boat, which is called "With a Sailboat to Siberia". In May 1946, two Finnish boys were sailing from Finland to Stockholm, but there was something wrong with their compass.

They ended up close to the Soviet marine base, Porkala. They were arrested and sent to Leningrad for a mock trial and sentenced to three years in Siberia for mis-navigating. They had difficulty surviving and almost starved to death. After serving those three years, they thought that they would be freed and sent home, but not so – they had to stay for more than four more years to work on a kolchos. They were free, in a way, in the Soviet Union, but not free to go home. That is communism – the individual has no rights and no value. If we were in a communist society right now, this debate could not have taken place. There would be hardly any debate because everyone has to believe the same things.

I have a book by Natan Sharansky who was a Jewish dissident in the Soviet Union and has written many books. This one came out only two years ago – it is called “The Case for Democracy: the Power of Freedom to Overcome Tyranny and Terror”. It is a very important book and I recommend it. Mr Sharansky writes about the fear society. The communist states were fear societies and there are other fear societies, including fundamentalist regimes. In a fear society, people cannot express themselves and do not want to express themselves because they will be punished if they do. They therefore do something that Sharansky calls double-think. The majority of the population are double-thinkers. The rulers are a minority and the refuseniks, or dissidents, are another minority. That means that an opinion poll taken in a communist society will not, because of all the fear, provide a clean result. The same thing will happen if there is an election or a referendum.

Mr Sharansky worked very closely with Andrei Sakharov, the first and most famous dissident in the Soviet Union. Mr Sharansky was a Jewish dissident. That is important, because after the 1967 war between Israel and its Arab neighbours, the campaign against the Jewish population in the Soviet Union increased. As a result, the resistance was bigger than it had been before.

We can see the same effect today in communist China, where the regime is very tough against anyone with a different opinion. Falun Gong and certain religious denominations are very badly treated in China. We can see that the same thing will happen there, with many dissidents in opposition. That is good, because I could bet you €100 that the Chinese communist regime will be gone within five years. There are defecting diplomats; we saw the same thing in the Soviet Union. Many people are leaving the communist party; the same thing happened before the fall of the Soviet Union’s iron curtain.

The absence of any international condemnation may be partly explained by the fact that many politicians have been close friends with communists in various countries. I believe that there is now an urgent need for that condemnation to occur once and for all. There are three reasons. The first is for the sake of the general perception. It should be clear to everyone that crimes committed in the name of communism are condemned, with no exception. Secondly, for as long as victims of communist regimes, and their relatives, are alive, there is a chance to give them moral restitution. I am keen to tell you that in this report we discussed not economic restitution, but moral restitution for those who suffered, and still suffer, under communist regimes.

Last but not least, people must be reminded that communist regimes are still active in some countries of the world. We must have this debate to ensure that Europe does not repeat the mistakes that were once made.

Communist regimes can be defined by a number of features, including the rule of a single, mass party. One is allowed to do and think only what the party thinks, and it is committed to one ideology. The power is concentrated in a small group of leaders who have a pretty good life, but the rest of the people do not count – an individual is not worth anything. There is no right of association and freedom is non-existent. In order to enforce control over the public, these regimes usually have a very large police force. They have a monopoly on mass communication and nationalise the economy.

China is an exception to that. It has combined the worst parts of capitalist society with the worst parts of communist society. It has a communist society with no freedom of expression and no laws or regulations that protect the individual, combined with raw capitalism. That must be hell on earth. However, I am convinced that the Council of Europe, once and for all, will stand up for people who suffered under these terrible dictatorships.

THE PRESIDENT. – Thank you. I call Mr Beneš, who speaks on behalf of the European Democratic Group.

Mr BENEŠ (*Czech Republic*). – We have been discussing the condemnation of the crimes of totalitarian communist regimes for a long time. You will have noticed that the title of the report has changed. The compromise is not so important for me because I do not know of any country where the communist party came to majority power and that country stayed democratic.

During discussions on the report, we received two Council of Europe resolutions – No. 739 from 1980 and No. 787 from 1982. They seem to be somewhat historical. I have read both very carefully. The discussions that took place at the different parliamentary assembly bodies were also very interesting to me. The history that we have lived is not as far off as it might seem. That may be why I, as a man who lived in a former socialist country, cannot be neutral on this issue.

I was surprised by the striking realisation of communism's black history. None of the Council of Europe resolutions helped us in former socialist – or, if you like, communist – countries. The military steps taken by Ronald Reagan and Margaret Thatcher finally brought us the possibility of our current freedom. Of course, I must also note that Gorbachev's extreme political sense of reality helped us very much as well.

I agree that the position in the former Soviet Union before and after the Second World War was totally different from that in the 1980s, when the resolutions were adopted. In the 1950s, people were killed in our country as well as other communist countries. In the 1980s, the terror was psychological. However, there can be no victims – hard or soft – without representatives of a regime and without murderers. There can be no representatives of a regime or murderers without servants of the system. That is why we are discussing the totalitarian crimes of communism after 15 years. Condemnation of Nazism was quick because it took only months for the world's community to unify against it. There is a difference in the case of communism.

When the Second World War was over, it was clear who had won and who had lost. The end of the Cold War at the beginning of the 1990s has not brought such a clear division. Who was the loser and who was the winner? While winners of the Second World War became protectors in former Nazi and fascist countries and helped to "denazify" them, the end of the Cold War has brought no such protection to the post-communist countries. While Nazism was defeated in war, the communist regimes defended themselves.

I am not afraid of Nazism or communism. However, I am afraid of servants who helped those regimes, and not only in Berlin, Moscow or Prague.

THE PRESIDENT. – Thank you, Mr Beneš. I call Mr Einarsson, who will speak on behalf of the Group of the Unified European Left.

Mr EINARSSON (*Sweden*). – Normally, I would start by congratulating my friend and colleague in the Swedish Parliament, Göran Lindblad, on an excellent report. Unfortunately, I cannot do that. Instead, I have to ask the Assembly, on behalf of a unanimous political group, to reject his report.

Before I continue, I shall make one thing perfectly clear. There have been massive violations of human rights in states ruled by parties and regimes that claimed to be communist. That should be condemned, as should the massive violations of human rights in the name of democracy, freedom, Christianity or civilisation.

The problem with the report, which makes it unacceptable, is that it uses the atrocities of the past as a tool to attack, marginalise and even pave the way for the criminalisation of an ideology and political current, the ideals of which are the opposite of these crimes.

The report does not make the necessary distinction between violations of human rights committed by regimes labelled as communist and communism as a political movement, which aims at a society in which the "freedom of each and everyone is the precondition for the freedom of all", to quote the 1848 manifesto of the Communist Party. When one reads the explanatory memorandum, it is clear that the confusion is intentional.

Communism can mean many things, some of them contradictory. However, anti-communism is also a strange animal. It claims to be the advocate of freedom and democracy, but looking at history makes the picture quite different. Under the banner of anti-communism, men and women struggling for democracy have been deprived of their democratic rights. Under the banner of anti-communism, millions of men and women dreaming of and fighting for freedom have been jailed, tortured and killed.

The truth is that the target of anti-communism has never been dictatorship or violations of human rights. The target of anti-communism has always been and remains the left, the labour movement and anyone who questions capitalism and imperialism. The anti-communists of the 20th century opposed the so-called "dictatorship of the proletariat" in the Soviet Union not because it was a dictatorship but because it was of the proletariat. In that, anti-communists and communists were wrong – it was not proletarian at all. However, for decades the Soviet Union seemed to embody the eternal nightmare of the ruling classes – the fear that the workers might seize power.

The report states "some communist parties have made contributions to achieving democracy". How generous! Who died in Spain, defending the democratic republic in the 1930s? Who organised resistance against Nazi occupation? Who fought post-war fascism in Spain, Portugal, Greece, Rhodesia and South Africa, regimes that the United States supported in the name of anti-communism? Who today, in the "war on terror", defends liberal principles when attacked by liberals? Göran Lindblad knows the answer.

I represent the Group of the Unified European Left. Most of the time, "unified" does not mean "unanimous". We come from different political traditions and we use different political labels – left, socialist, left-socialist, green and communist. We have different opinions on many issues, including 20th century European history. However, all 36 members, without exception, communists and non-communists, defend the values of the Council of Europe.

Colleagues, I do not ask you to defend communism, but rather the values of this Assembly.

THE PRESIDENT. – Thank you, Mr Einarsson. I call Mr de Puig.

