

**Information Documents**

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Addendum 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, for the period 23 May to 17 June 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. At the request of the Secretary General of the Parliamentary Assembly and in the light of the letter of Mr. Igor Ivanov, Russian Minister of Foreign Affairs, dated 6 June 2002, concerning the enlarged mandate of Council of Europe experts in the Chechen Republic, I would like to draw the attention of the Ministers' Deputies on the proposal made by the Parliamentary Assembly/Russian State Duma Joint Working Group (JWG) that the Council of Europe and its member States should contribute financially to the work of the Consultative Council - established in November 2001 by the Chechen representatives who were invited to Strasbourg by the JWG - with a view to reinforcing its independence and to enabling members of the Council to travel to its meetings (see [SG/Inf\(2002\)23 Add.](#), para. 3). As a precise financial assessment is still needed, the Ministers' Deputies will be provided with detailed proposals shortly.

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

### **European Committee for the Prevention of Torture (CPT)**

3. In early June 2002, the CPT completed its fifth visit to the Chechen Republic since the beginning of the current conflict. The CPT's delegation examined the situation of detention facilities in Grozny, Kurchaloy and Urus-Martan and spoke in private with detainees. For the first time, the delegation visited the Operative and Search Bureau of the Ministry of Internal Affairs in Grozny (commonly known as the "RUBOP"). The delegation drew particular attention to the treatment of persons detained during "mop-up" operations by federal forces and explored the implementation of Order No. 80 issued by Lieutenant General Vladimir Moltenskoi in March 2002 (in this respect, see [SG/Inf\(2002\)23 Add.](#) and [SG/Inf\(2002\)9 Add.](#)). The delegation visited the village of Alkhan-Kala, which was the scene of two "mop-up" operations in April 2002. The problem of human rights violations and "disappearances" was also discussed with prosecutors, military commanders and members of the local administrations in Argun, Kurchaloy and Urus-Martan ([CPT](#), 10.6.2002). In this context, the Secretary General of the Council of Europe

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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>.

expressed his hope that the Russian Federation would agree to make the CPT's findings public as a positive sign of transparency and support for the CPT's work..

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

4. In his 2002 annual report, the Commissioner for Human Rights, Mr Gil-Robles, recalled that there was no significant improvement in the situation on the ground, and violations committed by both the federal forces and the Chechen combatants continued to have serious repercussions for the civilian population and Chechen refugees. The feeling of insecurity is exacerbated by the popular belief that violations of human rights by the Russian armed forces go unpunished, whilst complaints of disappearances, torture, arbitrary arrest, pillaging and extortion continue unabated. Regardless of an eventual political or institutional solution to the Chechen conflict, Mr Gil-Robles highlighted that there will be no peace without justice, and that it was therefore absolutely essential to combat impunity (CommDH, document [CommDH\(2002\)2](#), May 2002).

5. Despite some positive steps taken by the Russian authorities, such as regulations relating to "mop-up" operations and co-operation initiated with NGOs, reports received from NGOs on the ground attest to the continuation of large-scale violations, which occur, above all, during the so-called "purification and cleansing operations". Insecurity is unquestionably aggravated by the enduring impunity of human rights violators. Investigations into complaints against members of the federal armed forces, which fall within the sole jurisdiction of the military prosecuting bodies and the military courts, continue to be delayed, suspended or even abandoned. The same applies to proceedings pending before military courts. There have so far been few convictions of military personnel for offences committed against Chechen civilians, and it would appear that these convictions - of which the public is largely ignorant - mainly concern members of the lower ranks and not those in command who gave orders or deliberately failed to supervise the conduct of their subordinates. It is consequently vital that the Russian authorities increase their efforts to bring all breaches of human rights in Chechnya before the courts, regardless of their perpetrators (CommDH; see also [SG/Inf\(2002\)23 Add.](#), Part II).

6. In addition, economic and social regeneration is considered as essential for the return of refugees, which is desired by the Russian authorities. At the same time, NGOs, the press and even the federal authorities are highly critical of the misuse and misappropriation of funds destined for the reconstruction effort. As already indicated in the report of the visit to Chechnya in February 2001, an effective mechanism should be introduced to guarantee donors that their aid reaches those for whom it is intended. This could take the form of a body, including international experts, responsible for the financial co-ordination and supervision of aid distribution (CommDH).

### **European Union (EU)**

7. Within the context of the Russia-EU Summit of 29 May 2002, the EU External Relations Commissioner, Mr Christopher Patten, stressed that the Partnership and Co-operation Agreement

states in very clear terms that the dialogue between the Russian authorities and the EU should include the respect for democratic principles and human rights which constitutes “an essential

element of [the] partnership”. According to him, this means that the EU and the Russian partners should be able to discuss, *inter alia*, differences of views over human rights abuses and access of international humanitarian operators in Chechnya (Speech made by Mr Christopher Patten, Moscow, 28.5.2002).

