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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

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

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

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

The Constitutional Court of the Russian Federation comprising its Chairman Tumanov, judges Ametistov, Baklayev, Vitruk, Gadzhiyev, Danilov, Zorkin, Kononov, Luchin, Morshchakov, Aleinik, Rudkin, Seleznyov, Strekozov, Chiunov, Khokhryakov, Yabziyev and Yaroslavtsev with the participation of representatives of the Federation Council of the Federal Assembly of the Russian Federation Kostoyev, Mizulina, Yakovleva, representatives of a group of deputies of the State Duma of the Federal Assembly of the Russian Federation Karelin, Kalmykov, Lukyanov, representatives of the President of the Russian Federation and the government of the Russian Federation Baturin, Kutafin, Shakhrai proceeding under Article 125, section A of part 2 of the Constitution of the Russian Federation, subsection A of item 1 of part 1 of Article 3, part 1 of Article 21, parts 1, 2 and 3 of Article 74, Article 86 of the federal law on the Constitutional Court of the Russian Federation has considered in open session the case on examining the constitutionality of the decrees of the President of the Russian Federation of November 13, 1994, No. 2137; of December 9, 1994, No. 2166; the decree of the government of the Russian Federation of December 9, 1994, No. 3060; decree of the President of the Russian Federation of November 2, 1993, No. 1833. The grounds for considering the case, under part 1 of Article 36 of the federal constitutional law on the Constitutional Court of the Russian Federation were a request of a group of deputies of the State Duma of the Federal Assembly of the Russian Federation to check the constitutionality of the decree of the President of the Russian Federation of November 2, 1993 No. 1833 On the Main Provisions of the Military Doctrine of the Russian Federation in the part concerning the use

of the armed forces of the Russian Federation in resolving internal conflicts and the resolution of the government of the Russian Federation of December 9, 1994 No. 1360, interpellation of the Federation Council of the Federal Assembly of the Russian Federation to check the constitutionality of the decrees of the President of the Russian Federation of November 30, 1994 No. 2137 and of December 9, 1994 No. 2166, as well as the resolution of the government of the Russian Federation of December 9, 1994 No. 1360, as well as the interpellation of a group of deputies of the Federation Council of the Federal Assembly of the Russian Federation of the same content.

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

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

On hearing out communications by judges-rapporteurs Baglai and Tiunov, the explanations of the sides, statements by experts and specialists, having studied the submitted materials the Constitutional Court of the Russian Federation found: First. The Federation Council of the Federal Assembly of the Russian Federation to substantiate its demands insists that the challenged decrees of the President of the Russian Federation of November 30, 1994 No. 2137, of December 9, 1994 No. 2166 and the resolution of the Government of the Russian Federation of December 9, 1994 No. 1360 formed a single system of normative legal acts and resulted in an unlawful use of the Armed Forces of the Russian Federation since their use on the territory of the Russian Federation as well as the other measures and actions stipulated in the decrees of the President of the Russian Federation and the resolution of the Government of the Russian Federation are legally possible only within the framework of a regime of a state of emergency or a state of martial law.

It is stressed in the interpellation that these measures resulted in unlawful restrictions and mass-scale violations of the constitutional rights and freedoms of Russian citizens.

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

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

widespread violations of the rights and freedoms of citizens took place.

In the autumn of 1991 the legitimately elected Supreme Soviet of the republic was dissolved. The new elections to the supreme body of state power and the elections of the president of the republic held on October 27, 1991 were

qualified on November 2, 1991 by the Fifth Congress of People's Deputies of RSFSR as illegitimate and their enactments not subject to implementation. The evaluation of these events as unconstitutional and as entailing grave consequences was given in the appeal of the 6th Congress of People's Deputies of Russian Federation of December 19, 1992 to the people, the bodies of power and government of the Chechen Republic and in other documents of the federal authorities. The decisions of the congress were confirmed by the State Duma of the Federal Assembly on December 23, 1994 in a statement in connection with the Resolution on the Situation in the Chechen Republic adopted by the European Parliament. The statement said that no free elections or referendums were held in the Chechen Republic and legitimate bodies of power were not formed. Subsequently, the political situation in the Chechen Republic continued to worsen.

In the autumn of 1994 armed conflicts took place on its territory between feuding groups threatening to develop into a civil war.

