

**Information Documents**

SG/Inf(2002)24 Addendum II / 16 July 2002

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Addendum II to the Twentieth interim report by the Secretary General on the presence of the Council of Europe's experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic

Additional information provided by the Secretary General

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### Introductory remarks

1. In the present document, I provide the Ministers' Deputies with additional relevant information on the situation of democracy, human rights and the rule of law in the Chechen Republic, Russian Federation, mainly for the period 18 June to 10 July 2002 (see decision of the Ministers' Deputies of 10 October 2000, CM/Del/Dec(2000)725, item 1.7). This document consists of two parts: information on the situation in the Chechen Republic (Part I), as well as the main recommendations and appeals made by Council of Europe bodies, international and non-governmental organisations, and Russian institutions made during the period in question (Part II)<sup>1</sup>.

2. Given the structural changes made in the Office of the Russian President's Special Representative, and Mr Kalamanov's departure to take up other duties, the Chairperson of the Committee of Ministers, Ms Polfer, Minister of Foreign Affairs of Luxembourg, indicated to the Parliamentary Assembly that the future of the Council of Europe's experts' work in the Special Representative's Office obviously depends on the appointment of the new Special Representative. She expressed her confidence that President Putin will choose a successor capable of shouldering the major responsibilities attached to this structure, on which he will be directly answerable to the President himself. She also indicated that a more effective and more severe attitude may be needed towards what is happening in Chechnya, which is certainly a most problematic area for the Committee of Ministers ([Speech before the Parliamentary Assembly, 25.6.2002](#))<sup>2</sup>.

## **I. Additional relevant information concerning the situation in the Chechen Republic**

### **Parliamentary Assembly of the Council of Europe (PACE)**

3. The Joint Parliamentary Assembly/Russian State Duma Joint Working Group on Chechnya (JWG) met in Moscow from 10 to 12 July 2002. The JWG had talks at the Prosecutor General's Office, at the Ministry of Defence and at the Supreme Court. Discussions were also held with Minister for Economic Reconstruction of the Chechen Republic, Mr Vladimir Yelagin, and with the organising committee of the "round table" on elections and referendum in the Chechen Republic, as well as with representatives of human rights NGOs (PACE, 10.7.2002).

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<sup>1</sup> This information has been collected by the Monitoring Department of the Directorate of Strategic Planning (DSP). Concerning sources of information, the last sentence of para. 1 of the Committee of Ministers Declaration of 10 November 1994 on compliance with commitments accepted by member States of the Council of Europe reads: "*the Committee of Ministers will take account of all relevant information available from different sources such as the Parliamentary Assembly and the [O]SCE*". For more information concerning the Committee of Ministers monitoring procedures, consult document [Monitor/Inf\(2002\)1](#), also on the Committee of Ministers Web Site: <http://www.coe.int/cm>.

<sup>2</sup> Mr Abdul-Khakim Sultygov was appointed, by President Putin, as his new Special Representative for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic on 12<sup>th</sup> July 2002. Mr Sultygov was Secretary of the Russian State Duma-PACE Joint Working Group on Chechnya as well as Secretary of the State Duma Commission on Chechnya.

### **European Court of Human Rights**

4. Since April 2000, the European Court received about 150 individual complaints concerning the situation in the Chechen Republic, registered in 70 files, as some of the applications concern the same events. The majority of the applications concern action undertaken by the Russian military (alleged destruction of property, killings and indiscriminate use of force, use of landmines). Several applications concern illegal detention, torture and inhuman conditions of detention at military installations and at detention facilities.

5. Since early 2002 several applications have been introduced concerning alleged “disappearances” of the applicants’ relatives further to detention by Russian military or security forces. Many applications also contain complaints about destruction, expropriation and restrictions on freedom of movement. Almost all applicants refer to absence and/or ineffectiveness of domestic remedies with respect to alleged violations of human rights.

6. The applications concern, *inter alia*, Articles 2, 3, 5, 8, 13 and 14 of the European Convention of Human Rights, Article 1 of its Protocol No. 1 and Article 1 of its Protocol No. 7.

7. In June 2000 six complaints were communicated to the Russian Government. They concern three events: bombardment of a refugee convoy outside of Grozny in October 1999 by military planes, bombardment of a village, Katyr-Yurt, in February 2000 and killings, allegedly perpetrated by the Russian servicemen, of civilians in a suburb of Grozny in February 2000. A decision on admissibility is expected in 2002.

