



Information Documents
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Addendum to the twenty-sixth 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

Executive summary

Human rights: the Russian authorities seem to be unable to put an end to grave human rights violations. There are continued reports of cases of murders and abductions of Chechens working in the local police or administration, as well as cases of illegal arrests and detention leading to disappearances, extra-judicial killings or torture or ill-treatment by representatives of the federal law-enforcement and military agencies. Particular attention should be paid to Council of Europe recommendations in this respect.

Rule of Law: the climate of impunity which reigns in the Republic often results from the failure of the prosecuting bodies to conduct appropriate investigations into human rights abuses. Again, particular attention should be paid to Council of Europe recommendations in this respect.

Democracy: necessary conditions should be met for the holding of the future referendum. A joint OSCE/Council of Europe needs assessment mission should be sent to the region before 23 March 2003. At the same time, the referendum must be able to trigger the commencement of a political settlement.

Humanitarian situation: the rights of IDPs in Ingushetia are routinely violated. Chechnya is not prepared to accommodate all IDPs willing to return to their places of origin. There is an urgent need for a coordinated plan of action for reconstruction and humanitarian aid.

Introductory remarks

1. The present document provides additional information on the situation of democracy, human rights and the rule of law in the Chechen Republic, Russian Federation, for the period from 20 January to 20 February 2003 (see decision of the Ministers' Deputies of 10 October 2000, CM/Del/Dec(2000)725, item 1.7)¹.

¹ This information has been collected by the Monitoring Department of the Directorate of Strategic Planning (DSP).

As concerns 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:
Internet : www.coe.int/sg/e/

2. Further to its debate on the evaluation of the prospects for a political solution of the conflict in the Chechen Republic in January 2003, the Parliamentary Assembly (PACE) called upon the Committee of Ministers to take urgent steps to press for expeditious action on all its recommendations (see [PACE Recommendation 1593](#) (2003)).

3. From 11 to 14 February 2003, the Council of Europe Commissioner for Human Rights, Mr Alvaro Gil-Robles, visited the Russian Federation, including the Chechen Republic. He identified three main fields of action where efforts should be pursued and strengthened: (i) the need for a political solution as the only means of ending the conflict. In this context, the forthcoming referendum must be seen as the beginning of a political process which must be open to all those interested in the peaceful construction of the Republic; (ii) the need to guarantee the security of the civilian population and to put an end to disappearances and the climate of impunity that surrounds them; (iii) the importance rebuilding Chechnya to facilitate the voluntary return of refugees and displaced persons.

I. HUMAN RIGHTS

4. According to PACE, the Russian authorities seem unable to stop grave human rights violations in the Chechen Republic ([PACE Resolution 1315](#) (2003)). In this respect, the PACE Rapporteur on legal affairs and human rights, Mr Rudolf Bindig, pointed out that the concerns PACE has expressed, year after year remain, essentially unaddressed (Opinion of the PACE Committee on Legal Affairs and Human Rights, [doc. 9688](#), 28/01/03).

5. Forced disappearances remain one of the main human rights issue. The Chechen Administration indicated that 2,800 individuals have been registered as missing. However, the Human Rights Centre "Memorial" underlined that real figures may be much higher. In January 2003, the Prosecutor of the Chechen Republic, Mr Vladimir Kravchenko, indicated that most persons who have disappeared during the conflict are probably dead (AFP, 12/02/03).

a. State's obligation to protect everyone against terrorism

6. PACE called upon the authorities to ensure that the proliferation of weapons be curbed and that armed fighters be encouraged to surrender their weapons voluntarily, and called on Chechen fighters to distance themselves from terrorist acts and other crimes committed in the region ; it further called for the immediate release of all kidnapped persons (PACE [Resolution 1315](#) (2003)).

7. The Prosecutor of the Chechen Republic, Mr Vladimir Kravchenko, stressed that 94 officials from Chechen local administrations have been killed since October 1999, while 139 have been injured and 34 abducted. Likewise, 139 Chechen police officers have been killed, 149 wounded and 29 have gone missing over this period. Mr Kravchenko indicated that there is a sharp decline in the overall number of crimes, while illegal armed groups' new strategy consists in choosing the most strategic facilities for their attacks (Interfax, 15/02/03; see also Human Rights Watch (HRW) [Report](#), 29/01/03, SRCF, 28/01/03).