Mr de PUIG (*Spain*) said that his group had tabled the motion to refer the report back to the committee. The Socialist Group was, of course, opposed to any crimes, and particularly crimes perpetrated by totalitarian regimes including communist regimes. Obviously, horror was horror, and it was necessary to call a spade a spade. The Socialist Group had been involved in drawing up the text before the Assembly today, but regretted that it was not clear from the text that only the crimes of totalitarian communist regimes were being condemned. He would not like to see the condemnation of an ideology which had inspired individuals who had fought for freedom, some of whom were here today. He could not therefore congratulate the rapporteur. He noted that the report consisted of just six pages. How could an entire historical period be summed up in just six pages? He was an historian and knew that the Council of Europe could not pretend to do justice to such a turbulent period in just six pages. That was why his group was urging members to refer the report back today.

There were certain equivocal points in the report, where it referred not only to past crimes, but to the ideology of communism, which had given Europe French and Spanish resistance fighters, who gave their lives for freedom. Ideological communists in central and eastern Europe had also contributed to the transformation of those states in recent years. He therefore could not accept the report as it stood and asked that it be referred back to the committee.

In conclusion, he repeated that the Socialist Group was opposed to all crimes, but that the report needed to be amended so that it did not give rise to confusion between the crimes and the ideology.

THE PRESIDENT. – Thank you, Mr de Puig. I call Mr Németh, who will speak on behalf of the Group of the European People's Party.

Mr NÉMETH (*Hungary*). – I should like to congratulate not only formally but sincerely our rapporteur, Göran Lindblad, and the initiator of the related motion, Latchezar Toshev – our former and hopefully future colleague in the Assembly – on an excellent report.

Anybody who wants to read a longer text should read "The Black Book of Communism".

The Group of the European People's Party has also asked me to speak as a Hungarian. As the Assembly knows, this year we celebrate the 50th anniversary of the 1956 revolution and the fight for freedom. Allow me to tell the story of a freedom fighter – a 16-year-old worker, Peter Mansfeld. After the invasion of Budapest by Soviet tanks in 1956, he was arrested, imprisoned and kept in custody for two years simply so that he would pass his 18th birthday when the death sentence could be carried out under "socialist legality". He was executed in 1958. Today he would be 66 years old.

Ladies and gentlemen, dear socialist colleagues, today we do condemn not communist ideals and philosophers, but the crimes of communist totalitarian regimes – the execution of Peter Mansfeld is on the agenda. In April we shall deal with Nazi crimes, but I feel bad because we are not able to deal with the crimes of communism today, and the motion of the Socialist Group is a good example. Today, dear friends and colleagues, we express our sympathy for and recognition of the victims, dead or alive, and the 60 million dead all over the world, especially in central and eastern Europe. Today is a recognition of millions of Peter Mansfelds.

Some people say that the timing of the report is too late, others that it is too early. Let me suggest a compromise. The EPP believes that it is high time for the report to be produced, for several reasons. A distance of 50 years facilitates rational dialogue. We should prevent any form of witch hunting, as we have done in eastern and central Europe over the past 15 years. There is no time to lose, however. The survivors of the crimes should have moral vindication. Awareness of communism among the young should be maintained. Existing communist countries should distance themselves from the past. That would strengthen democracy in Europe, in China, Cuba, North Korea and other parts of the world.

Ladies and gentlemen, the EPP especially welcomes the recommendations for European and national committees and the establishment of museums and memorial days. We hope that the Committee of Ministers will soon respond positively.

(Mr Gardetto, Vice-President of the Assembly, took the Chair in place of Mr van der Linden.)

THE PRESIDENT (Translation). – Thank you, Mr Németh. I call Mr Eörsi.

Mr EÖRSI (Hungary). – Thank you.

This morning, there was a small demonstration in front of this building and all of us have received letters from various lobby groups telling us that we are wrong in wanting to condemn the crimes of communism. I point out to those of the Group of the Unified European Left and all those who wrote such letters that they were free to come here and to write letters. When I was younger I had much more hair; it was not grey and I even had a beard. When we wrote letters and demonstrated most of us were put into jail. That is a huge difference. The UEL's perception is wrong.

Why would I want to set aside or abandon communist ideas? As Lluís Maria de Puig said, many people were believers. My father was a believer. Why would I condemn my father? But we should learn from such intellectual attitudes. The famous Hungarian philosopher Georg Lukács said, "My party, right or wrong". Before he died, Jean-Paul Sartre said that he knew all about the gulag but said nothing because he did not want to demoralise the working class and its belief in the future. Learning the truth is vital if we are to make conclusions.

We are talking not about beliefs but about the most horrible crimes. When we talk about what Pol Pot, Mao Zedong and Stalin did to their people, we are told that we should not forget that Stalin liberated half of Europe. How could I forget that? If Stalin had not liberated Europe I should not be here today. Although I never forget that Stalin liberated central and eastern Europe, I remember that before he did so he shook hands with Hitler, to divide Poland, invade the Baltic countries and kill as many people as he could.

Why would I forget that Raoul Wallenberg, who saved my father's life, disappeared and died in a Russian prison? Nobody knows where or why. I do not understand why people on the left do not realise that we are talking about not ideology and belief but the most terrible crimes committed against human beings in our continent.

I am worried that this debate could be used for various domestic political purposes. There is no problem in Denmark or the Netherlands – nor, fortunately, in Hungary as we do not have communists anymore – but there could be a problem in other countries. I hope that the Assembly will unite in condemning the criminal acts of communism. Whatever Stalin did to others, it was worse for the Russian people. I am convinced that the people of central and eastern Europe, together with the Russians, and all our representatives will be united in condemning those terrible crimes. Thank you.

THE PRESIDENT (Translation). – Thank you. I call Ms Saks.

Ms SAKS (Estonia). – If the Council of Europe really values the rule of law, democracy and human rights, we should apply the same criteria to the evaluation of our recent past. We are talking not about a distant era – about the period of slavery – but about the history that most of us have seen with our own eyes. And that is why we need the truth most of all. Unfortunately, in reality, such personal involvement makes it difficult for some people to admit what really happened.

I asked to speak to express my support for the draft resolution and to condemn the crimes of totalitarian communism – and I do that, despite the fact that I was a member of the Communist Party of Estonia. It is not now important why that was the case, but I am not proud of it today, not least because it severely hurt the feelings of my parents, who suffered under the regime. I believe that I am the sternest

judge here. I hope that the efforts that I have made to terminate the regime and to build up democracy in Estonia have mitigated the harm that I did by being a member of the Communist Party.

Like a similar document that was adopted by the Estonian Parliament in 2002, this draft resolution does not make me responsible for crimes that I did not commit. Any personal involvement in genocide or crimes against humanity can be judged only by a court. That is why I find absurd the claims made by some members of my political group that, by condemning totalitarian communism, we also condemn people who are among us.

I find ridiculous the statement made in the international media by a so-called Russian expert that the President of Estonia should be condemned, together with this draft resolution, because of his communist past. With the name of Mr Arnold Rüütel, there were mentioned the names of the Lithuanian Prime Minister, the President of Moldova and the former President of Poland. Even the President of the European Commission, Mr Jose Barroso, was included in that list. This morning my party group added Angela Merkel, the German Chancellor, to that group of people. That is total nonsense – or, on the contrary, it was a purposeful effort to mislead the public in order to avoid the truth.

Dear colleagues, why do I consider that the adoption of the draft resolution is of the utmost importance? I do so not because we would clear the accounts of the past, but because we should keep them in mind today and tomorrow. We cannot be sure that those events will never happen again if we do not do that.

Dear comrades from the Socialist Group, last year the Estonian Social Democratic Party celebrated its 100th anniversary. For half of those years, our party was forbidden to exist, and members of our party were among the first victims of the communist regime in 1940.

It is now crucial for modern social democracy to draw a very clear line between crimes committed and the values that we treasure. That is important for our future. I hope that my children and grandchildren will never experience the horror that my parents have gone through.

THE PRESIDENT (Translation). – Thank you. I call Mr Ivanov.

Mr IVANOV (*Bulgaria*) congratulated the rapporteur on his excellent work. Condemnation of the crimes of totalitarian communist regimes was necessary for three reasons. Firstly, the quantity and brutality of those crimes were similar to those under Nazism. Secondly, those crimes deprived citizens of their rights and slowed their countries' growth for 50 years. Thirdly, a moral duty was owed to the victims of those crimes.

The Council of Europe was created to defend human rights. Assembly members were responsible for defending its spirit and principles. This condemnation was a necessary initiative, although it was late in coming – it was 16 years since the fall of the Berlin wall. European countries needed to distance themselves from the repression which had occurred. In Bulgaria, 800 000 citizens had been forced to change their names by the communists and some 300 000 had had to flee Bulgaria, leaving behind their homes, land and animals.