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

The Constitution of the Russian Federation, like the previous Constitution of 1978, does not envisage a unilateral resolution of the issue of changing the status of the subject of the Federation and its secession from the Russian Federation. Under Article 66, part 5 of the Constitution of the Russian Federation the status of a subject of the Russian Federation may only be changed by mutual agreement between the Russian Federation and the subject of the Russian Federation in accordance with the federal constitutional law. State integrity is one of the foundations of the constitutional system in the Russian Federation. It is enshrined in articles 4 part 3, 5 part 3, 8, 65, 67 (part 1), 71 (item "o") of the Constitution of the Russian Federation state integrity is an important condition of the equal legal status of all the citizens irrespective of their place of residence and a guarantee of their constitutional rights and freedoms.

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

Mindful of this, the federal authorities, the government and the Federal Assembly made repeated attempts to overcome the crisis in the Chechen Republic. However, they did not lead to a peaceful political solution. The decrees of the Russian President of November 30, 1994, No. 2137; of December 9, 1994 No. 2166; the decree of the government of the Russian Federation of

December 9, 1994, No. 1360 challenged by the Federation Council prescribed the

use of measures of state coercion to ensure the state security and territorial integrity of the Russian Federation, disarming of illegal armed formations on the territory of the Chechen Republic.

Under part 2 of Article 3 of the federal constitutional law On the Constitutional Court of the Russian Federation, the Constitutional Court of the Russian Federation does not consider the political practicability of the decisions made or the validity of the actions carried out on their basis. Third. The decree of the President of the Russian Federation of November 30, 1994, No. 2137 On Measures to Restore Constitutional Legality, Law and Order on the Territory of the Chechen Republic, established the timeframe for the start of a number of measures to restore constitutional legality, law and order at 6:00 on December 1, 1994, prescribed the creation of a group to supervise actions to disarm and liquidate the armed formations and introduce a state of emergency on the territory of the republic as well as determining the mechanism of the coordination of the activities of the federal bodies of executive power and the security forces in carrying out these measures.

However, the planned measures were not fulfilled at time specified and the make-up of the group and its powers were consequently changed. The decree No 2137 of November 30, 1994 was consequently declared void by the presidential decree No 2169 of December 11, 1994 On Measures to Ensure Law, Order and Public Security On the Territory of the Chechen Republic, item 5, given that it was impossible to impose a state of emergency in the Chechen Republic as per the law of the RSFSR of May 17, 1991 on the state of emergency.

The said law in its content is not applicable to extraordinary situations like the one that took shape in the Chechen Republic, where the federal forces were opposed by formations equipped with modern military hardware -- unlawfully established regular armed formations.

Over the period from its issue up to the abrogation of the decree No 2137 of November 30, 1994 measures it provided for that could affect citizens' constitutional rights and freedoms were not realized, so the decree did not lead to their restriction or violation.

Given the aforesaid, the Russian Federation Constitutional Court holds that the decree in question falls under part II of Article 43 of the federal constitutional law On the Constitutional Court of the Russian Federation, under which the process started by the Constitutional Court can be stopped if by the beginning or during the period of the consideration the disputed constitutional act was abrogated or became void and has not violated citizens' rights and freedoms.

Fourthly. The decree of the President of the Russian Federation of December 9, 1994 No 1-26 On Measures to Cut Short the Activity of the Illegal Armed Formations On the Territory of the Chechen Republic and In the Area of the Ingush-Ossetian Conflict gave an instruction to the Russian Federation Government: in realization of its powers according to items D and E of the part one of Article 114 of the Russian Federation Constitution to apply all means at the disposal of the state to ensure state security, legality, citizens' rights and freedoms, public order protection, combat crime and disarm all illegal armed formations.

This decree addressed the Government of the Russian Federation and by virtue of Article 90 part II of the Constitution was binding. In according to it, the Government, within the limits of its constitutional powers, was supposed to eliminate violations existing in the Chechen Republic of Article 13 part V of the Russian Constitution, which outlawed public associations whose

activities were aimed at changing by violent means the fundamentals of the constitutional regime, violating the integrity of the Russian Federation, undermining the security and establishing armed formations.

The decree did not give the government any whatsoever powers that did not stem from the Constitution of the Russian Federation.

The interpellation of the Federation Council challenges the powers of the President of the Russian Federation to instruct the government to use special measures, including the use of armed forces, to protect in accordance with Articles 80 and 82 of the Constitution the fundamentals of the constitutional order, the sovereignty and state integrity, since the use of the Armed Forces of the Russian Federation on its territory in extraordinary circumstances is allowed only within the framework of a state of emergency or a state of martial law sanctioned by the Federation Council.