8. PACE recommended that the number of combined federal military forces be reduced and used only for military operations, leaving law-enforcement activities to be undertaken by the Chechen Republic itself. On 18 February 2003, Colonel General Nikolai Kormiltsev, Land Forces commander, and the Deputy Defense Minister, indicated that the Land Forces personnel deployed in the Chechen Republic will be reduced by about 2,000 men in the near future (PACE [Resolution 1315](#) (2003) and Interfax-AVN, 18/02/03; in this connection, see also doc. [SG/Inf\(2003\)2 Addendum](#)).

b. Lawfulness of anti-terrorist measures

9. PACE called upon the Russian authorities to ensure that the 1998 Russian Federal Law on the Suppression of Terrorism be amended to reflect the recommendations of the Council of Europe/Russian Expert Group in order to achieve the Law's conformity with Council of Europe standards (PACE; see doc. [SG/Inf\(2003\)2 Addendum](#)).

10. However, Russian human rights specialists expressed concern about amendments recently submitted to the State Duma with respect to the above-mentioned law and the Law on the State of Emergency and indicated that these measures could be used in the context of the up-coming constitutional referendum and elections in the Chechen Republic (AFP, 11/02/03; see also below).

c. Prohibition of arbitrariness

11. Mr Vladimir Kravchenko acknowledged that there has been "deficiencies" in the work carried out by law-enforcement agencies during special operations. However, he assured that all necessary regulatory measures have been undertaken and that he has not recently received any complaints. However, PACE emphasised the need for a strict implementation of Order No. 80 in military operations and for a full respect of Order No. 46 during operations to check citizen's registration. On 14 February, Russian military units carried out a special operation in the village of Goiskoye (Urus-Martan district). According to eyewitness testimonies, Russian

soldiers seriously violated Order No. 80 (violations leading to destruction of property and looting) (AFP, 12/02/03; PACE [Resolution 1315](#) (2003); Prague Watchdog (PW), 18/02/03; in this connection, see doc. [SG/Inf\(2003\)2](#), para. 14).

12. According to information provided by international NGOs, it remains difficult for heads of local administration to prevent abuses by federal servicemen. For instance, Ms Malika Umazheva, former head of the Alkhan-Kala administration and who was expected to resume her post on 1 December 2002, was allegedly killed by Russian soldiers. Over the past two years, she had helped human rights groups document abuses in Alkhan-Kala. Amnesty International (AI), HRW and the International Helsinki Federation for Human Rights (IHF) underlined that the Council of Europe experts working in the Office of the Special Representative should pay particular attention to this case (see in particular AI/HRW/IHF, 27/01/03).

13. While visiting the Chechen Republic, the Commissioner for Human Rights held a meeting with Russian senior officers from the security forces to raise human rights issues in the Republic (Office of the Commissioner's Office; see also doc. [SG/Inf\(2002\)51](#), para. 23, concerning the need for human rights training).

d. Arrest and custody

14. PACE underlined that the police and security personnel should apply constitutional guarantees to those arrested, wherever they are arrested and detained (PACE [Resolution 1315](#) (2003)).

15. However, Russian and Chechen NGOs regularly report on new cases of illegal arrests by members of the federal forces and law-enforcement agencies as well as subsequent disappearances and/or extra-judicial killings. In most cases, these illegal arrests result from the implementation of "targeted measures" during raids at night or control measures at numerous checkpoints (Memorial, 17/02/03 and 31/01/03; SRCF, 05/02/03, 31/02/03; 30/01/03; 28/01/03). According to "Memorial", such cases are on the increase, peaking in January 2003. A new method is said to be used to make the bodies disappear, namely the "Chechen bundle": bodies are tied together and then blown up. It is aimed at preventing bodies from being identified. Perpetrators of such crimes thus feel that they cannot be incriminated. According to the Advisor of the Russian President, Mr Sergei Yastrzhembsky, the authors of these crimes are in fact Chechen fighters dressed up as Russian soldiers. However, NGOs and an overwhelming majority of Chechens hold Russian soldiers responsible for these disappearances and extra-judicial killings ([AFP](#), 17/02/03; HRW [Report](#), 29/01/03; PW, 18/02/03).

16. In this connection, PACE asked the Committee of Ministers to press for the immediate implementation of the Commissioner for Human Rights' Recommendation of 30 May 2002 to ensure that families of detainees and, where applicable, NGOs actively involved in fostering respect for human rights in Chechnya, be informed of the fate of persons arrested and/or detained during operations to check citizens' registration of their place of domicile (PACE [Resolution 1315](#) (2003); see also doc. [CommDH/Rec\(2002\)1](#)). Likewise, HRW called on the Russian authorities to fully implement the United Nations Declaration

on the Protection of All Persons from Enforced Disappearances, in particular Article 10, which requires keeping detainees in officially recognised places of detention, maintaining accurate information on detainees and their places of detention, and promptly informing family members of the place of detention (HRW [Report](#), 29/02/03).

