



Information Documents

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Eighteenth 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 1 March to 10 April 2002

1. This is the 18th interim report by the Secretary General on the Council of Europe consultative expertise provided to 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 called “the Office of the Special Representative”).
2. By an exchange of letters between the Minister for Foreign Affairs of the Russian Federation and the Secretary General dated 30 March and 3 April 2002 respectively, the Agreement of 4 April 2000 on the Council of Europe consultative expertise to the Office of the Special Representative was prolonged provisionally until 4 July 2002. It was agreed that the Russian side would identify priority tasks and prepare detailed suggestions for a new broader mandate of the Council of Europe experts. Such a new mandate should include tasks in addition to those of the original Agreement and in line with the proposals for Council of Europe assistance to the normalisation of life in Chechnya made by Mr I Ivanov, Minister for Foreign Affairs, when he addressed the Parliamentary Assembly in January 2000.
3. The experts Ms Eva Hubalkova, Mr Thomas Kattau and Ms Marine Trévisan took up their work again in the Office of the Special Representative in Znamenskoye on 1 April 2002, once their armoured vehicles had been repaired¹.
4. During the period covered by this report the experts maintained regular contacts with the Office of the Special Representative in Moscow and Znamenskoye to follow the ongoing work and the most recent developments in the Chechen Republic.

Security situation

General

5. The security situation in the Chechen Republic is still difficult. Regular reports are published on attacks on the roads used by military convoys, federal positions and administrative buildings. The greatest number of landmine attacks was registered in the Leninsky district of Grozny, as well as in the city of Argun and the Shali district. These landmine explosions led to several casualties among the federal troops.
6. A powerful explosion on the night of 17 March 2002 destroyed the Gudermes mosque. Initially it was suspected that faulty gas-heating equipment was the cause of the explosion but later investigations conducted by law enforcement agencies of the Chechen Republic revealed evidence indicating a criminal act.
7. At the present time federal troops focus on detecting and defusing explosive devices, mop-up operations and airborne missions targeted at rebel positions in the mountains. Federal forces

¹ See also the Seventeenth interim report by the Secretary General – Doc. SG/Inf (2002)9 of 13 March 2002.

supported by the Chechen militia carried out mop-up operations in several districts and towns (Grozniensky district, Grozny, Chili Yurt, Kurchaloye, Urus-Martan district, Shali district). There were extensive reports on these operations in the Russian media.

8. A major mop-up operation took place in Stariye Atagi in early March. In the wake of this operation numerous complaints of looting, missing people and killings were reported. In the Office of the Special Representative in Znamenskoye a total of 11 complaints were lodged concerning 12 persons reported missing after the mop-up operation.
9. As a consequence of complaints by local residents in Stariye Atagi and critical reports in the media, a special commission, headed by the Deputy Prime Minister, Mr Nasrudi Magamadov, was set up by the Government of the Chechen Republic to investigate alleged offences during the operation. A staff member of the Special Representative's Office participates in the work of this Commission. So far the work of this Commission has resulted in the instigation of criminal proceedings in 5 cases by the Prosecutor's office.

Znamenskoye and Nadterechniy District

10. At present the Chechen authorities are aiming to reduce the number of checkpoints and roadblocks. This is also a priority objective with the administration in Znamenskoye. Following a development, which was initiated in September 2001, the temporary militia department in Znamenskoye and the Nadterechniy district was replaced by a permanent militia department, which has recently recruited and trained 346 Chechen officers. As far as the Nadterechniy district is concerned, no mop-up operations were carried out and not a single person has been reported missing since 1996.
11. It was reported that the deputy-head of the local tax police in Znamenskoye was kidnapped in mid-March. This act is widely attributed to the local mafia. On the whole the overall situation in the district remains comparatively calm. Znamenskoye and the Nadterechniy district continue to be one of the calmest regions in the Chechen Republic.

Political situation

12. The recent anti-terrorist operations and reconstruction efforts are the key topics of political debate in Chechnya and the main subjects of media coverage.
13. In 27 March the Commander of the Joint Troops Group (Forces) in the North-Caucasus Region of the Russian Federation, General Moltenskoy, issued Order No. 80 introducing specific instructions to servicemen on the execution of anti-terrorist operations carried out in Chechnya.

