

Information Documents
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Nineteenth 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 Period from 10 to 30 April 2002

1. This is the 19th interim report by the Secretary General on the activities of three consultative experts of the Council of Europe, Mrs Eva Hubalkova, Mr Thomas Kattau and Mrs Marine Trévisan, working with the Office of the Special Representative of the President of the Russian Federation for Ensuring Human and Civil Rights and Freedoms in the Chechen Republic (hereinafter “the Special Representative”).
2. On 20 April 2002 the Secretary General, Mr Walter Schwimmer, agreed in Moscow with the Minister for Foreign Affairs of the Russian Federation, Mr Igor Ivanov, to continue the Council of Europe presence in the Chechen Republic after 4 July 2002 on an enlarged mandate. A new draft Memorandum of Understanding containing the tasks to be implemented under the enlarged mandate is currently under consideration by the Russian authorities. A press release issued after the meeting held in Moscow is reproduced as Appendix I.

SECURITY SITUATION

3. As has been widely reported, a roadside bomb exploded 100 m away from the Chechen police headquarters in Staropromyslovskiy district of Grozny at precisely the same time as President Putin was delivering his state-of-the-nation speech on 18 April 2002. The bomb killed nineteen special police officers (OMON, a unit from the Chechen Republic) who were travelling in a bus and in an accompanying vehicle.
4. The bombing followed an incident the previous day in the Shatoy District where eleven Russian soldiers were killed and thirteen wounded in two ambushes. Local media reported that six Russian soldiers had been killed and eight more wounded in other attacks around the Chechen Republic bringing the death toll among federal and Chechen servicemen to over 30 people in 24 hours.
5. The bombings triggered major anti-terrorist sweep-and-search operations, which “were unprecedented in their scope and results”, according to the Chechen Interior Department, as reported by Interfax. Troops of the Russian Federal Ministry of the Interior and the Chechen Special Police Forces conducted a three-hour operation in Grozny checking approximately seventy buildings with more than 1,600 apartments, as well as dozens of attics and basements. The capital was completely sealed off, but already by Friday (19 April) afternoon the operations had ended and traffic at checkpoints was back to normal. According to Chechen sources and media reports, about 75-80 people were detained after this operation. So far only two persons have been charged with “involvement in terrorist attacks”; the spokesperson of the Chechen Ministry of the Interior gave their names as Sultan Aliyev and Vakha Pepsurkayev. The channel NTV reported that twelve reporters and cameramen from the local Chechen television station had been detained.
6. The attack in Grozny appeared to have taken the Russian military by surprise,

according to several news reports. The Chechen administration officials quoted by AP said that the military intelligence officers had predicted an upsurge in rebel activity in May, but had expected it in the rugged mountains of the south and not in the capital. A “stop-wheels” operation came into force on 30 April at 6.00 p.m.

7. In Znamenskoye itself the situation remains calm and no signs of tension are visible in the area.

POLITICAL SITUATION

8. On 26 April, the Russian state-run television station (RTR) broadcasted footage of a dead body identified as that of a top separatist guerrilla commander, Khattab. On 29 April, the death of Commander Khattab was confirmed to have occurred on 19 March last.
9. Attacks by the Chechen rebels dominated the political situation over the last weeks.
10. The attack in Grozny is seen as a set back by the administrations in Moscow and Grozny in their efforts to set up a Chechen police. The Chechen policemen have become a special target for the rebels, who see them as traitors and collaborators with Moscow. Recently, rebel organisations have reiterated their death threats against the so-called collaborators.
11. The first Chechen Youth Forum took place on Friday 12 April 2002 in Grozny - even though it was scheduled to take place in Znamenskoye. Due to the unforeseen transfer of the meeting place at the last minute the experts could not be present.