Those crimes were inspired by ideology. A number of left-wing parties had not found the strength or motivation to condemn ex-communist regimes. The report would give a moral boost to researchers and non-governmental organisations investigating communist crimes. It could have the same effect as the introduction of the Simon Wiesenthal Centre had had on those investigating Nazi crimes. It was essential that the archives of the security services in communist countries were opened; otherwise, it would not be possible to understand the full extent of their crimes.

THE PRESIDENT (Translation). – Thank you. I call Mr Pangalos.

Mr PANGALOS (*Greece*) said he respected Mr Ivanov's passion for the issue. In reminding the Assembly of the Greek military junta of 1967 to 1974, which was a staunch anti-communist organisation, he highlighted to the Assembly the fact that other regimes had also committed heinous crimes.

There was a need to be rational and apply logic. Why had the document been published for consideration now? Was there a risk of a resurgence of communist regimes? If so, he could understand the need for discussion. Communist regimes were, however, now dead and gone. The resurrection of communist parties would be unacceptable. Former communist parties had distanced themselves from the past. The real risk was that posed by the extreme right. It was essential to discuss topical issues such as

the problems raised by xenophobia and its perceived link to immigration, issues of unemployment, poverty and epidemics. The Assembly would not be able to study the past crimes of communist parties without condemning communist ideology. It would be a miracle to be able to condemn one without the other.

The report was weak and would not bring about a fair assessment or condemnation. He supported his group's proposal to send the report back to the committee to start again as it was not worth the paper on which it was written.

THE PRESIDENT (Translation). – Thank you, Mr Pangalos. I call Mr Loutfi.

Mr LOUTFI (*Bulgaria*) thanked the rapporteur for an excellent report. Bulgaria had not been spared the excesses of the totalitarian communist regime. Between 1984 and 1989, Bulgarians had been imprisoned without trial in prison camps because they had been against the regime or because they had not been sympathetic to communism. Approximately 200 000 people had been imprisoned without trial, of whom 30 000 had been killed. In addition, thousands had "disappeared". Between the years 1984 and 1989, there had been many flagrant abuses of human rights through violence, assassinations and incarceration in camps. The communist regime had undermined human rights and the identity of human beings.

One million ethnic Turks had been forced to take Slavic names and 5 000 had been detained in the Belene prison camp. Between May and September 1989, 350 000 ethnic Turks had been forcibly deported to Turkey in order to make Bulgaria uni-ethnic without any minorities. That was a brutal example of the grave violation of human rights committed by the communist regime. It was ethnic genocide, aimed at undermining the religious, political and ethnic identity of a minority. He had experienced tragedy on a personal level and had shared the fate of the ethnic minority. He wanted to pay tribute to the deceased victims of the communist regime, and also to the courage of those who had survived. It was important for future generations that those events did not happen again. A catharsis was needed.

THE PRESIDENT. – Thank you, Mr Loutfi. I call Mr Schreiner.

Mr SCHREINER (*France*) praised the report, which was clear and courageous. Although Nazism and its followers had been brought to trial and condemned, communist perpetrators of human rights abuses had not. Communist crimes had been as bad as those of Nazism. Communism had been responsible for the extermination of millions of innocent people, but little mention had been made of that in school history syllabuses. Politicians had been prudent in denouncing communism while communist regimes still existed. They needed to move from polite silence and their etiquette on communism as that was excusable, perhaps, from governments but less so from the Council of Europe. The media would be extremely interested in the debate and he called on all democrats and defenders of human rights to condemn the crimes of communism. They would not be re-writing history, as the facts on human rights abuses were undeniable. The Assembly should therefore support the report.

THE PRESIDENT. – Thank you, Mr Schreiner. I call Mr Lozančić.

Mr LOZANČIĆ (*Bosnia and Herzegovina*). – I would like to talk about this theme because my country had a one-party system until 1990, changing to a multi-party system at a time of armed conflict. We need international condemnation of crimes by totalitarian communist regimes, especially in countries that were subject to such regimes. Confronting communist crimes is hardly possible without reform of the institutions in those countries that were under the rule of totalitarian communist regimes. Reform of those institutions should lead to the adoption of laws that protect the dignity and rights of victims of communist rule.

We need to launch a national awareness campaign about crimes committed in the name of communist ideology, including the revision of school books. We should hold a memorial day for victims of communism and establish museums as part of such a campaign. It is difficult to imagine a modern democratic society being successful without confronting the past or accepting the truth about communist crimes.

However, in countries in transition – countries with a communist past – that is almost impossible. Looking back to the past should not be a motive for new conflicts. It must be a strong stimulus for building a better future. In that sense, Willy Brandt's remarks about truth, remorse and reconciliation are relevant.

Justice must be accessible for everyone regardless of national, religious, political or ideological background. Victims of communist terror must obtain moral and material satisfaction. Selective justice and the feeling of injustice which results from it can be dangerous for a democracy, especially a society in transition, and it can slow down the democratic process. Judicial bodies must process all communist crimes and violations of human rights to return dignity and justice to victims of communist regimes.

If we do not determine the truth about communist crimes and face that truth and if we do not process war crimes and violations of human rights by totalitarian communist regimes, there will be frustration and a feeling of injustice, which could cause a new conflict such as the one in the former Yugoslavia. In processing crimes and violations of human rights, it is necessary to keep track of individual guilt, because those who commit crimes and violate human rights must be convicted.

This document is especially important for the transition countries that have lived under communist regimes. I support the setting up of a committee to carry out comprehensive investigations into communist crimes in Council of Europe member states. Countries must face the past and the truth about communist crimes and violations of human rights. However, the future is certain – a European family of free and democratic countries and people.

THE PRESIDENT. – Thank you. I call Mrs Kanelli.

Mrs KANELLI (*Greece*). – I have listened to the previous speakers, who spoke as Estonians, Hungarians and Bulgarians, so I shall speak as a Greek communist parliamentarian – I am Greek first.

I must defend the Greek word “democracy”, which means the power of the people. Anyone can say that they are sorry that they were a communist when they were young, and regimes may change in particular countries. However, it is not acceptable to equate the word “communist” with crime. My dear colleague from Sweden, Mr Lindblad, is a cowboy who is taking ideological shots in the Council of Europe against invented ideological Indians, which is against the morals and ideals of the Council of Europe.

Communists are now in the minority across Europe. On 9 March, it will be 60 years since the anti-fascist, anti-Nazi human miracle in which communists were the victims. The report rewrites history in the terms of the modern, globalised, imperialistic, anti-human attitudes and values of the open market.

Communists shed a great deal of blood in my country. In 100 years my country has experienced two dictatorships and a civil war. I represent not only my party, by 11 million Greeks. Communists were persecuted in Greece 60 years ago. The beautiful islands where people now go for vacations used to contain concentration camps. The Greek people are against this report because they are democrats. We will not ask Mr Bush’s children to say *mea culpa* for their father’s crimes. You cannot criminalise class struggle.

When new ideas arise in future centuries when none of us will be alive, the Council of Europe will be remembered as having started the witch hunt, with the communists first and the blonde, the fat or the thin next. If you want to be a cowboy, wear red boots, because your future will be more democratic.

THE PRESIDENT. – Thank you. I call Mrs Mikhailova.

Mrs MIKHAILOVA (*Bulgaria*). – Two months ago, I was a keynote speaker at a conference on human rights in North Korea, which was held in Seoul. What I heard at that conference and what I have learned from a documentary is so terrifying that it is hard for a normal human being to believe.

This debate reminds me how evil communist regimes can be and how the absence of international condemnation of the massive human rights violations and deaths of many millions of individuals regrettably gave a chance to many dictators in the 21st century to feel untouchable by the law. It is difficult to discuss communism without emotion. It is a question not only of politics, but of humanity.

Is it too early for such a debate? I think that the assessment of the crimes of communism came too late. Some of the victims are not alive, and they left this world with the sadness of not having received justice. In the name of those who survived, I congratulate the rapporteur on his dignity and courage in raising this issue, which he has discussed in a convincing way. There is no doubt that communist regimes killed millions of people in central and eastern Europe, including in my own country, Bulgaria. Those events changed the lives of a whole generation. In Russia alone, there were 20 million victims, which is more than the number of victims during the Second World War. I cannot explain the position of the Russian members today.

Some people would oppose me and say that this is already history which will never be repeated. I do not agree, for three reasons. First, there are still places in the world such as Belarus, Cuba and North Korea where the same evil practices are used against people simply because they want freedom, democracy and human rights.