14. Order No. 80 requires a detailed report to be drafted after every operation, signed by the units and authorities that took part (e.g. prosecutor, military commander and head of local administration). Under the provisions of Order No. 80 the media can cover mop-up operations after obtaining prior authorisation from General Moltenskoy. A Russian NGO Memorial published the text of the Order No 80 on its web site (www.memo.ru) at their disposal. A translation (English only) of the text of Order No 80 published on "www.memo.ru" is reproduced in Appendix I.
15. In the coming weeks it is planned that the Office of the Special Representative will begin a broad information campaign on the contents of Order No. 80 and organise visits of the Office's staff to different regions in Chechnya to raise citizens' awareness on this issue. The experts will support the Office in this initiative and assist in its implementation.
16. In a statement to the media, General Baluyevsky, First Deputy Chief of the General Staff of the Armed Forces of Russia, estimated the total number of militant rebel fighters in Chechnya at 1500, out of which he considered 250 to be mercenaries from abroad. According to General Baluyevsky, 11 members of the Shura Military Council and 20 field commanders of rebel groups were identified and killed during 2001-2002.

Prosecutors and Courts

17. The Chief Military Prosecutor of the Russian Federation, Mikhail Kislitsin, stated that by 25 March 2002 Russian military courts had found 30 servicemen, including 3 officers, guilty of crimes committed during the anti-terrorist operations in Chechnya. The military prosecutors have so far investigated a total of 73 criminal cases against servicemen charged with crimes against civilians committed during the anti-terrorist operations. 44 cases implicating 60 servicemen have been prosecuted in the courts: 11 on murder charges, 1 for inflicting injuries through negligence, 2 for rape and 15 for stealing. Further cases involve violation of regulations when driving military vehicles, inappropriate handling of firearms, hooliganism and other crimes. The military prosecutors have initiated a total of 129 investigations on offences allegedly committed against civilians in Chechnya by federal troops, including 9 cases of abduction.

The Office of the Special Representative

18. Between 3 January and 1 April 2002 the Office of the Special Representative held 4861 consultations throughout Chechnya. A total of 474 formal complaints were subsequently lodged or legal procedures instigated on behalf of the applicants. To date, a total of 1165 cases, registered with the Office since it started working in March 2000, have been finalised. For further statistical details see Appendix II.

19. The Office has reached an agreement with the Prosecutor's Office in Chechnya on a more effective and swifter follow-up of matters concerning violations of human rights and civil liberties. As a first concrete step, a staff member of the Grozny branch office has recently started work in the Prosecutor's Office assisting in the follow up of these cases.
20. The third meeting of the Consultative Council on Human Rights in Chechnya is scheduled for 25 April 2002 under the chairmanship of Mr Lyoma Khasuyev, Head of the Office of the Special Representative in Znamenskoye. The experts are expected to attend this meeting.

IDPs and Refugees

21. The Chechen Government has decided to stop providing humanitarian aid to the IDPs staying in camps in Chechnya. No aid has therefore been distributed since mid-February in the 2 IDP camps in Znamenskoye.
22. Presently there are 5000 IDPs housed in the 2 camps in Znamenskoye. Only a few of them could return to their former homes because these have not been repaired. The majority of the IDPs are therefore accommodated in the new temporary accommodation centres. Since the end of February 2002, 595 IDPs have moved from Znamenskoye to these two centres in Grozny.
23. On 3 April 2002 the experts visited the first two completed temporary accommodation centres in Grozny (Staropromyslovskiy district). Each of these centres can accommodate up to 500 persons.
24. These are three storey buildings equipped with bathrooms and kitchens on each floor. However, these facilities cannot be used due to the lack of running water and connection to a sewage system. Drinking water is distributed on a daily basis in cisterns (with UNHCR assistance). The accommodation centres also have major problems with the gas and electricity supplies. Two guards from the ROVD (Interior Ministry forces) permanently protect the buildings. Inhabitants consider this as insufficient, particularly at night-time.
25. In total, 8 temporary accommodation centres are planned.
26. Apart from the housing problem, unemployment is the main problem faced by returnees to Grozny. Unemployment benefits are only paid to those who lost their job as a consequence of the Chechen war in 1999.