8. In June 2002 the European Court requested information from the Russian Government concerning the disappearance of an applicant, Mr Khuseyn Imakayev, who had, with his wife, lodged an application concerning the disappearance of their son (see para. 4 above & [SG/Inf\(2002\)24 Addendum](#), para. 17). In early June 2002 Mr Khuseyn Imakayev was detained at his home in Novye Atagi by servicemen and his family has not been provided with information as to his whereabouts since then.

### **Council of Europe Commissioner for Human Rights (CommDH)**

9. In connection with information provided in SG/Inf(2002)24 Addendum under this item, note should be taken that the Commissioner for Human Rights identified certain shortcomings in the law and practice of the Russian Federation concerning compliance with human rights as embodied in the instruments of the Council of Europe in the Chechen Republic. As a consequence, in accordance with Article 8.1. of the Committee of Ministers Resolution (99)50, the Commissioner issued a Recommendation at the Russian prosecuting bodies, in particular with respect to “certain rights that must be guaranteed during the arrest and detention of persons following ‘cleansing’ operations in the Chechen Republic of the Russian Federation” (CommDH, doc. [CommDH/Rec\(2002\)1](#), 30.5.2002, the full Recommendation is available on the Commissioner’s website: <http://www.commissioner.coe.int>; see also Part II of the present document).

**United Nations (UN)**

10. Further to his visit to the Russian Federation, the UN Special Representative for children and armed conflict, Mr. Olara A. Otunnu, concluded that the two periods of armed conflict in Chechnya (1994 to 1996 and 1999 onwards) have clearly left a very extensive and serious impact on children. He indicated that some 50 per cent of internally displaced persons (IDPs) are children. The use and impact of landmines is grave and has been particularly damaging for children, with about 500,000 mines in Chechnya, making it one of the most mine-contaminated areas in the world. Exposure to violence and displacement has left many children traumatized. Moreover, Chechen fighters allegedly enlist children into their ranks and they also provide financial incentives for children to plant landmines and explosives (Office of the UN Special Representative for children and armed conflict, 24.6.2002).

11. While in the North Caucasus, Mr. Otunnu expressed his concern for the protection and well-being of all children affected by armed conflicts in the region. He pointed out that support and relief must be provided, on a humanitarian and impartial basis, to all who have suffered as a result of armed conflict, regardless of their ethnicity, political or religious affiliations (*idem*). In this connection, note should be taken of the regular mental health co-ordination meeting held by World Health Organisation (WHO) in Nazran on 29 May 2002, in which twelve NGOs from Ingushetia and Chechnya participated (WHO, April-May 2002).

12. In late June 2002, heavy rains in several North Caucasus regions resulted in severe floods. However, there was more information on impact and damage in the more accessible parts of the region such as Ingushetia, than in Chechnya. Nevertheless, there are reports that the Russian army has commenced a relief effort in this Republic. While the UN has not officially received any request for assistance from the federal Government, the Chechen Administration has requested food and shelter assistance for the most affected areas of Grozny. A limited number of NGOs have also provided some medical assistance and non-food commodities to those most affected areas in the southern and middle regions of Ingushetia. However, an accurate assessment of the damage inside Chechnya has not yet been forthcoming from the Chechen authorities or the Ministry for Emergencies and Elimination of Consequences of Natural Disasters (EMERCOM), although it is known that areas of Shatoysky, Sharoysky and Itum-Kalinsky Districts in the southern areas of Chechnya remain inaccessible (UN Office for the Coordination of Humanitarian Affairs (OCHA), Russian Federation, Floods OCHA Situation Report No. 1, 24.6, No. 3, 26.6.2002 and No. 4, 2.7.2002).

13. During the month of June 2002, about 1,200 IDPs returned from Ingushetia to Chechnya and 300 people left Chechnya due to insecurity. As monitored by UNHCR, this is the second month that more people have returned to Chechnya than left. The Ingush President indicated that more than 10,000 IDPs, out of the total population of 118,000, have expressed their willingness to return home (World Food Programme (WFP), WFP Emergency Report No. 27, July 2002).

**International Committee of the Red Cross (ICRC)**

14. 57 places of detention have been visited by ICRC in the Chechen Republic since May 2000. An active dialogue is being pursued with the Russian authorities. Also, persons who have lost contact with their relatives as well as detainees visited by the ICRC have been given the opportunity to re-establish contact with them by writing Red Cross Messages (ICRC, April-May 2002, 28.6.2002).