### **United Nations (UN)**

8. On 29 May 2002 in Grozny, the Head of the Chechen Administration, Mr Akhmad Kadyrov, and the newly elected President of Ingushetia, Mr Marat Zyazikov, signed an agreement on trade, economic, scientific and cultural cooperation between the two republics, which includes a programme of internally displaced persons (IDPs) return from Ingushetia to Chechnya. The programme is to be implemented over several months and provides for a set of measures to create conditions for IDPs return and guarantees of their security and employment in the Chechen Republic. According to the Chairman of the Chechen Government, Mr Stanislav Ilyasov, his Government has already allocated 150 million rubles for these purposes (UN Office for the Co-ordination of Humanitarian Affairs ([OCHA](#)), Humanitarian action in the North Caucasus information bulletin, 15-31 May 2002).

9. In late May 2002, the OCHA Director, Mr Ed Tsui, and the Director of the Bureau for Europe of the UN High Commissioner for Refugees (UNHCR), Mr Raymond Hall, assessed the situation in Chechnya and Ingushetia. They met with Mr Akhmad Kadyrov and Mr Murat Zyazikov and both leaders confirmed that there would be no forced return of IDPs from Ingushetia to Chechnya. According to UNHCR, the Russian authorities on all levels assured that only those willing to go back to Chechnya would return within the framework of the new programme (OCHA and [UNHCR](#), Briefing Notes, 17.6.2002).

10. Both UNHCR and OCHA stressed that the principle of the voluntary return should be observed and that UN aid should follow the people in need rather than the other way around (OCHA and UNHCR).

11. Chechens displaced in Ingushetia told UNHCR that they are afraid to return home because of general insecurity, fighting and so-called “mop-up” operations by Russian security forces. Some also fear detention on return. Security concerns have prevented UNHCR from working in Chechnya and monitoring possible returns (UNHCR; see also paras. 20 and 21).

### **Russian institutions**

12. The President of the Russian Federation, Mr Vladimir Putin, indicated that priority is to be given to the setting-up of state bodies and law-enforcement agencies so as to ensure the creation of a normal social environment within the Chechen Republic. Further political measures could then be taken, including, at a latter stage, a referendum on a Chechen Constitution and the

election of the future leader of the Republic. (Russian Ministry of Foreign Affairs, [Daily News Bulletin](#), Press Conference following the Russian-European Union Summit, 30.5.2002).

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13. Referring to the alleged climate of impunity concerning violations reportedly committed by Russian servicemen, the Deputy Prosecutor General of the Russian Federation, Mr Sergei Fridinsky, indicated that the Russian authorities had launched 395 investigations into alleged crimes against Chechen civilians since October 1999. In 130 cases, Russian servicemen were accused, with charges ranging from rape and kidnappings to murder. 30 soldiers have so far been found guilty (see AFP, 2.6.2002).

14. As concerns the Colonel Yuri Budanov case (see [SG/Inf\(2001\)22](#), para. 45), doctors from the Serbski Institute and in charge of the latest psychiatric examination of the Russian Colonel, found that the latter was temporarily insane at the time of the killing of the young Chechen girl, E. Kungayeva. The North Caucasus Military District Court rejected a call by Mr Stanislav Margelov, the Kungayev family's lawyer, for a new examination of Colonel Budanov's mental health. At a press conference in Moscow an independent psychiatrist, Mr Yuri Savenko, questioned the results of this examination saying that the report contained gross errors and its conclusions were based on the defendant's account and not on his behaviour (Interfax, 3.6.2002 and [Glastnost Media Agency](#), 4.6.2002; as indicated in doc. [SG/Inf\(2001\)33 Add.](#), para. 13, Colonel Budanov may be therefore amnestied in accordance with a State Duma Resolution of May 2000).

15. Referring to the "anti-terrorist operation" in Chechnya, the Russian General Anatoly Kulikov, member of the State Duma, stressed that improvements should be made to current Russian legislation, in particular, the law on the suppression of terrorism. He indicated that the State Duma is presently working on this text. He also remarked that it may be time to think about the elaboration of a single legal framework that would be unified among at least several countries (Russian Informational Centre/Interfax-AVN, 10.6.2002).

### **Non-Governmental Organisations**

16. The Human Rights Centre "Memorial" provided a number of examples showing that Order No. 80 regulating "mop-up" operations was not implemented in May 2002. In this context, "Memorial" and the Society of the Russia-Chechen Friendship (SRCF) highlighted a series of alleged human rights violations committed by Russian security forces during a "mop-up" operation in Mesker-Yurt (Shali). It is alleged that 15 persons have been killed during the operation. 30 people are still detained by the Russian security forces and the place of detention of some of them is unknown. According to the head of the local administration, servicemen exerted pressure on detainees in order that the latter sign a report indicating that the operation was carried out without any trouble (Memorial, 6.6.2002, 7.6.2002, and SRCF, 14.6.2002; see also [SG/Inf\(2002\)23 Add.](#)).