17. According to HRW, the Council of Europe experts working in the Office of the Special Representative should be instructed to determine whether investigations on extra-judicial killings and forced disappearances fully comply with ECHR standards, as developed in the case-law of the European Court of Human Rights. HRW also recommended that the Council of Europe inform the Chechen procuracy, the Procuracy General, the Russian president, as well as the general public, of any failure to uphold those standards (HRW [Report](#), 29/02/03).

18. Note should also be taken that similar concerns relating to illegal arrests and subsequent disappearances and/or extra-judicial killings are increasingly raised in the neighbouring Ingushetia near tent camps where internally displaced persons (IDPs) from Chechnya are living (see PW, 14/02/03; see also below).

e. Absolute prohibition of torture

19. Russian and Chechen NGOs continue to report on cases of torture and ill-treatment. The practice of illegal arrests and detentions particularly favour the occurrence of such cases. For instance, six residents of the Alkhan-Kala village, who had been detained by members of federal troops on 21 January, were released on 2 February. Their location was unknown until high-ranking officials of the Chechen Interior Ministry intervened. All of them claimed that they were tortured (see PW, 06/02/03; “Memorial”, 31/01/03; SRCF, 07/02/03).

20. In this connection, PACE stressed that the reports by the European Committee for the Prevention of Torture (CPT) should be published and that their recommendations be implemented (PACE [Resolution 1315](#) (2003)).

II. RULE OF LAW

21. PACE deplored the climate of impunity which reigns in the Chechen Republic and which makes normal life in the Republic impossible due to grave human rights violations and the failure of the Russian authorities to investigate them adequately. According to Mr Bindig, the lack of effective remedies for the victims particularly contribute to this climate of impunity (PACE [Resolution 1315](#) (2003) and Opinion of the PACE Committee on Legal Affairs and Human Rights, [doc. 9688](#), 28/01/03).

22. In this connection, the Commissioner for Human Rights appreciated promises made by the Russian authorities that no crimes committed by members of the federal forces will remain unpunished, adding that these promises should be fulfilled (Commissioner for Human Rights’ Office).

a. Functioning of the judicial system

23. PACE called upon the Russian authorities to ensure that the independence and effectiveness of the judicial authorities be strengthened (PACE [Resolution 1315](#) (2003)).

24. As concerns military courts, the spokesman of the Main Military Prosecutor's Office, Mr Vyacheslav Yanenko, has acknowledged that in certain cases military superiors exert pressure on judges. However, he added that a verdict can always be appealed to a higher court (Gazeta.ru, 08/02/03).

25. In this respect, the Supreme Court of the Russian Federation should hold proceedings on the well-known "Budanov case" on 28 February. In this connection, Mr Bindig noted the small number of servicemen found guilty of committing crimes (Opinion of the PACE Committee on Legal Affairs and Human Rights, [doc. 9688](#), 28/01/03 and Interfax, 20/02/03).

26. According to a recent proposal to amend the Law on the Suppression of Terrorism, the Supreme Court of the Russian Federation would be allowed to transfer cases of persons charged of having committed terrorist acts to courts located in other regions of the Russian Federation (AFP, 11/02/03).

b. Functioning of the prosecuting bodies

27. PACE asked the Committee of Ministers to press for the immediate implementation of the Commissioner for Human Rights' Recommendation of 30 May 2002. It notably concerns (i) effective access by civilian prosecutors to all places of detention, including military bases, (ii) the setting-up of a specific machinery for co-operation and co-ordination between civilian and military prosecutors in Chechnya and (iii) the strengthening of the material and human resources available to the civilian *Prokuratura* (PACE [Resolution 1315](#) (2003); see also doc. [CommDH/Rec\(2002\)1](#)).

28. In view of the fact that some investigations of the most high-profile cases of mass killings and disappearances have now been proceeding for more than three years without tangible results, PACE concluded that the prosecuting bodies are either unwilling or unable to find and bring to justice the guilty parties. In this regard, Mr Dimitri Rogozin, who has co-chaired the PACE/Russian State Duma Joint Working Group on Chechnya since early 2001, recalled that many military prosecutors had been kidnapped, terrorised and murdered while conducting investigations into such crimes (PACE [Resolution 1315](#) (2003) and PACE [Verbatim Report](#), 29/01/03).