Secondly, during this debate, and especially during the vote, Europe's real political assessment of the crimes of communism will become clear. The wish of some politicians to maintain good relations with countries whose rules are still based on communist ideology should not prevent them from being just and following the spirit of the Council of Europe. The debate will also prove whether the newly named socialist parties of central and eastern Europe have cut the ties with their past. The French resistance and the Spanish resistance cannot be an excuse for the crimes committed by communist totalitarian regimes.

Thirdly, today's debate is sending an important message to the new generations and trying to keep them away from a sort of nostalgia for communism. It will prove whether we, the deputies of the oldest democratic institution in Europe and the symbol of human rights, are truly driven by principles – whether we are ready to name the truth and to defend the truth. The Young people of Europe and all over the world need examples of principles, courage and commitment to defend human dignity.

(Mr Jurgens, Vice-President of the Assembly, took the Chair in place of Mr Gardetto.)

THE PRESIDENT. – Thank you. I call Mr Pupovac.

Mr PUPOVAC (*Croatia*). – This draft resolution is raw material based on the controversial contributions of a couple of historians, neglecting many others who have contributed. It neglects hundreds of thousands of those who – as members of the various nationalities, as communists, as socialists, as left liberals, as democrats, as ordinary people without any party affiliation – contributed to the survival of the totalitarian communist regimes that killed people. If necessary, we – particularly the socialists – will condemn that here today, or tomorrow in any other place. We have a responsibility to do that, just as some other party affiliations are responsible for other crimes that took place and are still taking place.

We want to strengthen democracy in our new nations, despite the fact that many of them are very old nations. Do we give those people the credit to continue to struggle for their democracies or would we discredit them and tell them that they should not be nostalgic? Do you think that the ordinary Russian is nostalgic for the crimes that Stalin, or some others, committed? Believe me, that is not the case. They just think that to reduce democracy to the free market, free elections, free expression and freedom in property is not enough. The contribution of socialists to democracies should be part of this draft resolution. Where is Mr Gorbachev's name? He contributed to the peaceful transition to democracy, as did many others, including in the country where I live. Yet those people are not mentioned with a single word. They are worthy of better treatment.

The Croatian delegation discussed the declaration on anti-facism. We had a strong discussion which divided us, but at the end of the day we decided to see whether together we could agree on a common resolution. We did that. I agreed with the president of our group, who said, "Please go back and try to make this less raw and more serious."

THE PRESIDENT. – Thank you. I call Mr Hladiy.

Mr HLADIY (*Ukraine*) thanked his colleagues from the Political Affairs Committee for putting this item on the agenda of the Council of Europe and thanked those colleagues who had produced the report. He invited members to visit Ukraine to see wounds which were still open today. Coming to terms with the past crimes of the communist regime was an important problem for post-soviet states, which had been under the yoke of the soviet regime for decades. That anti-human regime had become embedded, causing the deaths of millions of people.

When Ukrainians learned of this debate at the Council of Europe, they asked their delegation to be brave enough to speak out and condemn the communist regime. They were children of the victims of the red terror, which reigned in Ukraine for more than 70 years. Those who fought against the regime were arrested. Representatives of the regime used the KGB to draw up lists of "enemies of the people". That was the history of the communist system. Many of their crimes were known, but there were also many gaps in knowledge. The regime exterminated people and created "closed zones" so that, in the 1930s, nobody outside knew what was going on. There were many expropriations: property was abolished, and so were the proprietors. The resistance of the peasants turned into war against the peasants. Many were executed or exiled to Siberia, never to return.

The communist regime in Ukraine committed the most terrible crime of the 20th century. It created an artificial famine, causing the death by starvation of much of the population. Some 30% of those who died were children. That had to be condemned. In voting on behalf of the Ukrainian delegation, he hoped that national parliaments would also agree to condemn those crimes.

THE PRESIDENT. – Thank you, Mr Hladiy. I call Mr Kastēns.

Mr KASTĒNS (*Latvia*). – I want to express my appreciation to the Assembly for its decision to call for an international debate on and condemnation of totalitarian communist regimes. We support the beginning of an international debate on the crimes that the communist regimes in central and eastern Europe committed in the past century. The crimes committed by totalitarian communist regimes must be investigated and those who perpetrated them must be brought to trial, as happened with the horrible crimes committed by the Nazis.

People of the Baltic states were among those millions of innocent people in central and eastern Europe who were killed, deported or starved to death in concentration camps by the Soviet regime. Hundreds of thousands of Poles, Ukrainians, Latvians, Estonians, Moldovans and Russians were assassinated or deported between 1939 and 1941 and in 1944 and 1945. Deportations continued after the war when western Europe recovered from the wounds of the Second World War and started to receive help from the United States.

On 25 March 1949, overnight, 45 000 Latvians were deported to Siberia with their families. Not many of them returned. There is a moral obligation on behalf of the victims of communist regimes who were killed, those who are still alive and their families to give them moral compensation for their suffering. The Latvian Parliament has already adopted a declaration of condemnation of the communist occupation regime that was imposed after the Soviet invasion in 1940. My country has already established a committee composed of parliamentarians and independent experts to collect and assess information on violations of human rights under the totalitarian communist regime. They are prepared to co-operate closely with the Council of Europe's committee of experts.

The people in Latvia are closely following the fate of this draft resolution. Let me give just one example. Yesterday, our delegation received a letter from Ms Nadezhda Chugunova, who lives in Riga. The letter is in Russian and I shall therefore quote part of it in Russian.

(The speaker continued in Russian)

The ideology of communism in his country had destroyed the moral value of human nature. It had created a situation where societies were interested only in themselves. Millions of "free thinkers" had been destroyed. Condemning what had happened would be historical justice.

THE PRESIDENT. – Thank you, Mr Kastēns. I call Mr Mimica.

Mr MIMICA (*Croatia*). – Discussing a report and draft resolution on the international condemnation of the crimes of totalitarian communist regimes presents us with a long-awaited opportunity to flag up our position on yet another dark corner of human history. Although I do not contest the valuable intentions of the report and the rapporteur, I cannot but insist on a better structured, less simplified and less generalised approach, which would have made the report even more appropriate to the tasks and mission of the Council of Europe.

My major concern relates to the fact that the report does not sufficiently differentiate the character of the actions that are to be undertaken internationally and those that are to be taken nationally. The proposed actions at international level are quite detailed, clear and worth accepting and implementing. Strong international condemnation of human rights violations and crimes committed by totalitarian communist regimes must be firmly at the helm of the Council of Europe's mandate. The same goes for recommendations directed to the Committee of Ministers.

The recommendations proposed for implementation at national level might, however, easily turn into a chaotic and uncontrollable political process. The proposed establishment of national expert committees to investigate communist regimes' human rights violations is bound to become primarily a political exercise. Under the prevailing unsettled ideological political scene in some if not all post-communist countries, that is likely to cause prolonged political division in the national political set-ups. Surely that contradicts the main objectives of the Council of Europe.

The report inclines towards casting doubt on all left-wing political parties and even individuals, questioning the level of their denunciation of the communist crimes and legacy, or implying that they are nostalgic for communism. It would be much more appropriate to give more credit to all political parties on the left of the political spectrum in the post-communist countries that played an important role in bringing down the heritage of communism and promoting democratic values. If the report keeps advocating national political and not judicial investigations, it might easily become an instrument for ensuring advantages for right-wing political parties in the contemporary political arena instead of being a genuine quest for historical truth and justice.

Even on a more individual level, radical individuals and parties might use this initiative to start compromising not only those who were directly involved in the crimes of communism but those individuals or politicians who were simply loyal citizens who successfully lived and worked under communist regimes.

The recommendations would therefore be acceptable to me only if they were amended in a way that would make it clear that national action against human rights violations and the crimes of communist regimes would be taken not by special political or expert committees but by legal and judicial bodies that investigated and prosecuted concrete crimes and perpetrators to the greatest possible extent.

Given that my colleagues in the Socialist Group have outlined other shortcomings in the report, it would be appropriate to come back to it once it has been revised according to the suggestions that have been expressed.

THE PRESIDENT. – Thank you, Mr Mimica. I call Mr Kosachev.

Mr KOSACHEV (*Russian Federation*) said that everyone in the Chamber represented democratic countries and democratic political parties or they would not be here. What unified all those present was their belief that any crime committed by anybody deserved strong condemnation. Crimes were committed not by democratic governments but by totalitarian regimes. If the subject of the report had been limited to totalitarian regimes, as in the original proposal, everyone would have agreed. Members could have talked about the crimes of the Greek regime, of the Pinochet regime which had learnt its methods from Stalin, and the unacceptability of a return to totalitarianism. The author of the report had artificially manipulated it in order to condemn only communism. There was no answer in the report to the question whether all communist regimes were necessarily totalitarian. The author seemed to think that the answer was yes. He did not agree. That would be like saying that because all blood is red, everything that is red must be blood.