17. Amnesty International (AI) expressed its concern again about “disappearances”. For the past eighteen months, Mr Said-Magomed Imakaev and his wife have been searching for their son Said-Khusein Imakaev, who was detained by federal troops on 14 December 2000, and has since “disappeared”. On 2 June 2002 Mr Said-Magomed Imakaev had been taken from his home (together with four other villagers) by members of the Russian security forces. The men's families have been unable to find out where they are being held. AI urged the Russian authorities

to establish the fate and whereabouts of these Chechen inhabitants, to inform their relatives, and to release them immediately, unless they are to be charged with a recognizably criminal offence (AI, 5.6.2002, doc. EUR 46/019/2002).

18. Human Rights Watch (HRW) indicated that the Russian authorities should be pressed to provide a detailed and updated list of criminal investigations into abuses by police, military, and other security forces against non-combatants in Chechnya. HRW recalled that the first step towards accountability was transparency and that progress on this issue would not contradict the Russian Federation's legitimate security concerns in Chechnya. At the same time, such action would help show that President Putin is serious about the rule of law, reinforcing the effort he began in pushing for a new criminal procedure code and other legal reforms. According to HRW, without outside pressure, the conflict will continue to devastate the people of Chechnya. This conflict may accelerate restrictions on press freedom, curb reform of the Russian military, and increase violence in Russian society as soldiers and police trained to behave with impunity return home ([HRW](#), Open Letter to the European Union, 23.5.2002).

19. In their 2002 annual reports, AI and the International Helsinki Federation (IHF) underlined that both parties to the conflict continued to commit serious human rights abuses. According to AI, Chechen forces attacked civilians working in the local administration in Chechnya, failed to take steps to minimize civilian casualties during attacks and ill-treated and unlawfully killed captured [Russian](#) servicemen. However, the Russian federal forces were considered to be responsible for most of the violations against the civilian population, including arbitrary detention in secret detention centres and in pits in the ground, torture and ill-treatment, “disappearances” and extra-judicial executions. The general climate of impunity prevailed. IHF further indicated that following 11 September 2001 events, the President of the Russian Federation – at least to some extent – succeeded to get the international community a more sympathetic view to the operation in Chechnya. Both organisations also underlined harassment faced by journalists and human rights advocates who criticized the authorities (AI, [Annual Report](#), May 2002, and IHF, [Annual Report](#), May 2002).

20. While the new President of Ingushetia and the Head of the Chechen Administration were concluding an agreement foreseeing the return to Chechnya of Chechen refugees currently in Ingushetia (see above), Russian federal forces temporarily stationed their armed vehicles near the largest IDP camps in Ingushetia and –so it is alleged - assaulted several individuals in the camps. Although local UN authorities and the humanitarian community strongly advocate that the IDP return be conducted on a voluntary basis, People in Need Foundation (PNF) considers that a growing number of incidents suggest that the local authorities are ready to take any

measures in order to achieve their goal of returning the IDPs back to Chechnya by autumn 2002 ([PNF](#), May 2002; see also [SG/Inf\(2002\)23 Add.](#), para. 15).

21. Also, according to Médecins Sans Frontières (MSF), the above-mentioned agreement raises major concerns for the future of almost 200,000 Chechens who have taken refuge in Ingushetia. MSF recalled that the intensity of violence has not diminished in the Chechen Republic. On the contrary, bombardments, “cleansings”, rackets, death squads and torture are considered by MSF to be the rule. The conflict, still described by the Russian authorities as an anti-terrorist

operation, targets a civilian population deprived of rights, assistance and protection and subjected to particularly violent abuses of power ([MSF](#), 3.6.2002).

## **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 (23.5.2002 – 17.6.2002)**

Council of Europe experts seconded to the Office of the Special Representative of the President of the Russian Federation on Human Rights in the Chechen Republic:

- The mandate should concern exclusively human rights issues, requiring them to visit the sites of serious human rights abuses by both sides of the conflict whenever they deem it necessary and to conduct in-depth interviews with victims and eyewitnesses (*see HRW*)

### To the Russian authorities

- To ensure an effective and prompt implementation of the UN Committee Against Torture’s recommendations (*see in particular FIDH*)
- To provide a detailed and updated list of criminal investigations into abuses by police, military, and other security forces against non-combatants in Chechnya (*see in particular HRW*)
- To immediately make public the names and whereabouts of everyone detained in the various detention facilities, including so-called “filtration camps” in Chechnya, and the charges against them (*see in particular AI*)
- To conduct a prompt investigation into all allegations of detention without charge, “disappearances”, torture, ill-treatment and extra-judicial execution by Russian security forces in the Chechen Republic and to bring those responsible to justice (*see in particular AI*)
- To ensure that an effective mechanism be introduced in order to guarantee donors that their aid will reach those for whom it is intended. This could take the form of a body,

including international experts, responsible for the financial co-ordination and supervision of aid distribution (*see CommDH*)