It does not follow, however, from the Constitution of the Russian Federation that the state integrity and constitutional order in extraordinary situations can be ensured only by way of introducing a state of emergency or martial law. The constitutional grounds for the decree of the President of the Russian Federation of December 9, 1994 No. 2166 are Article 71 paragraph M, Article 78 Part 4, Article 78 Part 4, Article 80 Part 2, Article 82, Article 87 Part 1, Article 90 Part 3 of the Constitution of the Russian Federation.

It follows from these norms that the President is obliged to take measures to protect the sovereignty of the Russian Federation, its independence, security and state integrity.

The President and the Government of the Russian Federation ensure the implementation of the powers of the federal state power throughout the territory of the Russian Federation, including in such a sphere that is within the competence of the Federation as defence and security.

The Constitution of the Russian Federation determines at the same time that the President of the Russian Federation shall act in accordance with a procedure established by the Constitution. In the case of instances when this procedure is not stated in detail, and also in respect of the powers listed in Articles 83 and 89 of the Constitution of the Russian Federation, their common framework are determined by the principle of the division of powers - Article 10 of the Constitution, and the requirements of Article 90 Part 3 of the Constitution according with which decrees and orders of the President should not contradict the Constitution and laws of the Russian Federation.

In addition to this, the implementation by the President of his competence in the manner stipulated by the Constitution of the Russian Federation presupposes also the charging of the government of the Russian Federation in accordance with paragraph G Part 1 of Article 114 of the Constitution with the task of carrying out the decrees of the President.

By instructing the government of the Russian Federation to use, I quote, "all the means at the disposal of the state", end of quote, the President, at the same time, as it is seen from the text of the decree, proceeded from the assumption that the utilization of these means was limited by the powers of the government, established by paragraphs E, F of Part 1 of Article 114 of the Constitution of the Russian Federation, according to which the government of the Russian Federation, among other matters, carries out measures to ensure state security and to ensure legality, the rights and freedoms of citizens, protection of property, public law and order and crime control.

The directive to use all the means available to the state cannot be interpreted as granting the government powers to act outside the framework established for it by the Constitution of the Russian Federation and applicable legislation. The preamble to the decree of December 9, 1994, No. 26 validly cites the ban

on activities aimed at violation the integrity of the Russian Federation, undermining the security of the state, the creation of armed formations, the fomenting of ethnic and religious discord contained in Article 13, part 5 of the Constitution of the Russian Federation. However, the recognition of such activities as illegal "has no legal relevance" as it distorts the text of the above constitutional norm and has no grounds in applicable legislation. Fifth. In accordance with the principles of a law governed state, fixed in the Constitution of the Russian Federation, the bodies of power in their activities are bound both by internal and international law. The universally recognized principles and standards of international law and international treaties are, under Article 14, part 4 of the Constitution of the Russian Federation a component part of the legal system and must be observed in good faith, including by being taken into account in internal legislation.

The Supreme Soviet of the USSR in ratifying, on August 4, 1989 the additional protocol to the Geneva conventions of August 12, 1949 pertaining to the protection of the victims of armed conflicts that are not international in character (protocol 2) directed the Council of Ministers of the USSR to prepare and submit to the Supreme Soviet proposals on making corresponding amendments in the legislation. However, that direction was not followed. Nevertheless, the provisions of this additional protocol on human treatment of all the persons who were not directly involved or have ceased to take part in hostilities, the wounded, the sick, on the protection of civilians, the facilities required for the survival of the civilian population, the installations and structures containing dangerous forces, the protection of cultural values and places of worship are binding on both parties to the armed conflict. At the same time improper consideration of these provisions in internal legislation has been one of the reasons of non-compliance with the rules of the above-mentioned additional protocol whereby the use of force must be commensurate with the goals and every effort must be made to avoid causing damage to civilians and their property.