He asked if the report seriously suggested that the current Moldovan Communist Party was a totalitarian communist regime.

The report was not well thought out and he could not accept it, although he condemned all crimes by totalitarian states. It was ridiculous to attempt to equate the ideology of the Nazis with that of the communists. The differences between an ideology advanced through the rule of law and one that was not should not need to be explained.

The mixed messages in the report would cause confusion. The Council of Europe needed to send a strong, not confusing, message on the issue.

THE PRESIDENT (Translation). – Thank you. I call Mr Legendre.

Mr LEGENDRE (*France*) said that the Council of Europe denounced crimes against liberty, the world over, part-session after part-session. Its stated mission was to maintain human rights. How could the Assembly not condemn crimes of communists when it had condemned fascists and Nazis? It was essential to condemn these totalitarian communist regimes. It was important to remember the policies the Communist Party had followed in the terrible 20th century, doing away with elections and imprisoning and executing citizens. The Council of Europe could not remain indifferent to those actions.

The numbers could be debated, but it was known that there were many victims, in numerous countries. Stalin was an assassin, and if he were alive today would have been in front of the International War Crimes Tribunal in The Hague. That was not to say, however, that all communist leaders – for example, President Gorbachev – would be viewed in the same light.

Responsibility needed to be taken for those crimes. It was wrong to suggest that communists could not be denounced because they fought against the Nazis. Stalin should still be condemned for his crimes, as should other communists who had committed such crimes.

The Council of Europe needed to come back to the spirit of its creation. There needed to be a fight against nostalgia. The communist parties of the 20th century were tyrannical and he did not want any more of them.

THE PRESIDENT – Thank you. I call Mr Lachnit.

Mr LACHNIT (*Czech Republic*). – Mr President, dear colleagues, we live in a period of widespread dubious generalisations from amateurs who know less and less about more and more. Unfortunately, I am convinced that the report proves that extremely well.

Civilisation is standing at the edge of the so-called modern age. There has been a decline in the aristocracy and the rights of democracy and that process is now largely complete. Perspective, which should be a major focus for the activities of politicians, is an inevitable component of reality and is at least in part historical. One fact is indisputable: mankind has always built its knowledge on memory.

Those who regard the world before 1914 as a golden age are bitterly mistaken. The First World War was one of the worst catastrophes in the history of mankind. It belongs to diplomatic history and to relationships between states. The miscalculations of short-sighted politicians, statesmen, generals and rulers are evident. Hand in hand with newspaper publishers and journalists, they created mistaken expectations.

As a result of the butchery of the First World War two dictators slowly came to power – Hitler and Stalin. Both were professional populists. They knew how to address the masses and they also knew that people are attracted by the trappings of power rather than by propositions for social contracts. They promised all kinds of benefits for “the people”. In fact, the words “the people” were a disguise for xenophobia, nationalism and populism.

When the Christian Socialists came to power in Vienna in the 1890s on a wave of anti-Semitism and anti-liberalism, their rhetoric significantly contributed to the fatal crisis of the Habsburg empire. The Russian revolution in 1917 was a consequence of the First World War; the cause was not ideological but nationalistic. The influence of Marxism and Leninism on that historical event is often exaggerated.

What happened in Russia in 1917 and after was horrible. Entire classes were decimated or exiled. There is no time to describe all the atrocities in detail.

After Lenin, Trotsky pretended to believe in international communism. Stalin did not. He inclined towards nationalism and statesmanship, using propaganda to encourage the class feeling of pure Russians. In fact, that was an expression of xenophobia.

Many books describe the propagators of international communism, but one does not have to be a communist sympathiser to understand that such views are inseparable from the general idea of progress, the evolution of democracy and social questions. Let me conclude with the words of the Polish dissident, Adam Michnik: “I wasn’t a coward with you then, I needn’t be a hero with you now.”

THE PRESIDENT. – I call Mr Ziuganov.

Mr ZIUGANOV (*Russian Federation*) noted that Thomas Mann called anti-communism the “basic stupidity of the 20th century”. It was disappointing that the Parliamentary Assembly had engaged in such stupidity. He was dismayed to report that a collective of communist speakers was not allowed to take the floor at the recent Athens meeting. Former anti-communists included Hitler and Goebbels, and the McCarthy-ites in the United States. Were these the role models to whom we wanted to aspire?

Who was being judged here? Was it the 40 million Russians who were members of the Communist Party? Was it Yuri Gagarin, a member of the Communist Party? Former leaders of France and Greece? Resistance leaders? The current communist leader of India? There were not enough prisons in the world to jail all the communists. Brazil had a communist leader and Latin America was turning red. This was provocation between the lines, dividing Europe. If anyone was to be judged, then the leaders of the colonial past should be judged for their atrocities in Africa, Asia and the Middle East.

Neo-fascist marches had been taking place across European states, but the Council of Europe had been silent. Fascism was a result of anti-communism and he asked why the Assembly wanted to revert back to fascism.

THE PRESIDENT. – I call Mr Zhirinovsky.

Mr ZHIRINOVSKY (*Russian Federation*) told the Assembly that he would be arguing the exact opposite case to the previous speaker from the Russian Federation, Mr Ziuganov.

If there had been no pact between Hitler and Stalin, Hitler would have been removed from power in 1933. It was Stalin who had kept Hitler in power. Had Hitler not attacked the Soviet Union, the communists and fascists would still be sipping champagne together across Europe. It was the communists in the Chechen Republic who had committed atrocities. The Communist Party wanted a resurrection, but that had to be condemned. Members of the Communist Party who were responsible for atrocities still remained in leading positions, not allowing reform of that country. Why did Mr Pangalos from Greece complain about the junta in his country? That was nothing; it had lasted for only a short period. The communists had created a pandemic, killing millions. It was Ziuganov who should be on trial in The Hague, not Milošević. Milošević was not the problem. Everything that had occurred in the Balkans was the fault of communists.

The document was weak and should go further, but it had to be supported. What would the young people of Europe believe if the Assembly failed to condemn the atrocities of the communist regimes? The date of 25 January should be celebrated as the day that Europe condemned these crimes.

THE PRESIDENT. – I regret personal accusations or incriminations against colleagues in the Chamber. They are not usual in the Council of Europe. I would like to tell Mr Zhirinovsky that he should not make such remarks about Mr Ziuganov.

I call Mr Bokeria.

Mr BOKERIA (*Georgia*). – I would like to thank the rapporteur for the draft resolution, which I strongly support. Not even the fact that Mr Zhirinovsky supports it can change my mind. Mr Ziuganov, who spoke before Mr Zhirinovsky, is the leader of the largest opposition party in the Russian Federation. Not a single word was said by the leader of the Russian Communist Party to condemn the crimes that were perpetrated, as its members would say, in the name of communism. That is no accident. How can a colleague say that it is irrelevant to condemn totalitarian communist regimes, when the President of Russia, Mr Putin, recently said that the fall of the Soviet Union was the biggest tragedy of the 20th century?

The inheritance of communist occupation is vivid in my country, as it is in any country where the communists ruled. Mr Lukashenko may not be a clear-cut communist, but he is the result of a communist regime. It has already been said that communists still rule in several countries where they continue to prosecute individuals and kill people because of their beliefs. Recently, members of the Ukrainian delegation cried when it was announced that an international document would be prepared to recognise the genocide of the 1930s. It is important that moral responsibility is taken for such crimes.

Some of the things that we have heard today make it even more important to vote for the draft resolution. Some of my colleagues in the united left and Socialist Party made a peculiar argument. Where in the document is there a condemnation of ideology or anyone who simply believes in communism? There is no such thing – it is simply a condemnation of totalitarian communist regimes. People may want to connect the ideology of communism to crimes by communists but, peculiarly, people who believe they are communists are not willing to support the document. I do not wish to imply that anyone who says that he is a communist is a criminal or is inclined to violence. The fact is, however, that wherever the communists gained power their rule finished in bloodshed and terror. That cannot be a coincidence. The example of Moldova given by Mr Kosachev is irrelevant. What happened was the result not of the communists gaining power, but of the fall of the Soviet Union. Wherever the communists gained a majority the situation ended in repression. That is not a coincidence.