THE OFFICE OF THE SPECIAL REPRESENTATIVE

Main Office

12. The move of the Main Office in Znamenskoye to the newly renovated premises in Grozny started on 23 April 2002. The Head of the Office, Mr L. Khasuyev, informed the experts that the Main Office, including the archives and all staff except two members, would be re-deployed to Grozny as of 24 April. The present premises of the Office in Znamenskoye were to be turned over to the tax inspector's office, which would move in on 1 May 2002. The experts were further informed that the move would be completed by 12 May 2002. In the future, two staff members in Znamenskoye would represent the Office of the Special Representative. It is envisaged that the new Branch Office in Znamenskoye will work from an office in the building of the district administration.
13. For security reasons and after consulting the Foreign Minister and the Special Representative, I instructed the experts to continue working from Znamenskoye and to stay there in residence. I am negotiating with the Office of the Special

Representative for new office space, which should meet with the necessary security conditions for the experts.

14. Presently the experts are able to travel to Grozny two or three times a week. During their presence in the Main Office they follow up cases and maintain the archives and registry, as well as have consultations for applicants. Visits to other parts of Chechnya continue from Znamenskoye.
15. A letter drafted by the experts was sent to the Prosecutor of the Chechen Republic for the Chitayev brothers' case, which had been lodged with the Office in Znamenskoye in July 2000. Their representative, *Chechnya Justice Initiative Foundation*, had asked the experts through me to act in this matter. The Office transferred the application to the Prosecutor of the Chechen Republic very shortly after it had been introduced. However, despite a reminder letter sent by the Office in August 2001, there has been no answer so far.

Situation in the branch offices

16. Following the issuing of Order N° 80 [hereinafter, "Order N° 80", i.e. the Order of the Commander of the Joint Troops Group (Forces) in the North Caucasus Region of the Russian Federation (General V. Moltenskoy) N° 80 of 27 March 2002.]¹, representatives of the Office participated in locally organised meetings with the Chechen authorities and federal troops. They informed the public and launched awareness-raising campaigns on the content of Order N° 80 in the local media (where available).
17. The representative in the Kurchaloye district complained that she was not allowed to monitor the operation in Tsotsin Yurt between 1-6 April. When referring to Order N° 80 she received the reply from an officer of the federal troops: "Who is General Moltenskoy?". During the operation about 300 people are reported to have been beaten, schools were damaged and fourteen people were detained, ten of whom have been released; four are still missing.
18. In Urus-Martan a recent mop-up operation was conducted in line with Order N° 80. It was reported that federal troops had expressed their dissatisfaction with the new Order.
19. In Shali only targeted operations have been reported; fifteen applications on alleged violations of Order N° 80 were received by the branch office. Kidnappings were reported in the region though no concrete figures are available.
20. In the Shatoy district criticism was voiced by the permanent Chechen militia that the

¹An English translation of the Order n° 80 was reproduced in Document SG/Inf (2002) 17 of 18 April 2002, 18th Interim Report by the Secretary General

reports and lists of arrestees drawn up under Order N° 80 were only made available to the temporary militia, staffed by officers from outside Chechnya.

21. In Argun a new appointee of Chechen origin replaced the District military commander. Widespread dissatisfaction remains with the head of the local administration. On 10 April federal Special Forces raided a school to arrest pupils. The local security guards fired at the Special Forces and two of them were arrested and are detained in Khankala. It is said that people are afraid to lodge complaints on the operation because of retaliation by the Special Forces who appear to impose greater fear than ordinary troops.
22. In the Achkoy-Martan region two soldiers of the federal forces, both of Chechen origin had disappeared during the last week.
23. The head of the Shelkovskoy district administration recently lodged a formal complaint with the Office of the Special Representative concerning a series of obstacles faced by the local court in conducting its work.
24. In the Nojayourtovsky district a representative of the Office is now monitoring all anti-terrorist operations. After the most recent mop-up operation 60 people were detained. No violations were reported and the detainees were all released shortly afterwards.
25. The previously reported mop-up operation in Starye Atagi is still under investigation. So far it has been established that one person was killed (thought to be a rebel) and eleven people have disappeared. Until now no information is available on the fate of these people.
26. The branch offices report on a general trend that the issuing and renewal of identity documents has become faster.