Six. At the time decree No. 2166 was issued on December 9, 1994, legal regulation allowed for the use of armed force by the Russian Federation not only to defend the state against external threats, but also to defend the population, territory and sovereignty -- Article 1 of the Law of the Russian Federation of September 14, 1992, On Defense, and also to provide defense against internal threats directed against the individual, society and the state, including its constitutional system, sovereignty and territorial integrity -- Article 1 of the Law of the Russian Federation of March 5, 1992, On Security. The President of the Russian Federation, being the Commander-in-Chief of the Armed Forces under Article 87 of the Constitution, exercises overall direction of the use of the Armed Forces as a means of ensuring security, and also takes prompt decisions on ensuring security within the limits of the jurisdiction as defined by the law -- Article 11 of the Law of the Russian Federation On Security. Here, the Constitution of the Russian Federation and the laws On Defense and On Security do not link the use of the armed forces exclusively to the proclamation of a state of emergency or martial law.

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

May 17, 1991, On the State of Emergency, para P of Article 4 and Part 3 of Article 21.

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

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

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

Seventh. The fundamentals of the military doctrine of the Russian Federation, adopted by the decree No 1833 of November 2, 1993, are a constituent part of the security concept of the Russian Federation and are a system of officially adopted views on military issues, including those concerning the use of the armed forces and other troops for the protection of vital interests. The document considers the possibilities of military threats and the state's adequate response, and the use of its armed forces. The main provisions of the Russian Federation's military doctrine contain no normative precepts. For this reason, the presidential decree of November 2, 1993 No 1833, whereby they were adopted, also lacks normative content. Therefore, these documents do not fall within the category of legal Acts that can be analyzed by the Constitutional Court of the Russian Federation -- whether they agree to the Russian Constitution, and consequently, their check must be stopped on the basis of item 1, part I of Article 43 and Article 68 of the federal Constitutional Court of the Russian Federation.

Eight. The resolution of the Russian Federation Government of December 9, 1994 No 1360 on ensuring state security and territorial integrity of the Russian Federation, legality, rights and freedoms of citizens, the disarmament of illegal armed formations on the territory of the Chechen Republic and adjacent areas of the northern Caucasus provides for concrete measures for the implementation of effective laws of the Russian Federation and the decree of the President of the Russian Federation of December 9, 1994, No 2166, including those related to restrictions of constitutional rights and freedoms.

Most of these measures, in their volume, content and conditions of application do not exceed the limits set by the law of the RSFSR of April 18, 1991 On Militia, the law of the Russian Federation of September 24, 1992 On the Interior Ministry Troops of the Russian Federation, and that of March 13, 1992 On Operative and Search Activities of the Russian Federation, and other pieces of legislation are admissible and possible, in the event of the realization by



competent bodies of their powers that they were vested with by the Government – quote: "of confiscation of illegally held arms, identification and detention of persons suspected of having committed grave crimes", item 3 of the resolution, and consequently, correspond to Article 55, part III of the Constitution of the Russian Federation.

On the other hand, the stipulations of Part 5 Paragraph 1, point 3 of the resolution on the expulsion out of the Chechen Republic of persons who pose a threat to public security and to the personal security of citizens, who do not live on the territory of the said republic, cannot be regarded as being tantamount to what has been established by point 22 Article 11 of the Law of the Russian Federation on the Militia as the right of the militia to keep citizens away from certain localities, facilities, to oblige them to stay there or to leave these localities and facilities with the aim of protecting the health, lives and property of citizens, conducting search and investigation measures. The stipulation of Part 5 Paragraph 1, Point 3 of the resolution cannot be based on the powers of Interior Forces established by Point D, Part 2 of Article 23 of the Law of the Russian Federation on Interior Forces of the Ministry of Internal Affairs of the Russian Federation because these powers, coinciding by their content with what is provided for by Point 22, Article 11 of the Law of the Russian Federation on the Militia, can be implemented by the Interior Forces only in conditions of the legal regime of a state of emergency. Part 5 of Paragraph 1, Point 3 of the resolution actually restricts the rights established by Article 27, Part 1 of the Russian Federation of every person, who is lawfully on the territory of the Russian Federation, to freely move, chose his place of stay and residence. This contradicts Article 55, Part 3 of the Constitution of the Russian Federation that allows the establishment of restrictions on human rights and freedoms, on the rights and freedoms of a citizen only by federal law.