Social and Economic Reconstruction

Znamenskoye and Nadterechniy District

27. According to the Head of the District Administration, the number of unemployed has recently increased. Only 11,000 out of 45,000 inhabitants of employable age have jobs. It was, however, confirmed that unemployment benefits are paid on time to those eligible.
28. At the moment child benefits amount to RUR 70 per child, per month. The 41 schools located in the Nadterechniy district cannot provide enough places for the 13,900 pupils living in the district and some 6,100 places are still needed. Only 63% of the pupils have schoolbooks and stationary. The 4 hospitals of the district with 470 beds lack equipment and medicine. About 200 additional beds would be necessary to meet the needs of the district's population.

General

29. At a press conference held in Moscow on 28 April 2002, Mr Anatoly Popov, Director of the (Federal) State Construction Committee's special office for Chechnya, complained that the Russian Federal Government had failed to provide the financial support allocated for 2002 for the reconstruction of Chechnya. Budgetary funds for the reconstruction in Chechnya in 2001, RUR 92 billion (approx. USD 30 million), had only been partially received according to Mr Popov, and 40% of these funds were still said to be outstanding.

Appendix I

[English translation by the Council of Europe of a Russian text published on www.memo.ru]

For official use
Copy N°...

ORDER

**Of the Commander of the Joint Troops Group (Forces) (OGV(S))
in the North-Caucasus Region of the Russian Federation**

N°80

27 March 2002, Khankala

On measures to enhance the activity of local authorities, the population and the law-enforcement organs of the RF in combating violations of lawfulness and to increase officials' responsibility for violations of lawfulness and legal order in the course of special operations and targeted measures in the settlements of the Chechen Republic.

Analysis of the official and combat activities of units and subdivisions of the joint troops group (forces) while conducting special operations and targeted measures on the territory of the Chechen Republic demonstrates that, despite the work carried out by the military command to strengthen lawfulness and legal order, cases of unlawful acts against the civilian population by servicemen in the federal forces continue to occur.

Following complaints by civilians and the leaders of local authorities, official investigations and checks by the prosecution service have repeatedly been carried out, and have revealed instances of looting, insults, rudeness and exceeding of official authority on the part of servicemen in the federal forces.

Incidents of unlawful actions by servicemen against the civilian population have an exceptionally adverse effect on the process of stabilising the situation in the republic, and invalidate the military command's efforts to guarantee security, law and order and favourable conditions for revitalising social and economic life. In addition, they kindle anti-Russian sentiment and give the leaders of illegal armed groups an opportunity to recruit new members and accomplices for the ranks of rebel groups.

Once in the public domain, such instances are successfully used by the leaders of rebel groups and by their accomplices on the territory of the Chechen Republic and abroad in order to discredit the leadership of Russia, the military command and the servicemen taking part in the anti-terrorist operation, and are used as a pretext for conducting an information campaign against Russia.

In order to prevent violations of the laws of the Russian Federation and official orders during special operations and targeted measures, and to resolve complaints and declarations by residents of the Chechen Republic on the territory,

I HEREBY ORDER

1. The first deputy commander of the OGV(S) of the Russian Federation armed forces, the first deputy commander of the OGV(S) – military commander of the Chechen Republic, the first deputy commander of the OGV(S) from the Interior Ministry of the Russian Federation, the deputy commander of the OGV(S) with responsibility for special operations, the deputy commander from the military operations group (VOG) in the Federal Security Service's military administration (UVKP) in the North-Caucasus Region, the deputy commander from the Russian Federation Ministry of Justice and the deputy commander of the OGV(S) from the airborne troops to conduct out special operations and targeted measures to discover, arrest and eliminate ringleaders, fighters and members of rebel groups in settlements only with the personal authorisation of the Commander of the OGV(S) in the North-Caucasus Region and in accordance with plans that have been approved by him.
2. That the military commanders of the administrative centres and districts in the republic, the heads of administration of settlements, clergymen, elders, the heads of village militia units, military prosecutors of administrative centres (districts), heads of the RF FSB organs in the administrative centres (districts) in the areas (districts) where special operations and targeted measures are conducted are to be involved, so as to prevent potential violations of the laws of the Russian Federation, examine and resolve questions arising from complaints by representatives of the civilian population in the territory concerned and ensure co-ordinated action when conducting special operations and measures to discover, detain and eliminate ringleaders and members of rebel groups in settlements of the Chechen Republic. The aforementioned officials are to be invited to the command post of the leader of the special operations and targeted measures, and information is to be provided regarding the start of the measures (operations) directly in the area where the operations (measures) are carried out.

