



## Information Documents

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**Addendum to the Eleventh and Twelfth Interim Reports by the Secretary General on the presence of 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, the Secretary General provides 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 from mid-July to mid-September 2001 (see decision of the Ministers' Deputies of 10 October 2000, CM/Del/Dec(2000)725, item 1.7). This document consists of two parts, i.e. 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, as well as by Russian institutions made available during the period in question (**Part II**)<sup>1</sup>.

2. On 18 July 2001, the Chairman of the Committee of Ministers, Liechtenstein Foreign Minister, Ernst Walch, expressed serious concern about the issues contained in a public statement published by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on 10 July 2001 – concerning the treatment of persons deprived of their liberty in the Chechen Republic (see SG/Inf(2001)24 Addendum). The Minister recalled that no circumstances could justify the resort by a public authority to torture or to inhuman or degrading treatment or punishment. Authorities were under an obligation to take effective counter-measures, including thorough investigations, whenever evidence of such acts by public officials comes to light.

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

### **Parliamentary Assembly (PACE)**

3. During their future visit to the Chechen Republic and the North Caucasus (13-16 September 2001), members of the PACE – Russian State Duma Joint Working Group on Chechnya (JWG) will address the human rights situation and the progress made in the investigations into crimes committed in the Republic. A two-day consultation meeting will be organised on 21-22 September 2001 in Strasbourg with a view to discussing proposals for a political solution to the conflict. About 20 Chechens, who are prepared to commit themselves to a peaceful solution and to the renunciation of violence, will be invited. The Russian authorities are also expected to provide convincing evidence that progress is being made with respect to investigations into crimes allegedly being committed by members of the Russian military and security forces against the civilian population (letter of the Secretary General of the Parliamentary Assembly to the Chairman of the Ministers' Deputies, dated 17 July 2001; see also SG/Inf(2001)24 Addendum, para. 7).

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

4. Since mid-July 2001, the European Court has received 6 new applications, all of which invoked Articles 2, 3, 5, 6 or 1 (Protocol No. 1) of the European Convention on Human Rights. They also concern Article 13 (right to an effective remedy).

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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 CSCE [now OSCE]*". For more information concerning the Committee of Ministers monitoring procedures, consult document [Monitor/Inf\(2001\)4](#), also on the Committee of Ministers Web Site: <http://cm.coe.int>.

### **Council of Europe Commissioner for Human Rights**

5. In the light of alleged crimes committed by members of federal forces in early July 2001 (see SG/Inf(2001)24 Addendum, paras 20, 21 and 26), the Commissioner for Human Rights reiterated his observations made further to his visit to the Chechen Republic, notably with respect to the prevailing impression of lawlessness and impunity concerning investigations of such crimes. He indicated that it was more than ever crucial that investigations were conducted thoroughly, that justice be done and impunity be avoided in law and in practice (letter to the Chairman of the Ministers' Deputies, dated 17 July 2001).

6. The Commissioner for Human Rights visited Moscow on 13 and 14 September 2001 to discuss with the Russian authorities the current situation in the Chechen Republic and chart a plan for future action to restore the rule of law and respect for human rights in that Republic. During his visit, he was provided with an updated list of criminal proceedings against Russian servicemen.

### **Organisation for Security and Co-operation in Europe (OSCE)**

7. See OSCE Assistance Group to Chechnya (AG) Activity and Spot Reports as of 24 July 2001.

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

8. On 18 July 2001, the EU Presidency – on behalf of EU member States – made a statement on the situation in the Chechen Republic, whereby the Russian authorities were asked to explicitly condemn abuses committed by the federal troops in Chechnya. The EU Presidency referred to statements made by the Secretary General, the Assembly President and the CPT, statements that demonstrate that there exists persisting shortcomings in terms of human rights in the Chechen Republic and a lack of co-operation of the Russian authorities with the Council of Europe. The Russian authorities were urged to improve substantially the human rights situation in the Chechen Republic. The EU Presidency also urged the Russian authorities to take immediate measures with a view to lifting obstacles, which, for a long time, have hindered the security of volunteers and the effective provision of EU humanitarian assistance (EU Statement on the situation in Chechnya made by the EU Presidency at the 761<sup>st</sup> meeting of the Ministers' Deputies, 18.7.2001).