**Russian institutions**

15. On 24 June 2002, the President of the Russian Federation, Mr Vladimir Putin, indicated that the way “mop-up” operations are conducted in the Chechen Republic cannot be improved in order to avoid further damages for the civilian population. According to him, these operations should simply be stopped, but he underlined that this will only become possible after the strengthening of the Chechen Administration, in particular through the establishment of effective Chechen law-enforcement agencies with combat units such as the OMON troops. This work is being actively pursued (Russian Ministry of Foreign Affairs (MFA), [Daily News Bulletin](#), 25.6.2002).

16. The Russian Presidential Adviser, Mr Sergei Yastrzhembsky, indicated that he does not see any obstacle to contacts between Mr Aslan Maskhadov and representatives of the Russian Government. In a letter to the G8 leaders, Mr Maskhadov suggested that combat actions be suspended in Chechnya as from 15 July 2002, and contacts be resumed between his representative, Mr Akhmed Zakayev and Mr Viktor Kazantsev, Presidential Envoy to the Southern Federal District. In this connection, Mr Yastrzhembsky recalled that nobody prevents Mr. Zakayev from getting in touch with Mr. Kazantsev on conditions laid down in the Russian President’s statement of September 2001. He also indicated that no ‘combat action’ exists anymore (Interfax, 25.6.2002; see [SG/Inf\(2001\)33 Addendum](#), para. 9).

17. On 24 June 2002, the Commander of Russian armed forces in Chechnya, Lieutenant-General Vladimir Moltenskoi, indicated that “mop-up” operations will be more rigorous and intensified in the regions where terrorist attacks have occurred. He underlined that, concerning those villages where the local population is showing loyalty to the federal forces and the local authorities, the military will be ready to limit itself to a mere checking of passports, as it is done in other regions of the country (Interfax, 24.6.2002).

18. The Chechen Prosecutor's Office has launched proceedings against federal officers for having allegedly committed offences during a 22-days-long “mop-up” operation on the village of Mesker-Yurt. The Chechen Vice Premier for Cooperation with Law-Enforcement Agencies, Mr Movsar Khamidov, indicated that the Prosecutor's Office carefully investigated the complaints submitted by local inhabitants and came to the conclusion that there had been human rights violations committed by the federal troops. However, he pointed out that the Mesker-Yurt operation was a rather effective one. According to him, terrorism was rife in the village (RIA-Novosti, 19.6.2002).

19. Concerning the case of Colonel Yuri Budanov, the investigation of the case is to be resumed and a third psychiatric test for the defendant is scheduled (Interfax, 2.7.2002 and 3.7.2002; see [SG/Inf\(2002\)24 Addendum](#), para. 14).

### **Non-Governmental Organisations**

20. The Human Rights Centre “Memorial”, on behalf of a large number of Russian NGOs, including the Moscow Helsinki Group (MHG) and the Russian-Chechen Friendship Society (RCFS), concluded that norms contained in Order No. 80 issued by Lieutenant General Vladimir Moltenskoi are ‘grossly’ not being fulfilled by the federal forces. According to “Memorial”, not a single ‘mop-up’ operation was carried out in accordance with the Order in April and May 2002. According to Russian NGOs, as has occurred in the past, members of the Russian federal forces do not identify themselves and burst into homes in masks, insult and beat up the residents, rob and take away people to unknown destination. There are no identification numbers on the armoured vehicles and the local administration is not involved in such “mop-up” operations. The detainees are allegedly beaten and tortured. No list of detainees is transmitted to the heads of local administrations. Only one point of the Order is being fulfilled: servicemen now demand that the heads of the local administrations sign an official document about the absence of any complaints at the end of the operation. Russian NGOs further indicated that some of the heads of administration have enough bravery to refuse to sign such statements. They further indicated that it is evident that human rights abuses occur either under direct supervision, or with the connivance of the chiefs of the “special operations”. General Igor Bronitskii, who led the “mop-up” operation in Alkhan-Kala in May 2002 has been cited by “Memorial” in this context (“Memorial”, Letter to the Head of the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic, June 2002; the text of the letter is available on Memorial’s website: [www.memo.ru](http://www.memo.ru)).