COUNCIL FOR THE PROTECTION OF HUMAN RIGHTS IN THE CHECHEN REPUBLIC

27. The 3rd meeting of the Council for the protection of human rights in the Chechen Republic was held in the new office premises in Grozny on 25 April 2002 with Mr L. Khasuev in the chair. Participants in the meeting included Mr S. A. Kolomiytz, Deputy Military Prosecutor of the Chechen Republic, Mr A. V. Nikitin, Deputy Prosecutor of the Chechen Republic, General A. V. Pavlenko, Commandant of the Chechen Republic, and Mr S. Tsuyev, Deputy Commandant of the Chechen Republic. A number of representatives from different NGOs also attended the meeting (“Memorial” groups from Moscow, Nazran and Urus-Martan, the Foundation “Nizam” based in Gudermes, the Association “Russian-Chechen Friendship”, the “Union of Chechen Associations” and the “Union of Progressive Youth and Students of Chechnya”). The following issues were discussed during the meeting:

- difficulties in the follow-up by prosecutors to complaints lodged at the Office (only about 30-40% of all complaints have been dealt with);
 - necessity to increase the activities of district prosecutors;
 - organisation of regular meetings between military and civil prosecutors on alleged violations of law;
 - investigation of alleged violations of human rights and civil liberties in the Kurchaloy district by military Brigade n° 33 under Colonel Mikhail Pedora;
 - investigation of alleged violations of human rights and civil liberties in Shali district (Mr Atakayev's case was transmitted to the military prosecutor on 25 April 2002);
 - disappearance of two young people during a mop-up operation carried out in Argun on 10 April 2002; raid of the local school by soldiers and beating of children there;
 - disappearance of eight people in Urus-Martan; discovery of 13 bodies with signs of injuries; kidnapping of the Padayev family from their house in Dzhalka with use of a military vehicle on 24 April 2002;
 - mop-up operations between 27 March and 1 April 2002 in Tsotsin-Yurt where a number of persons were arrested and detained in unknown places despite the presence of the district prosecutor and an investigator;
 - implementation of Order N° 80;
 - the situation in Argun, which continues to be difficult; apparently locals do have the possibility to meet the district prosecutor and investigators. On 2 March 2002 a number of young persons were arrested during a mop-up operation and brought to unknown places;
 - killing and burning of six people in Nokhch-Keloy; suspects have been arrested and criminal proceedings have been initiated;
 - beating of Mrs Z. Dzhabraylova because she passed through a checkpoint after the curfew.
28. The Council will meet monthly (last Thursday of each month) and the next meeting is to be held on 30 May. It seems that the Council for the Protection of Human Rights in Chechnya *de facto* substitutes the Joint Working Group (JWG) between the Prosecutor General's Office and the Office, which has not met since autumn last year.

MISSING PERSONS

29. The experts crosschecked the list of missing persons provided by Human Rights Watch with the archives in the Office in Znamenskoye (see Appendix II).
30. The experts will continue to follow the above-mentioned cases closely and request updated information from the relevant authorities.

IDPs

31. The experts met with the heads of the North and South IDPs camps in Znamenskoye to request updated information on the return of IDPs to Grozny.
32. To date a total of 5,268 people remain in the two tents camps (2,488 people in the North camp = 535 families, and 2,780 people in the south camp = 545 families). 632 people (136 families) have so far returned to Grozny to live in the two temporary accommodation centres. 151 families are said to be planning their move there after the May holidays. The remaining people express general scepticism about their return to Grozny because of the security situation. Moreover, people who have already moved to Grozny complained about the living conditions there (absence of running water and electricity). The humanitarian assistance rendered by the government, which had been interrupted in February 2002, restarted again in April 2002.
33. An additional problem, which prevents the improvement of the social situation and hinders the return of IDPs to their homes is the non-payment of financial compensation for the loss or destruction of their property during the military operations. Most people concerned lodged complaints and applications with the Chechen government, which however does simply not have enough financial resources to accommodate these requests.

Appendix I

Chechnya: Walter Schwimmer and Igor Ivanov agree on enlarged mandate for Council of Europe experts

Strasbourg, 20.4.2002 - Walter Schwimmer, the Secretary General of the Council of Europe, agreed this morning in Moscow with the Russian Foreign Minister Igor Ivanov to continue the Council's presence in the Chechen Republic (Russian Federation) after 4 July 2002 on an enlarged mandate.