9. Operating conditions for the European Commission Humanitarian Office's (ECHO) partners in the region remain very difficult, especially with regards to the security of their staff and their communications network. Despite several efforts made by the European Commission at various levels to improve these conditions and the Russian authorities' commitment to co-operate on this matter, the situation remains regrettably unchanged (ECHO, 2.8.2001).

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

10. The UN Office for the Co-ordination of Humanitarian Affairs (OCHA) has pointed out that the continued insecurity within the Chechen Republic is jeopardising the return of internally displaced persons (IDPs). More people are moving from Chechnya to Ingushetia rather than the other way round. During the month of July, the Office of the High Commissioner for Refugees (UNHCR) monitored an increase in the number of new arrivals into Ingushetia and, according to the UN, the vast majority of the 150,000 IDPs living there will stay in the region over the winter period. Likewise, the non-governmental community has been experiencing more and more difficulties when working in Chechnya, especially as concerns security incidents

involving NGO staff. New regulations issued by Resolution 22 of the Chechen Government, entitled “On measures to streamline the stay of international non-governmental organisations and their representatives on the territory of the Chechen Republic”, might further threaten unhindered access to civilians in need and the impartiality of assistance (OCHA, Humanitarian Action in the Northern Caucasus Information Bulletin, 1-31.7.2001).

11. Likewise, a UN Children’s Fund (UNICEF) report indicated that the security situation deteriorated in July. This prevented people returning from Ingushetia to Chechnya, unlike last year’s relatively high influx of returnees, particularly during the summer months. A UNHCR survey revealed that security remains the major obstacle for people returning to Chechnya followed by that of a lack of infrastructure (UNICEF Humanitarian Action: Northern Caucasus Donor Update, 25.7.2001).

12. On 15 June 2001, a group of 12 IDPs went on a hunger strike in Ingushetia, demanding that the federal authorities put an end to the war in the Chechen Republic and initiate negotiations with the separatist leader, Mr Aslan Maskhadov. In late June, the number of hunger strikers increased to 66. However, quite a number of them had to stop protesting due to health problems. A total of 15 IDPs were hospitalised, and, by 30 July, there were only 17 hunger strikers left. The hunger strike finally stopped further to the Ingush police’s action which prevented the hunger strikers from joining a march in early August (UN World Health Organisation (WHO), Health Action in the North Caucasus: August 2001; see also SG/Inf(2001)24 Addendum) .

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

13. Since May 2000, 107 visits of places of detention (under the common responsibility of both the Ministries of Justice and of the Interior) have been carried out by the ICRC within and outside the Chechen Republic. 41 detention facilities have already been visited. The ICRC maintains an active dialogue with the detaining authorities and regularly provides them with its observations and recommendations with a view to ensuring that the detainees are treated humanely. In addition to other humanitarian tasks, the ICRC is also active in international humanitarian law awareness among the Russian armed forces (ICRC, “Emergency action of the Red Cross and Red Crescent Movement for the North Caucasus and the South of Russia”, July 2001).

### **Russian institutions**

14. In late August 2001, the Russian Ministry of Foreign Affairs (MFA) provided further information on the situation in the Chechen Republic (see also SG/Inf(2001)24 Addendum, para. 18), notably that

- an Advisory Council had been set up within the Office of the Head of the Chechen Administration (its primary function being that of drawing up a draft Constitution for the Chechen Republic and a legal and regulatory basis for elections);
- the Russian Prosecutor General's Office has opened 293 probes of crimes committed against the civilian population during the anti-terrorist operations in the Republic, of which 57 of these cases are presently at the pre-trial investigation stage and 179 are being investigated. 53 cases have been sent to military prosecutor's offices for further investigation;