21. “Memorial” and other Russian NGOs also expressed disappointment about the ineffectiveness of the co-operation with the Russian authorities, in particular the prosecuting bodies. In general, despite promises from the Russian authorities, their inquiries addressed to prosecutors remain in essence without answers. According to Russian NGOs, this discredits the very idea of “an arena for talks” on human rights issues in the Chechen Republic (Memorial).

22. Until now, a detailed list of convictions for crimes committed by members of Russian security forces against citizens has not been made public. Indeed, Russian NGOs pointed out that the existing list does not include, for instance, names and surnames of convicted persons, although it is known that judgments have been rendered in certain cases. At a meeting, in Moscow, NGOs came to the conclusion that the publication of such a list would be extraordinarily useful: both the population of the Chechen Republic and the federal forces would see concrete examples of crimes being punished. However, the Prosecutor continues to publish only statistics, without indicating how actual crimes have been punished (Memorial).

23. According to Human Rights Watch (HRW), the human rights situation in the Chechen Republic has deteriorated in the past six months. Federal forces continue to detain without

charge hundreds of people suspected of involvement in rebel activities. Many are allegedly tortured or killed. Some “disappear” and the authorities deny that detained individuals are in custody. Russian authorities have formally opened hundreds of criminal investigations, but for the most part human rights violations remain uninvestigated and unpunished (HRW, 24.6.2002).

24. Further to floods in North Caucasus, Médecins Sans Frontières (MSF) made an assessment of the situation in Chechnya. The worst hit areas are Grozny town and Shatoy district in the mountains. Some of the temporary mud structures erected by returnees have been completely swept away, but only a few were possible to visit. In the long term, the main concern is the failure of temporary systems for drinking water, which can lead to an increase in waterborne diseases (MSF, 27.6.2002).

25. According to People in Need Foundation (PINF), no large-scale attempts of indirect pressure on IDPs have been noted. However, several incidents and events could be interpreted in that way (such as “mop-up” operations in IDP camps or deployment of one part of the 58th Federal Army on the Ingush territory) (PINF, Humanitarian operations in Chechnya and Ingushetia in June 2002, 9.7.2002).

## **II. Main recommendations and appeals made by Council of Europe bodies, international and non-governmental organisations, as well as by Russian institutions concerning the situation in the Chechen Republic (18.6.2002 – 10.7.2002)**

### **To the International Community**

- to ensure that any repatriation of IDPs to the Chechen Republic is carried out voluntarily, without any form of coercion, and that the process be closely followed by independent international monitors (*see in particular MSF*)

### **To the Russian authorities**

- to take all necessary steps to ensure that the provisions of Decree No. 46 of the Prosecutor General of the Russian Federation and Order No. 80 of Lieutenant-General Moltenskoi are effectively applied during “mop-up” operations and that any breaches thereof be severely sanctioned (*see in particular CommDH*)
- to secure effective access by civilian prosecutors to all places where civilian detainees might be held, including military bases, in accordance with Article 22 of Constitutional Federal Law no. 168-FZ of 17 November 1995 "On the *Prokuratura* of the Russian Federation" (*see in particular CommDH*)
- to envisage the setting up of a specific machinery for co-operation and co-ordination between civilian and military prosecutors in Chechnya, in particular, in respect of detained persons (*see in particular CommDH*)

- to reinforce material and human resources available to the civilian *Prokuratura* (*see in particular CommDH*)
- to take the necessary steps to inform the families of detainees - and, where applicable, non-governmental organisations - of the fate of persons arrested and/or detained during “mop-up” operations in relation to their current whereabouts within the Chechen Republic (*see in particular CommDH*)
- to make public a detailed and updated list of criminal investigations into violations by police, military, and other security forces against non-combatants in the Chechen Republic (*see in particular HRW*), with particular emphasis on convictions by courts (*see Russian NGO’s, including “Memorial”, MHG, SRCF*)
- to observe the principle of voluntary return of displaced persons (*see in particular UN SR for children and armed conflict*)
- to ensure greater support for psycho-social assistance and for the provision of sports and recreation (*see in particular UN SR for children and armed conflict*)
- to set up a regional civil society network, focusing on protection and advocacy for children affected by armed conflicts in the Northern Caucasus (*see in particular UN SR for children and armed conflict*)
- to launch inter-faith initiatives to promote peace, tolerance, reconciliation and healing in the northern Caucasus (*see in particular UN SR for children and armed conflict*)