Where necessary, with the authorisation of the commander of the OGV (S) and in agreement with the press service of the OGV(S), representatives of the mass media are to be informed of the course and outcome of the special operations and measures.

On completion of the targeted measures (operations), a statement is to be drawn up, to be signed by the leader of the special operations, the head of administration of the town (district, settlement), the prosecutor of the administrative centre (district), the head of the FSB body in the administrative centre (district) and the head of the provisional Interior Ministry division (head of the village militia unit) in the areas (districts) where the special operations and targeted measures were carried out. The statement is to be ratified by the commander of the OGV(S) in the North-Caucasus Region. The statement should contain an appendix with a list of persons detained in the course of the operation, and a list of seized weapons, ammunition, explosive and narcotic materials, documents, financial resources, property, etc.

The list of detained persons is to be compiled in three copies, and the second and third copies are to be handed over to the head of the provisional Interior Ministry department and the head of the local administration respectively, against their signatures.

3. That the senior member of inspection groups from subdivisions of the Interior Ministry provisional troops and militia carrying out duties within settlements and conducting direct checks of houses and ancillary premises, and also outbuildings, identify himself without fail to house-holders, clearly stating his military rank and surname, and also indicating the purpose of the check (inspection) that is being conducted. Unless it is an operational necessity, the use of masks, hiding the faces of servicemen and members of the militia in inspection groups, is to be avoided. In the course of the inspection, tact, restraint and courtesy are to be shown, and servicemen are not to yield to possible attempts to provoke them to rudeness and the use of force.
4. That all means of transport and military vehicles used in the course of special operations and targeted measures in settlements should display state registration plates and clearly discernable numbers on their sides (turrets).
5. That supplementary organisational and educational measure is taken during the preparation and conduct of special operations and targeted measures in settlements, so as to rule out incidents of looting and physical and moral harassment of civilians. That the deputy commander of the OGV(S) and the leaders of special operations and targeted measures carry out a careful investigation into every instance of looting, submit a report to the OGV(S) headquarters and initiate criminal proceedings with a view to punishing offenders, and inform the military prosecutor's office thereof.
6. That this Decree be brought to the attention of all ranks of the OGV(S).
7. That responsibility for implementation of the provisions of this decree is assigned to the deputy commander of the OGV(S).
8. That Decree N°147 of the Commander of the OGV(S), dated 27 May 2001, be considered null and void.

THE COMMANDER OF THE JOINT TROOPS GROUP (FORCES)

Lieutenant General V. Moltenskoy

Appendix II**Statistical data on the work of the Office of the Special Representative of the President of the Russian Federation for Ensuring Human Rights and Freedoms in the Republic of Chechnya****Period 3 January - 1 April 2002**

Total consultations (advice, referral etc.):	4861
Total complaints lodged (concerning the following matters):	474
Missing persons	113
Rights of refugees and IDPs	19
Right of citizenship	3
Issue and renewal of identification documents	20
Freedom of movement and taking up residence	9
Unlawful custody and imprisonment	34
Rights in custody penitentiary institutions	1
Right to inviolability of dwelling	68
Violations by federal troops	14
Right to commercial activity	4
State protection of human rights and freedoms	12
Judicial protection of rights	2
Right to private property	50
Right to work (protection from unemployment)	10
Remuneration of work	19
Leave and holidays	1
Social Welfare benefits	65

Health care and medical assistance	4
Compensation for ecological damages	2
Consumer protection	1
Other matters	23