- concerning the so-called mop-up operations in Assinovskaya, Sernovodsk and Kurchaloi (see SG/Inf(2001)24 Addendum, paras. 20, 21 and 26), according to data provided by the Chechen Prosecutor's Office, over 60 residents have been officially found to have suffered from illegal actions by members of the federal forces. 6 servicemen have been detained;
- all in all, according to the Chief Prosecutor's Office of the Russian Federation, 82 criminal proceedings against servicemen, including 30 murder cases, have been instituted during the anti-terrorist operation in Chechnya. 25 criminal cases have been sent to military prosecutors' offices, in which 11 of the accused have already been found guilty and sentenced to various terms of imprisonment. The Chechen Prosecutor's Office is dealing with more than 50 cases of crimes committed by interior-agency officers;
- according to Mr Kalamonov's Office, 930 statements concerning missing persons have been received. The whereabouts of 384 persons, of whom 18 have died, has been established; 577 criminal and search cases relating to missing persons have been opened. A special group has been specifically set up for the search for missing peaceful citizens of Chechnya;
- the Head of the Chechen Administration has appointed a commissioner for the protection of the rights of children of the Chechen Republic;
- by the end of 2001 up to 90,000 IDPs are expected to return to the Republic on a voluntary basis. 39,500 IDPs will not go back to Chechnya and another 30,000 do not want to return for security reasons as some of their relatives may have joined the Chechen fighters;
- terrorist and sabotage acts persist, not only aimed at servicemen but also against civilians, including members of the clergy. The local Russian-speaking population also suffers, with many casualties among the community (MFA, Daily News Bulletin, 29.8.2001; concerning criminal proceedings against Russian servicemen, an updated list was submitted to the Council of Europe Commissioner for Human Rights, see above para. 6).

15. The Prosecutor of the Chechen Republic, Mr Chernov, confirmed the continuation of the investigation into the deaths of 51 people whose bodies were discovered in March 2001 near the Khankala military base (doc. SG/Inf(2001)22 states that 24 bodies were identified; since then no further identifications have been made). He added that there were no eyewitness reports or material evidence indicating that federal troops were responsible for the murders (Interfax, 21.8.2001).

16. The Russian Prosecutor General, Mr Vladimir Ustinov, urged prosecutors to scrutinise more carefully the lawfulness of actions conducted by agents and servicemen of the police, Interior Ministry troops, the Defence Ministry, the Justice Ministry, and the FSB domestic security service during the so-called mopping-up operations. According to his Office, Mr Ustinov has issued an order requiring close scrutiny of the lawfulness and justification of citizens' detentions (RIA – Novosti, 3.8.2001; see in this regard SG/Inf(2001)22, Part II).

17. The Head of the Chechen Administration, Mr Akhmad Kadyrov, pointed out that the Russian forces committed a number of human rights violations when conducting mop-up operations. He also indicated that they may have beaten people. He thus proposed the anti-

terrorist operation be stopped, since in his view, it has lasted for too long. In the meantime, a strong Republican Ministry of Interior should be set up. He also suggested that the primary task of his Administration be to secure the return of refugees to the Chechen Republic. The latter could now receive about 50,000 IDPs. However, their security could not adequately be guaranteed (Radio Free Europe (RFE/RL), 31.8.2001, 24.8.2001 and RIA – Novosti, 27.7.2001). Concerning this issue, the Russian Minister for Federal Affairs, National and Migration Policy, Mr Aleksandr Blokin, assured that the Russian authorities will not forcibly displace Chechen IDPs from Ingushetia. The willingness of refugees to return to Chechnya will mainly depend on security, provision of housing and employment (RIA – Novosti, 20.7.2001). According to the Secretary of the Security Council, Mr Vladimir Rushailo, the situation of the Chechen IDPs remains extremely complicated and requires reconsideration (RIA-Novosti, 28.8.2001).

### **Non-Governmental Organisations**

18. Russian human rights activists have issued a statement following the terrorist acts perpetrated in the United States. They were especially concerned by “[*the Russian authorities’ easily predictable intentions*]” to exploit these events to justify the use of force in the Chechen conflict. They stick to their former position: the only solution to the Chechen problem lies in peaceful settlement and negotiations. The use of force merely provokes new waves of terrorism (Statement made by Russian human rights activists, including Sergei Kovalev, Oleg Orlov (on behalf of the Russian Human Rights Centre “Memorial”), Elena Bonner, (A. Sakharov Public Centre), Lev Ponomarev, Yevgeni Ikhlov (“For human rights” Movement), Svetlana Gannushkina (“Civic Aid” Refugee Organization) and Vladimir Oivin (Glasnost Public Foundation, GPF), 15.9.2001, available on this website: <http://www.glasnostmedia.ru>).