Paragraph 2, Point 6 of the resolution under study instructs the provisional information center under Roskompechat immediately to revoke the accreditation those journalists working in the zone of the armed conflict who transmit untruthful information, engage in the propaganda of national or religious enmity. In accordance with Part 5, Article 48 of the Law of the Russian Federation of December 27, 1991 on the Mass Media a journalist may be deprived of his accreditation if he or his media outlet violate the established regulations of accreditation or circulate information that does not correspond to reality, that smear the honor and dignity of the organization that accredited the journalist, this being confirmed by a valid court ruling. Thereby Paragraph 2, Point 6 of the said resolution introduces new grounds and a new procedure of depriving a journalist of his accreditation that are not provided for by law. This contradicts Article 29, Parts 4 and 5 that puts on record the right to free information, Article 46 that guarantees court protection of rights and freedoms, as well as Article 55, Part 3 of the Constitution of the Russian Federation.

On the basis of the outlined and proceeding from Part 1 of Article 71, Article 72, Parts 1, 2, 3 and 4 of Article 74 and Article 87 of the Federal Constitutional Law on the Constitutional Law of the Russian Federation, the Constitutional Court of the Russian Federation has ruled:

First. Under Article 68 and Part 2 of Article 43 of the Law on the Constitutional Court of the Russian Federation, the hearings on the case as regards the examination of the constitutionality of Decree No. 2137 of the President of the Russian Federation of November 30, 1994, on measures to restore constitutional legality and law and order on the territory of the Chechen Republic shall be closed.

Second. It shall be recognized that Decree No. 2166 of the President of the

Russian Federation of December 9, 1994, on measures to neutralize the activities of the unlawful armed militias on the territory of the Chechen Republic and in the zone of the Ossetian-Ingush conflict was adopted within the limits of the constitutional jurisdiction of the President of the Russian Federation as stipulated by articles 71, para m; 78, part 4; 80, part 2; 82, part 1; 87, part 1; 90, part 3; and 114, para g, of the Constitution of the Russian Federation, and conforms to the Constitution of the Russian Federation. Third. It shall be recognized that the provisions on evicting persons posing threats to public safety and to the personal safety of citizens, contained in Decree No. 1360 of the government of the Russian Federation of December 9, 1994, on ensuring the state security and territorial integrity of the Russian Federation, rule of law, the rights and freedoms of the citizens, the disarmament of the unlawful armed militias on the territory of the Chechen Republic and adjacent regions of the Northern Caucasus, part 5 of para 1, clause 3, and also on stripping journalists working in the armed conflict zone of their accreditation, para 2 of clause 6, do not conform to the Constitution of the Russian Federation, articles 27, part 1; 29, parts 4 and 5; 55, part 3; and Article 56 of the Constitution of the Russian Federation.

Four. Under Article 68 and para 1, part 1 of Article 43 of the Federal Constitutional Law on the Constitutional Court of the Russian Federation, hearings on the case with regard to the examination of the constitutionality of Decree No. 1833 of the President of the Russian Federation of November 2, 1993, on the main provisions of the military doctrine of the Russian Federation, and also with regard to the examination of the constitutionality of the main provisions of the military doctrine of the Russian Federation, shall be closed. Five. The examination of the practical actions of the parties in the course of the armed conflict from the point of view of compliance with the additional protocol to the Geneva Conventions of August 12, 1949, with regard to protection of the victims of non-international armed conflicts, Protocol 2, in accordance with Article 125 of the Constitution of the Russian Federation, and parts 1, 2 and 3 of Article 3 of the Federal Constitutional Law on the Constitutional Court, may not be a subject for examination by the Constitutional Court of the Russian Federation and ought to be performed by other competent organs. In accordance with articles 52 and 53 of the Constitution of the Russian Federation and the International Covenants on Human and Political Rights, clause 3 of Article 2, victims of any violations, crimes and abuses of power shall be granted efficient relief in law and compensation of damages caused. Sixth. The Federal Assembly of the Russian Federation shall streamline the legislation on the use of the Armed Forces of the Russian Federation, as well as on the regulation of other conflicts and issues arising from extraordinary situations, including those arising from the additional protocol to the Geneva conventions of August 12, 1949 concerning protection of the victims of armed conflicts of a non-international character (Protocol 2).

Seventh. Under parts 1 and 2 of Article 79 of the federal constitutional law on the Constitutional Court of the Russian Federation, this resolution shall be final, not appealable and shall come into force immediately upon its publication and shall be self-implementing.

Eighth. Under Article 78 of the federal constitutional law on the Constitutional Court of the Russian Federation this ruling shall be published in the collection of legislation of the Russian Federation, Russian newspapers and other official publications of the bodies of power of the Russian Federation as well as in the newsletter of the Constitutional Court of the Russian Federation.