29. PACE underlined that investigations have to be more vigorously and rigorously pursued, and legal action against suspects brought to a convincing conclusion (PACE [Resolution 1315](#) (2003)).

c. Functioning of the police, security and military forces

30. PACE pointed out that close co-operation with law enforcement authorities of the Chechen Republic should be maintained at all times and that police and security personnel at all times adhere to codes of conduct as recommended by the

Council of Europe. Likewise, appropriate anti-terrorist and human rights training should be assured to police units (PACE [Resolution 1315](#) (2003); in this connection, see the Committee of Ministers Recommendation [R\(2001\)10](#) on the European Code of Police Ethics and the [Guidelines](#) on human rights and the fight against terrorism, as well as doc. [SG/Inf\(2002\)51](#), para. 23).

III. DEMOCRACY

31. While recognising the utility of a referendum in deciding the future democratic structure and constitution of the Republic, PACE is concerned that the necessary conditions for holding such a referendum are unlikely to be met by 23 March 2003. PACE therefore called upon the competent authorities to take essential steps to achieve such conditions (for more detailed information, see PACE Resolution 1315 (2003)). At the same time, the Commissioner for Human Rights underlined that the referendum can only be a starting point for a political settlement in the Republic (Commissioner for Human Rights' Office).

32. However, "Memorial" has expressed its concern that the population of any city or village that would vote against the texts submitted to referendum may be subject to punitive raids ("Memorial", 17/02/03).

33. Further to the 12th High-level "3+3" OSCE - Council of Europe Meeting, both organisations decided to send a joint mission to the Russian Federation, including the Chechen Republic, from 27 February to 3 March with a view to assessing if the necessary conditions for deploying an observation mission can be met (see in particular OSCE/Council of Europe Joint Declaration of 5 February 2003).

a. The principle of transparency

34. PACE requested that transparency should be ensured throughout any referendum process and subsequent elections. The Russian Minister of Foreign Affairs, Mr Igor Ivanov, indicated that the Russian authorities will ensure a transparent process and, in that spirit, he also called on the OSCE and the Council of Europe to send observation teams to the Chechen Republic (PACE [Resolution 1315](#) (2003) and Russian Information Centre, 18/02/03; see also Interfax, 14/02/03).

b. The vote of members of the federal forces

35. The Russian President's Advisor, Mr Yastrzhembsky, indicated that Russian servicemen permanently stationed in Chechnya constitute less than 7 percent of the Republic's 537,655 registered voters (Radio Free Europe/Radio Liberty, 19/02/03).

c. The right to vote of Chechen IDPs in neighbouring republics

36. PACE called upon the Russian and Chechen authorities to examine possible ways of making practical arrangements which would enable IDPs in neighbouring republics, in particular in Ingushetia, to exercise their right to vote. During his visit,

the Commissioner for Human Rights received assurances from the Chechen authorities that all measures will be undertaken to ensure that IDPs are able to vote in their tent camps, despite legislative obstacles (PACE [Resolution 1315](#) (2003); Commissioner for Human Rights' Office).

IV. HUMANITARIAN SITUATION

a. Return of IDPs to the Chechen Republic

37. Despite the difficulties the IDPs are facing in Ingushetia, the majority of them strongly desired to stay there, citing insecurity as the main reason for not willing to return to Chechnya. In this connection, PACE called upon the Russian Federal Migration Service and other competent authorities never to use direct or indirect force or undue pressure of any kind to coerce displaced people to return to the Chechen Republic against their will. (UN OCHA, Information Bulletin, 16-31/01/03; PACE [Resolution 1315](#) (2003)).

38. In a recent report co-signed by Russian officials (including Mr Stanislav Ilyasov, Minister for the Social and Economic Development of the Chechen Republic, Mr Igor Yunash, Deputy Head of the Federal Migration Service) and human rights activists it was pointed out that basic rights of IDPs living in tent camps in Ingushetia were routinely violated. Investigation of such cases is complicated by operations conducted by law-enforcement and security bodies which often act without consulting Ingush law-enforcement agencies (Interfax, 19/02/03; see in this connection para. 18 of the present document).

39. The authors of the report state that Chechnya is not prepared to accept all IDPs who would like to return (Interfax, 19/02/03).

b. Reconstruction

40. PACE called upon the competent authorities of the Russian Federation and Chechen Republic, together with the European and wider international community, urgently to draw up a coordinated collaborative plan of action for reconstruction and humanitarian aid and ensure the fair, proper and transparent use of such aid (PACE [Resolution 1315](#) (2003)).

41. According to Mr Ruslan Akhmadov, Deputy Chairman of the Chechen Government's Commission for construction and reconstruction, Russian legislation does not allow the inhabitants of the Chechen Republic whose home was destroyed during military operations to seek compensation for damage to their property (Interfax, 19/02/03).