19. “Memorial” provided an analysis regarding the investigations of crimes committed in the Chechen Republic. It indicated that it is patently obvious that the prosecutors are demonstrating an absolutely biased approach to the investigation of crimes committed by representatives of federal forces and Chechen fighters. In cases involving the Chechen fighters, prosecutors efficiently institute criminal proceedings and effectively follow them through. However, they have a completely different approach when confronted with complaints about alleged crimes committed by members of the military or police forces.

20. “Memorial” further indicated that out of the 302 criminal investigations, which have been initiated (see SG/Inf(2001)24 Addendum, para. 5), 213 cases have been dropped due to “the inability to verify the identity of the person accused of committing the crime”. The most common among these cases are instances of “detention by unidentified individuals in camouflage” with the subsequent disappearance of the detainee. 67 cases have been sent to the military prosecutor’s office, but for some reason have not yet been accepted as falling under its jurisdiction. In early July 2001, 21 cases continued to be investigated (concerning new figures provided by the Russian authorities in August 2001, see in para. 14 above).

21. Concerning “11 [...] accused [*servicemen*] already [...] found guilty and sentenced to various terms of imprisonment” (see para. 14 above, fourth indent), “Memorial” underlined that the situation is actually somewhat different, as 5 military servicemen were genuinely “sentenced to various periods of imprisonment” (2 amnesties and 4 purely symbolic punishments).

22. As concerns investigations on the fate of missing persons, “Memorial” indicated that no answer of any kind was provided by the Prosecutor’s Office in response to declarations from citizens about the disappearance of their relatives who were detained by servicemen or OMON

officers. According to the organisation, the Prosecutor's Office itself violated the Russian law in the most flagrant manner, as the Russian Code of Criminal Procedure sets forth a well-defined timeline for conducting initial verifications and making decisions about declared crimes: 3 days after a declaration is received, and in exceptional cases, no more than 10 days. If criminal proceedings have been instituted in a few cases, the number of criminal cases remains absolutely insignificant in comparison with the number of crimes committed. However, "Memorial" underlined that, more recently, the prosecuting bodies made efforts to respond adequately to such declarations and initiate criminal proceedings. For "Memorial", it was perfectly clear that the noticeable increase in criminal proceedings was connected to pressure being exerted by international organisations such as the Council of Europe, the OSCE and the UN. Nevertheless, the Prosecutor's Office appears to continue to use opportunities to suspend investigations into criminal cases, and then to close them altogether ("[Memorial](#)", Investigations into Crimes Against Civilians Committed by members of Federal Forces on the Territory of the Chechen Republic during Military Action 1999-2001 (as of May 2001), 10.7.2001).

23. In early August 2001, Médecins du Monde (MdM) provided information on the situation in the Chechen Republic. It indicated to the UN Sub-Commission for the Promotion and the Protection of Human Rights (53<sup>rd</sup> session) that no progress has been made by the Russian authorities since the adoption of the Resolution 2001/24 by the Commission on Human Rights (see doc. SG/Inf(2001)22). On the contrary, serious and systematic human rights violations perpetrated by Russian troops in the Chechen Republic significantly increased (MdM, 1.8.2001).

24. Since mid-July 2001 new allegations of serious human rights violations during mop-up operations conducted by Russian law enforcement officers and servicemen have been reported by NGOs. For instance, on 16 July 2001, citizens of Alkhan-Kala sent a letter to the Society of Russian-Chechen Friendship (SRCF) describing the way the operation was conducted. Looting was reportedly common practice. The head of the local administration, Mr Ramsan Gasaev, was allegedly shot dead by Russian servicemen after having requested that human rights abuses be stopped. Many young people were arrested and taken away to an unknown destination (SRCF, Press Release N°99, 18.7.2001 and Glastnost Public Foundation (GPF), 18.7.2001). A more recent example is the mop-up operation conducted in the village of Alleroy as from 15 August 2001. 9 people might have been shot during the operation. The male population from the age of 13 was detained in the village school. According to "Memorial", the detentions, were reportedly accompanied by ill-treatment and appeared to have been carried out arbitrarily. 54 of the detainees were kept in pits on the outskirts of the village. Another 35 were taken to the commandant's office of the Kurchaloevskiy district. The Head of the Chechen Administration, Mr A. Kadyrov, indicated that 3 soldiers had been detained. He also stated that there are dozens of complaints being lodged by local residents. Mr Chernov also indicated that the murderer of a 17 year-old boy had confessed his crime. The operation was still being carried out on 24 August 2001 ("[Memorial](#)", 28.8.2001, see also 2.9.2001; for further information on incidents which occurred during and following mop-up operations, see "Memorial" and SCRF websites).