I oppose any bans on symbols or ideas. I am hurt when I see young people wearing tee-shirts with Soviet symbols, as they are the symbols under which my country was occupied. My country still suffers today. We must defeat those ideas with our words and ideas. Our goal should be to marginalise any political group that is not willing explicitly to distance itself from those crimes. One of my colleagues, Mátyás Eörsi, said that he did not have any problems with communists until they were a minority. That is exactly the position. The communists are a minority in Europe now. Let us vote for the draft resolution and do our best in the name of liberty to keep it that way.

THE PRESIDENT. – Thank you, Mr Bokeria. I call Mr Vareikis.

Mr VAREIKIS (*Lithuania*). – Some members of the Assembly say that the draft resolution is short and inconsistent. It is indeed short. I regard it not as a final document but as an introduction or preamble to a condemnation of specific crimes committed by communist regimes in Europe and elsewhere.

I come from a small country, and often small countries suffer the most. When we talk about crime we usually think about loss of life or of property – most crimes are killings or robberies. Communist regimes killed many people, as we know. In my country, it was the late 1960s before the population returned to the level of the early 1930s. Of course, many people lost their property. Everyone knows that the standard of life in pre-war Baltic states was the same as it was in Scandinavian states. I urge colleagues to compare those standards today.

Robbery and killing are not the only crimes that were committed. My country knows what the Soviet regime took from us geographically. We disappeared as a geographical entity for almost 50 years. Communist crimes took our history. We became a non-country in the Soviet Union, and we did not have any true history books, as they consisted of only 10 pages. Communist regimes and crimes by communist criminals took away our conscience in the form of our religion. Many things were forbidden, as I know from personal experience. The communists took away our minds. Many branches of art and of science were forbidden, so they took away our humanity. As a result, sometimes we cannot assess or condemn the things that happened.

Finally, I am myself the result of communist crime. It is a funny crime. My father was forbidden to become a Catholic priest. He was sentenced and sent to Siberia. The poor man could not work as a priest, so he married, and I am here because of that. Sometimes crimes, including recent crimes, are funny.

THE PRESIDENT. – Thank you. I call Mr Diacov.

Mr DIACOV (*Moldova*) said that although there had been a substantive debate on principles, it had not been ambiguous. Moldova was a small country which, like Lithuania, had experienced atrocities for many years. Many members of the Assembly represented countries that had suffered but were now young democracies. It was important to know history in order to build the future on strong foundations. Of course, many countries such as Sweden, Switzerland and the United Kingdom had not suffered under communism and were unlikely to do so in the future. He wanted the debate to unite the Assembly, as the Council of Europe was founded on the basis of that wonderful document, the Convention on Human Rights. The Council of Europe defended individuals who had been unjustly charged or detained and it monitored elections.

Hundreds of millions of people had suffered under communism. Over 30 million people had been sent from Moldova to prison in Siberia, many of whom had committed no crime other than to be Christian. He had been born in Siberia in those circumstances and had had to explain many times why he was born there and why members of his family had lived, died and been buried there. He had told the committee that the Assembly was looking at the matter rather late in the day. He agreed with the comments of the leader of his group who had said that the debate must be considered in a broader context, rather than as a political squabble between left and right. There must be a full and proper condemnation of the crimes of communist regimes. It was necessary to agree the report to ensure that future generations did not suffer in the same way.

THE PRESIDENT. – Thank you. The last speaker is Mr Mihkelson.

Mr MIHKELSON (*Estonia*). – I am sure that this evening's sitting will go down in history. There is a great chance that, for the first time ever, the crimes of totalitarian communist regimes will be officially condemned by a major international forum – the Parliamentary Assembly of the Council of Europe.

All the credit belongs to our rapporteur, Mr Lindblad, whose brave and honest approach has brought us to this final discussion of a well-balanced and truly historic document. In the Political Affairs Committee, some colleagues asked why we were dealing with this document now and what added value it provided. People have waited for this report for a long time, because crimes against humanity cannot be forgotten.

If we adopt Mr Lindblad's report, we will take an enormous step to securing our core values – human rights, the rule of law and democracy. The three Rs – remembering, reconciliation and recognition – should drive us today. A united, civilised and peaceful Europe cannot be founded on the erasure of

memory. Unfortunately, public awareness of the crimes of communist regimes remains minimal, and we have even witnessed that limited awareness here.

As we are the most respected organisation for respecting human rights and the rule of law on the European continent, *a priori* we must be interested in the atrocities, so that they are not repeated in the future. Mr Lindblad's document is a starting point for an awareness campaign at the European level. Activities such as organising international conferences and erecting memorials and museums are vital steps on the way. However, we cannot be successful if the reconciliation process in the societies that suffered under totalitarian communist regimes is not finished or has not been undertaken. Unfinished reconciliation could provide fertile ground for the revival of both Stalinism and Nazism, which could have serious political consequences.

Some supporters of the report have demanded a new Nuremberg trial, but no single trial can make the necessary difference. The Nuremberg trial did not shake Germany's collective memory; it was the debate begun by Germans themselves that helped to build strong democracy on the ruins of the Nazi dictatorship. The German experience shows that any society that is ready for reconciliation and ready to approach its own history critically is truly democratic and free. We know that common memories create the backbone of national identity. However, if the past is kept under lock and key and historical facts are only in the service of political authorities, the future of democracy in that society will always be in question.

Today is important not only for the history of the Council of Europe, but for the millions of people who either suffered or still suffer under cruel, totalitarian communist regimes. It is our duty to recognise their suffering and those people fully deserve our sympathy and understanding. If we adopt this document, we will be remembered as politicians who not only spoke about but truly served human rights and the rule of law.

(Mr van der Linden, President of the Assembly, took the Chair in place of Mr Jurgens.)

THE PRESIDENT. – I must now interrupt the list of speakers. The speeches of members on the speakers' list who have been present during the debate but who have not been able to speak may be given to the Table Office for publication in the official report.

I call Mr Lindblad to reply.

Mr LINDBLAD *(Sweden)*. – Mr Mihkelson's speech was a good summing up of most of the debate. It has been an interesting and free debate in which everyone has had the opportunity to give his or her opinion on this very important issue. That could not have happened if we had been in a communist country. It is important to remember that freedom of speech and assembly is essential and goes hand in hand with the core values of the Council of Europe.

Let me comment on a few of my colleagues' remarks. Mats Einarsson from Sweden is like his communist colleague, Mr Ziuganov, when it comes to talking about things other than the topic of the debate. We have been discussing the crimes committed by totalitarian communist regimes, but they speak about good people who were active in the Soviet Union. There is no doubt that there were many such people, but that is a completely different subject. We are here to discuss this report, which is about the condemnation of totalitarian communist regimes, not totalitarian regimes as such. This subject has been debated in the Political Affairs Committee several times, and there was a decision to give the report this title. If it had been about totalitarianism, it would have been a much longer report on a different subject. We are here to decide on the draft resolution and recommendation in this document.

One colleague commented on seeing young people in tee-shirts with Soviet symbols. I have run into that problem in Sweden, where a Norwegian chain is selling such tee-shirts. We had a campaign against that, and I had e-mail correspondence with a marketeer from that company, who told me that it is only Russian nostalgia. The problem is that we are not having an awareness campaign. We need to have this debate to make people in all our countries aware of the crimes of communism and what these symbols stand for. I have no problem with Mr Einarsson and Mr Ziuganov wearing tee-shirts with Soviet insignia – the problem is with young people who are like what Lenin called useful idiots.

I would like my colleagues to support the draft resolution and recommendation.

THE PRESIDENT. – Thank you. Does the Chairperson of the Political Affairs Committee wish to speak? You have two minutes.

Mr ATEŞ (*Turkey*). – This high-quality debate gave additional honour to our Assembly. I am sure that it will draw a lot of attention around the world. I thank all the speakers. I am proud to be part of this Assembly.

THE PRESIDENT. – Thank you. The debate is closed. I give the floor to Mr de Puig, who wishes to move the reference of the report back to the Political Affairs Committee.

Mr de PUIG (*Spain*) said that on behalf of the Socialist Group, he was using the procedure to refer the report back to the Political Affairs Committee. The report needed to be more extensive, more specific and more analytical. It had the potential to be a good report but was not at the moment. The report needed much greater depth. Its implications did not do justice to the title. He was in favour of the condemnation of crimes, but the other elements in the report led to invalid conclusions and implications which were bad and unworthy of the Council of Europe.

THE PRESIDENT. – Under Rule 37.3, only the proposer of the motion, one speaker against and the rapporteur or chairperson concerned have the right to speak on the motion.

The proposer has already spoken. Does anyone wish to oppose this motion?