This mandate will comprise the continued expert assistance from the Council of Europe to the office of the Special Representative of President Putin for Human Rights in the Chechen Republic and assistance to the reform process of the judiciary, the administration and the legislation as well as co-operation in the field of education.

Mr Ivanov and Mr Schwimmer also agreed on a rehabilitation programme for women and children who have been traumatised by events during the armed conflict.

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Tchéchénie: Walter Schwimmer et Igor Ivanov conviennent d'un mandat élargi des experts du Conseil de l'Europe

Walter Schwimmer, Secrétaire Général du Conseil de l'Europe a convenu ce matin à Moscou, avec le Ministre russe des Affaires Etrangères Igor Ivanov, de poursuivre la présence du Conseil de l'Europe dans la République de Tchétchénie de la Fédération de Russie, après le 4 juillet 2002, sur la base d'un mandat élargi.

Outre la poursuite de la mission d'assistance des experts du Conseil de l'Europe au bureau du Représentant spécial du Président Poutine, pour les Droits de l'Homme en République tchéchène, le mandat comprendra une assistance au processus de réforme judiciaire, administrative et législative, ainsi qu'une coopération dans le domaine de l'éducation. M. Ivanov et M. Schwimmer ont également convenu d'un programme d'assistance pour les femmes et les enfants, traumatisés par les événements durant le conflit armé.

Appendix II

Missing Persons

1. *Mr Mukhadi KHAMZATOV*. The Office received an application from the mother of the victim (dated 16/09/01) on 12 October 2001. According to her, her son had been arrested and sent to an unidentified filtration camp during a mop-up operation carried out in Tsotsin-Yurt village on 16 September 2001. On 12 October 2001 the Office had sent a letter to the Prosecutor of the Chechen Republic, Mr Chernov, transmitting the application and requesting examination of the application. Since no answer was received, a reminder letter was sent to Mr Chernov on 5 March 2002, but no answer has been received to date.
2. *Mr Imali SAIDAKHMEDOV*. The Office received an application from his father, Lom Ali Saidakhmidov, (dated 30/08/01) on 21 September 2001. According to the latter, representatives of the federal troops wearing masks and uniforms had arrested his son without pressing any charges on 17 July 2001. After several inquiries at the Shali District Prosecutor's office, and the local administration and military structure, the father has remained without any information on the whereabouts of his son. The Office forwarded the application to the Prosecutor of the Chechen Republic on 21 September 2001. On 15 January 2002 the Office received a letter from the Deputy to the Shali District Prosecutor (dated 27/12/01) providing information with a list of cases from the Shali district followed by the branch office there in which Mr Saidakhmedov's case was mentioned as under investigation. The Office sent a reminder letter to the District Prosecutor on 15 February 2002. No answer has been received so far.
3. *Mr Said Magomed MUTSUKAEV*. The Office received an application (dated 25/10/01) from the victim's mother on 15 November 2001. She claimed that two staff members of the temporary militia, including the head of the criminal investigation department who further claimed to have freed him on 10 September 2001, had arrested her son on 9 September 2001. She informed the Prosecutor's office about these events. The Office sent a letter on 15 November 2001 to the Prosecutor of the Chechen Republic, Mr Chernov. The Shali branch office confirmed that a criminal case had started under the supervision of the Shali District Prosecutor and is still going on. A reminder letter of 24 January 2002 with a request that a criminal case be brought against the two militia officers was sent to the Shali District Prosecutor. No answer has been provided so far.
4. *Two ASULTANOV brothers*. The Office received a complaint from their mother, Ms Kilsa Yunusova, (dated on 12/10/00) on 17 October 2000. Her two sons (20 and 22 years old) disappeared from the forest close to Alleroy village (Kurchaloy district) on 2 September 2000. She unsuccessfully requested the military commander of the Kurchaloy district that information be provided on the whereabouts of her sons.