25. The Chechen NGO "Lam" indicated that the situation in the Chechen Republic has worsened. In addition to looting, the Russian law enforcement officers and servicemen may arrest innocent persons and demand bribes for their release (the sum demanded by Russian servicemen can amount to \$3000). According to the organisation, the "mine war" has also intensified and the Russian forces generally take punitive measures immediately after any landmine explosions occur. Any person who happens to be in the vicinity is taken into a so-

called “filtration camp”. It is not uncommon for young men who have been discharged from such camps to die under mysterious circumstances within 2 or 3 weeks after their release.

26. According to “Lam”, both the Russian and Chechen sides violate the human rights of civilians. The new Chechen Government has neither power nor influence in the Republic to prevent such violations since power remains in the hands of the Russian troops and law enforcement agencies who appear to be engaged in a full-scale genocide against the Chechen people. The Russian armed forces are literally hunting down young Chechens. They arrest, shoot or maim the most talented and healthy young men. Likewise, the so-called Wahhabis have also initiated a campaign of terror against Chechen civilians. It is reported that people are being shot in their own homes in front of their children. The victims are often socially active people – local government officials, clergy and Chechen human rights activists (“Lam”, Dispatches from Chechnya No. 15, 16.7.2001).

27. In late July 2001, an emergency conference was held in Ingushetia, in which more than 30 Russian NGOs were represented. An Independent Non-governmental Commission on Investigation of war crimes in the Chechen Republic was created, arguing that none of the missions announced by the Russian authorities on this matter had been effectuated. In addition, over the last 2 years, the number of alleged summary executions, torture and ill-treatment of civilians, kidnappings (with further trafficking), grave breaches of international humanitarian law has increased. The methodology and means used by the Federal forces within the Chechen Republic make the NGOs consider their action amounts to a genocide of ethnic Chechens. It is claimed that at present, the Russian Government is unable and, apparently, reluctant to stop this alleged genocide (GPF, 21.8.2001).

28. On 20 July 2001, further to the initiative of “Memorial”, a Round-Table was organised by the Forum of organisations for refugees concerning the role of humanitarian organisations regarding the return of Chechen refugees from Ingushetia. Representatives of NGOs, the Chechen Administration and federal organs were present. The participants indicated that the state of insecurity within the Chechen Republic, notably due to mop-up operations, is the main reason for the Russian authorities failing to encourage IDPs to return to Chechnya (“Memorial”, 23.7.2001; see Resolution adopted by the participants and Part II). Likewise, according to MdM, despite the calls upon the Russian authorities to allow humanitarian organisations to enter the Chechen Republic freely and to facilitate their activities by simplifying the regulations, recent events appeared to indicate that the opposite was occurring (MdM, 1.8.2001).

29. As concerns freedom of the media, more than 20 journalists have been detained and accused of having violated the rules of accreditation. Mr Andrei Mironov, journalist and human rights activists, indicated that, apart from foreign journalists, there are a number of Russian media professionals who have been refused entry to the Chechen territory. According to FSB officials, their access is denied for “national security” reasons (GPF, 29.8.2001).



**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 (17.7.2001-7.9.2001)**

- To the Chairman of the Committee of Ministers
- To urge the Russian authorities to clarify the facts concerning alleged crimes committed by Russian federal forces and take all the necessary measures to prevent impunity (*see in particular Commissioner for Human Rights and EU*).
- To the Russian authorities
- To co-operate fully with the Council of Europe, notably the CPT (*see in particular Chairman of the Ministers' Deputies; EU*).
- To explicitly condemn abuses committed by members of federal forces and law enforcement agencies (*see in particular EU and Resolution adopted further to the Round-Table mentioned in para. 28*).
- To put an end to the series of mop-up operations in Chechen villages;
- To conduct thorough investigations of crimes committed by members of federal forces and law enforcement agencies. (*see in particular Resolution adopted further to the Round-Table mentioned in para. 28*).