Mr EÖRSI (*Hungary*). – I saw a sign outside saying “Stop anti-communism”. I am an anti-communist and nobody can stop me. The rapporteur is right. The report is not about communism or anti-communism. This Assembly has rightly worked on cases where one man is killed – I remind you of the Gongadze case. Now, we are discussing a report concerning millions of people who were slaughtered, and the Assembly is unable to reach a decision. It starts to discuss details and cannot think more deeply. I kindly urge my colleagues to avoid any popular misinterpretation of what we are doing. If the Assembly is unable to condemn this horror which happened in the previous century, I do not see any room for us to come to Strasbourg to work together.

THE PRESIDENT. – Thank you. I give the floor to the rapporteur.

Mr LINDBLAD (*Sweden*). – The debate speaks for itself. It has shown how important this issue is. Having listened to all the speakers, there is no doubt that there should be a majority for the draft resolution and recommendation.

THE PRESIDENT. – What is the opinion of the Political Affairs Committee? Mr Ateş?

Mr ATEŞ (*Turkey*). – We have not had any discussions about the referring back. The Political Affairs Committee did not reach a decision. As chairman of the committee, I therefore believe it would be better to have more time to discuss the report again. I understand that Mr Lindblad was assigned to the report last March and started working on it early in the summer. The Assembly needs a more general agreement on the condemnation of crimes, and as far as I can see we have not yet reached that agreement. It would therefore be better to refer the report back to committee.

THE PRESIDENT. – The Assembly will now vote on the motion to refer the report on the need for international condemnation of crimes of totalitarian communist regimes back to the Political Affairs Committee. A simple majority is required.

The vote is open.

The procedural motion has been defeated and we shall therefore proceed.

The Political Affairs Committee has presented a draft resolution to which six amendments have been tabled. They will be taken in the following order: Nos. 11, 6, 7, 12, 8 and 9. If Amendment No. 12 is adopted, Amendments Nos. 8 and 9 fall. If Amendment No. 8 is adopted, Amendment No. 9 falls.

I remind you that speeches on amendments are limited to one minute.

We come to Amendment No. 11, tabled by Mr Ivan Ivanov, Mr Zsolt Németh, Mrs Nadezhda Mikhailova, Mr Luc Van den Brande, Mr Murat Mercan, Mr Kimmo Sasi, Mr György Frunda, Mr Andres Herkel, Mr Josef Jařab, Mr Miroslav Beneř and Mrs Miroslava Némcová, which is in the draft resolution, at the end of paragraph 2, add the following words: “, persecution on ethnic or religious base, violation of freedom of conscience, thought and expression, of freedom of press, and also lack of political pluralism”.

I call Mr Ivanov to support Amendment No. 11.

Mr IVANOV (*Bulgaria*) said that he wanted to add the extra words into paragraph 2 because they were in the Universal Declaration of Human Rights – a founding text. Many people had suffered human rights violations for ethnic and religious reasons.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 11 is adopted.

We come to Amendment No. 6, tabled by Mr Milorad Pupovac, Mrs Željka Antunović, Mr Igor Ivanovski, Mrs Darja Lavtižar-Bebler and Mr Sead Avdić, which is in the draft resolution, after paragraph 4, insert the following paragraph:

“The Assembly thus acknowledges that many communist parties in eastern and central Europe have contributed to peaceful and democratic transition of their countries, distancing themselves from totalitarianism and accepting and building parliamentary political pluralism.”

I call Mr Pupovac to support Amendment No. 6.

Mr PUPOVAC (*Croatia*). – I wanted to make paragraph 4 more specific and precise, for the reasons I explained in my speech. The historical facts show that many communist parties in eastern and central Europe contributed to the peaceful and democratic transition of their countries, distancing themselves from totalitarianism and accepting and building parliamentary political pluralism. The amendment would prevent the misuse of the resolution by those who would restrict the definition of political pluralism in our nations. It would strengthen national political pluralism and not permit any opportunity to reduce it.

THE PRESIDENT. – Does anyone wish to speak against the amendment? I call Mr Berceanu.

Mr BERCEANU (*Romania*) said that he could not cite any examples of parties that had contributed in that way. Many did not have a choice whether to contribute or not, even if they did not commit any more crimes.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is against the amendment.

THE PRESIDENT. – The vote is open.

Amendment No. 6 is rejected.

We come to Amendment No. 7, tabled by Mr Milorad Pupovac, Mrs Željka Antunović, Mr Igor Ivanovski, Mrs Darja Lavtižar-Bebler and Mr Sead Avdić, which is, in the draft resolution, after paragraph 4, insert the following paragraph:

“The Assembly also acknowledges that the values of the social equality and social justice have become essential elements for both foundations for political pluralism and for just and democratic society, in shaping and advocating of which a contribution of non-totalitarian social ideas, movements, organisations and parties is undeniable.”

I call Mr Pupovac to support Amendment No. 7.

Mr PUPOVAC (*Croatia*). – Perhaps it would be easier to discuss tee-shirts than the basic issues on which our democratic future depends. However, I shall try. The amendment deals with the contribution to social equality and social justice that many people from communist countries and parties made. They

transformed themselves, even under communist regimes, into socialists or social democrats. That is extremely important for those nations. I wanted to emphasise that in the amendment.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Lindblad, the rapporteur.

Mr LINDBLAD (*Sweden*). – Coming from the Group of the European People's Party, I could agree with every word in the amendment. However, it has no bearing on the report. I am therefore against it. I support its content but not its inclusion in the report.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is also against.

THE PRESIDENT. – The vote is open.

Amendment No. 7 is rejected.

We come to Amendment No. 12, tabled by Mrs Rosmarie Zapfl-Helbling, Mr Gebhard Negele, Mr Egidijus Vareikis, Mr Luc Van den Brande and Mr Eduard Lintner, which is in the draft resolution, paragraph 5, delete the second sentence.

I call Mr Van den Brande to support amendment No. 12.

Mr Van den BRANDE (*Belgium*). – I co-signed the amendment and, given the approach of the rapporteur during the debate, I believe that it is better not to refer to Nazism.

THE PRESIDENT. – If Amendment No. 12 is adopted, Amendments Nos. 8 and 9 fall.

Does anyone wish to speak against the amendment?

I call Mr Zhirinovsky.

Mr ZHIRINOVSKY (*Russian Federation*) said that he did not understand why the Assembly would want to reject the consensus that had been reached on paragraph 5. It was true that the authors of these crimes had not been brought to justice. In contrast, Nazi criminals had been brought to justice, even though the communist crimes were worse. Why were members afraid to say that? Why were they against it? The report did not even say that it was necessary to bring those people to book. Was everyone afraid of the Greeks? People had died and members were just going to accept that. People had been sent to camps and been starved, and the perpetrators of those crimes were going on holiday to the Greek islands.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 12 is rejected.

We come to Amendment No. 8, tabled by Mr Milorad Pupovac, Mrs Željka Antunović, Mr Igor Ivanovski, Mrs Darja Lavtižar-Bebler and Mr Sead Avdić, which is in the draft resolution, at the end of paragraph 5, delete the words “, as was the case with the horrible crimes committed in the name of National Socialism (nazism)”.

I call Mr Pupovac to support Amendment No. 8. If Amendment No. 8 is adopted, Amendment No. 9 falls.

Mr PUPOVAC (*Croatia*). – The amendment simply clarifies matters and makes a distinction between different ideologies and crimes. In the case that we are considering, those ideologies are communism and Nazism. I agree with the condemnation of international institutions and bodies, but the reference to Nazism should be deleted. In that way, we avoid a danger of not paying enough attention to detail.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – The committee is against.

THE PRESIDENT. – The vote is open.

Amendment No. 8 is rejected.

We come to Amendment No. 9, tabled by Mr Zoltán Szabó, Mrs Tana de Zulueta, Mr Mikko Elo, Mr Peter Schieder and Mrs Rodica Mihaela Stănoiu, which is in the draft resolution, paragraph 5, second sentence, replace the words "in the name of" with the following word: "by".

I call Mr Szabó to support Amendment No. 9.

Mr SZABÓ (*Hungary*). – Crimes can be committed in the name of something good and noble, which can disguise the crime. Nazism is not such a thing, so crimes cannot be committed in its name. Nazism itself is the crime.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 9 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 10765, as amended.

The vote is open.

The draft resolution in Document 10765, as amended, is adopted.

The Political Affairs Committee has also presented a draft recommendation, to which six amendments have been tabled. They will be taken in the following order: Nos. 5, 10, 3, 1, 4 and 2. If Amendment No. 10 is adopted, Amendment No. 3 falls.

Does Mr Østergaard wish to propose an oral sub-amendment?

Mr ØSTERGAARD (*Denmark*). – On behalf of five colleagues I suggest the deletion of paragraphs 4.3 and 4.53, which are both about awareness campaigns. We should try to build bridges and not divide ourselves too much. We should leave it to countries to decide for themselves how they want to educate their people on what has happened in the past. We should not divide the Assembly more than it has already been divided today.

THE PRESIDENT. – In my opinion the oral amendment does not meet the criteria of Rule 34.6 and therefore cannot be debated.

We come to Amendment No. 5, tabled by Mr Zsolt Németh, Mr Luc Van den Brande, Mr Radu-Mircea Berceanu, Mr Orest Klympush, Mr Andreas Gross, Mr Christos Pourgourides and Mr Marko Mihkelson, which is in the draft recommendation, after paragraph 4.4, add the following sub-paragraph:

"co-operate with the European Union in order to establish a European Memorial Museum in Brussels for the remembrance of the victims of totalitarian communist regimes;"

I call Mr Berceanu to support Amendment No. 5.

Mr BERCEANU (*Romania*) moved the amendment.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Wodarg.

Mr WODARG (*Germany*) suggested that it would be a half-hearted amendment unless the museum were based in Moscow.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 5 is adopted.

We come to Amendment No. 10, tabled by Mr Zoltán Szabó, Mrs Tana de Zulueta, Mr Mikko Elo, Mr Peter Schieder and Mrs Rodica Mihaela Stănoiu, which is in the draft recommendation, delete sub-paragraph 4.5.1.

I call Mr Szabo to support Amendment No. 10. If Amendment No. 10 is adopted, Amendment No. 3 falls.

Mr SZABO (*Hungary*). – Under paragraph 4.1, we suggested setting up such a committee at European level and I agreed. To set up such committees at national level would lead to McCarthy committees. That would be a nightmare for me. Amendment No. 3 refers to pursuing “legal and judicial investigation and prosecution of concrete individuals”. If the formation of national committees led to that it would not be to the major glory of the Council of Europe, so I do not suggest it.

THE PRESIDENT. – Does anyone wish to speak against the amendment? I call Mr Lindblad, the rapporteur.

Mr LINDBLAD (*Sweden*). – In the Council of Europe we often use experts for different things and this would continue that tradition. The committees would not be a court of law with McCarthy attitudes; they would be composed of independent experts.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – Against.

THE PRESIDENT. – The vote is open.

Amendment No. 10 is rejected.

We come to Amendment No. 3, tabled by Mr Neven Mimica, Mr Miljenko Dorić, Mrs Željka Antunović, Mr Igor Ivanovski, Mrs Darja Lavtižar-Bebler and Mr Sead Avdić, which is in the draft recommendation, replace paragraph 4.5.1 with the following sub-paragraph:

“pursue legal and judicial investigation and prosecution of concrete individuals engaged in violations of human rights and crimes committed under the totalitarian communist regimes;”.

I call Mr Mimica to support Amendment No. 3.

Mr MIMICA (*Croatia*). – The proposed establishment of national committees on communist crimes could not be confined to an expert level in the present political set-up. In a still volatile political scene it is more likely that there would be prolonged political division in the national political set-up. The amendment is intended to define clearly the fact that national debates should be neither expert nor political but legal and judicial, to investigate and prosecute concrete crimes and their perpetrators.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Elo.

Mr ELO (*Finland*). – We are now dealing with pure political propaganda. The amendment refers to “concrete individuals”. Are we concrete individuals or abstract individuals? It is rubbish and nonsense.

THE PRESIDENT. – I understand that Mr Ateş wishes to propose an oral sub-amendment on behalf of the Political Affairs Committee which reads as follows: “in Amendment No. 3, replace the words ‘after paragraph 4.5.1 with’ with the words ‘insert after paragraph 4.5.1’.”

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6, and can be considered unless 10 or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated?

I call Mr Ateş to support the oral sub-amendment.

Mr ATEŞ (*Turkey*). – As we can see from the text the inserted words may sound better and could remove some of the objections of our friends.

THE PRESIDENT. – Does anyone wish to speak against the oral sub-amendment? That is not the case.

The committee is obviously in favour. What is the opinion of Mr Mimica?

Mr MIMICA (*Croatia*). – The oral sub-amendment seems to bring even more uncertainty to the national debate on the crimes of communist regimes. My proposal in Amendment No. 3 was that we leave it to judicial bodies to determine the individuals who have committed the crimes. A political debate could influence the judicial bodies, so I would prefer to keep Amendment No. 3 as originally proposed without the sub-amendment.

The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against Amendment No. 3, as amended? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3, as amended, is adopted.

We come to Amendment No. 1, tabled by Mrs Olena Bondarenko, Mr Mykhailo Hladiy, Mr Bohdan Kostynuk, Mr Orest Klympush, Mrs Kseniya Lyapina, Mr Zsolt Németh, Mr Andres Herkel, Mrs Elene Tevdoradze, Mr Anatoliy Pysarenko and Mrs Hanne Severinsen, which is in the draft recommendation, after paragraph 4.5.3, insert the following sub-paragraph:

"refuse the usage of symbols of the totalitarian communist regime;"

I call Mrs Bondarenko to support Amendment No. 1.

Mrs BONDARENKO (*Ukraine*) noted that streets and monuments in the Ukraine were still named after communists. She suggested it was wrong for students to learn one thing at school and see another in the street.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Szabó.

Mr SZABÓ (*Hungary*). – Thank you, Mr President. May I ask Mrs Bondarenko whether she wants to prohibit Heineken beer because it has a red pentagram as its symbol?

THE PRESIDENT. – We cannot have a discussion about that now.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – Against.

THE PRESIDENT. – The vote is open.

Amendment No. 1 is rejected.

We come to Amendment No. 4, tabled by Mr Frano Matušić, Mr Marko Mihkelson, Mrs Mojca Kucler-Dolinar, Mr Jakob Presečnik and Mr Dimitrij Kovačič, which is in the draft recommendation, paragraph 4.5.4, replace the words "local authorities to" with the following words:

"governments in cooperation with local authorities to adequately mark the sites of the graves of the victims, to provide for their decent burial and".

I call Mr Matušić to support Amendment No. 4.

Mr MATUŠIĆ (*Croatia*). – The amendment is self-evident.

THE PRESIDENT. – Does anyone wish to speak against the amendment? That is not the case.

What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 4 is adopted.

We come to Amendment No. 2, tabled by Mrs Olena Bondarenko, Mr Mykhailo Hladiy, Mr Orest Klympush, Mr Bohdan Kostynuk, Mrs Kseniya Lyapina, Mr Zsolt Németh, Mr Andres Herkel, Mrs Elene Tevdoradze, Mr Anatoliy Pysarenko and Mrs Hanne Severinsen, which is in the draft recommendation, after paragraph 4.5.4, add the following sub-paragraph:

"address the member states of the Council of Europe with the proposal to recognize the golodomor of 1932-33 in Ukraine - taking into consideration the scale of this crime - as the genocide against the Ukrainian people, organized by the totalitarian communist regime."

I call Mrs Bondarenko to support Amendment No 2.

Mrs BONDARENKO (*Ukraine*) moved the amendment.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Mr Zhirinovsky.

Mr ZHIRINOVSKY (*Russian Federation*) said that it was not necessary to recognise single crimes.

THE PRESIDENT. – What is the opinion of the committee?

Mr ATEŞ (*Turkey*). – In favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2. is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10765, as amended. I remind you that a two-thirds majority is required for the adoption of a recommendation.

The vote is open.

The draft recommendation in Document 10765, as amended, is not adopted because the required two-thirds majority was not achieved.

5. Date, time and orders of the day of the next sitting

THE PRESIDENT. – I propose that the Assembly hold its next public sitting tomorrow at 10 a.m. with the orders of the day which were approved yesterday.

Is that agreed? It is agreed.

The sitting is closed.

(The sitting was closed at 7.40 p.m.)

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Amendments Nos. 2 and 3 adopted
Draft resolution, as amended, Doc. 10807, adopted

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Mr Diacov (Moldova)
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Replies:

Mr Lindblad (Sweden)
Mr Ateş (Turkey)

Procedural motion to refer the report back to the Political Affairs Committee not agreed to.

Amendments Nos. 11 and 9 adopted

Draft resolution, as amended, Doc. 10765, adopted

Amendments Nos. 5, 3 as amended, 4 and 2 adopted

Draft recommendation, as amended, Doc. 10765, not adopted

5. Date, time and orders of the day of the next sitting