



Information Documents

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21st 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 12 July to 9 September 2002

1. This is the 21st interim report by the Secretary General on the activities of three Council of Europe staff members providing consultative expertise 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.
2. On 12 July 2002, Mr Abdul-Khakim Sultygov was appointed by the President of the Russian Federation as his new Special Representative for Ensuring Human and Civil Rights and Freedoms in the Chechen Republic. The Secretary General met with Mr Sultygov on 6 August in Vienna to discuss the implementation of the enlarged mandate.

I. SECURITY SITUATION

3. The security situation remains tense in the Chechen Republic. Serious incidents took place, such as the crash of a Mi-26 helicopter near the Khankala military headquarters. An explosion occurred near the Office of the Special Representative and the local administration after the departure of the Parliamentary Assembly-Duma delegation and the Council of Europe experts from Grozny on 4 September 2002.
4. On 9 September 2002, Mr Akhmed Zavgayev, Head of Administration of Nadterechniy District of the Chechen Republic was killed as a result of shooting on his car. Nadterechniy District is in the North of Chechnya; Znamenskoye is the seat of its Administration. The Council of Europe expert staff members were in contact with Mr Akhmed Zavgayev since their arrival in Znamenskoye in June 2000. He assisted the experts in solving several problems in particular those connected with daily life. The Secretary General conveyed his condolences to the authorities as well as to the family. An investigation of the assassination is under way.

II. PRIORITIES OUTLINED BY THE SPECIAL REPRESENTATIVE

5. Mr Sultygov outlined the future work of his Office with the Council of Europe experts' assistance alongside the list of tasks agreed upon in the exchange of letters with the Russian Foreign Minister dated 6 June 2002 and 24 June 2002. He put particular emphasis on the concrete needs of the Chechen society in terms of psychological rehabilitation and education. He also indicated that training for the heads of local administration and their staff, judges and lawyers was essential.

III. HUMAN RIGHTS

6. There seems to be a general feeling among the population that the climate of impunity still prevails with respect to crimes and offences committed by members of the federal forces. The prosecuting bodies allegedly face serious obstacles in carrying out their tasks adequately and in identifying the perpetrators of these crimes. This is certainly not made easier due to the rotation of forces present in the territory, and of civil and military representatives of the federal authorities. In addition, according to the President of the Supreme Court of the Chechen Republic, Mr Zaurbekov, the Chechen courts have examined about 4,000 cases, but none of them concerned alleged human rights violations by law-enforcement agencies of the Russian Federation.
7. To be able to respond adequately to the above-mentioned issues, Mr Sultygov informed the experts that a working group has been created in order to ensure a better implementation of Order No. 80 of the Commander of the Joint Troops Group (Forces) in the North Caucasus Region of the Russian Federation and Order No. 46 of the General Prosecutor of the Russian Federation. Mr Sultygov indicated to the experts that the Council of Europe could assist in drafting an Order of the Chechen Administration in this respect. So far, neither a request nor a draft text has been submitted to the experts.

IV. RULE OF LAW

8. According to the President of the Supreme Court of the Chechen Republic, the Chechen judicial system will be fully operational by the end of 2002. As far as the security of the judges is concerned, the Ministry of the Interior would set up special units which will be responsible for the personal protection of judges and their families.

V. DEMOCRACY

9. Mr Sultygov particularly underlined the need for a future re-establishment of democratic control within the Chechen Republic. Nevertheless, he recalled that terrorism remains a major obstacle for further implementation of European standards. The experts discussed this matter with representatives of the Chechen Administration and the Chechen Constitutional Commission.
 - a. Draft Chechen Constitution
10. Within the framework of the enlarged mandate, Council of Europe assistance in the drafting of the Chechen Constitution has been suggested several times to Mr Sultygov by the Secretary General and by the experts. Mr Sultygov pointed out the fact that there is no official text yet and that it is up to the Chechen population to decide about its future Constitution through a referendum in December 2002 and thus regain "democratic control".

11. The experts were informed by Mr Taus Dzhabraylov, Deputy Head of the Chechen Administration, and Mr Hasan Taimaskhanov, Co-coordinator, Chechen Constitutional Commission, that a request for assistance has been sent to the Council of Europe in early September 2002. This request has not yet been received. A similar request had been sent earlier to the OSCE/ODHIR. An OSCE preliminary assessment may be transmitted to the Council of Europe in the future.

b. Local democracy

12. Mr Sultygov stressed the need for training heads of Chechen local administrations and their staff, but he added that due to terrorist activities the authorities could not implement the European standards in terms of local democracy. The Chechen Administration appoints heads of local administrations. According to preliminary information on the draft Chechen Constitution, they may still be appointed by the future elected Chechen President during his first mandate.

13. Mr Dzhabraylov was of the opinion that local democracy should be restored at a later stage. Priority should be given to the re-establishment of democratic order at the republican level (through the adoption of a Chechen Constitution, presidential and parliamentary elections).

VI. THE OFFICE OF THE SPECIAL REPRESENTATIVE

a. Znamenskoye

14. The experts are still working from their residence as new office space is being prepared in Znamenskoye. The Council of Europe experts will share the office premises with the Branch Office of the Special Representative and this should be operational in late September 2002.

b. Grozny

15. Due to logistical and security problems the experts were able to visit the Head Office in Grozny only on 4 September 2002, the second day of the Parliamentary Assembly-Duma delegation visit.

16. The state of the Office can be described as relatively satisfactory. Problems identified in previous reports, such as electricity and communication, have almost been resolved. An additional telephone line will be opened in the near future. The archives are in a good state. Further measures regarding to insulation should be taken before winter. The Office also appears to be adequately equipped. Mr Sultygov has announced important staff changes in the Office. These will be completed by the end of September 2002.

c. Freedom of movement within the Chechen Republic

17. Mr Sultygov made it clear to the experts that he would agree to movements other than to Znamenskoye and Grozny and visits to authorities, provided that these could be organised well in advance and were "result-oriented". It should be recalled that, according to the Agreement between the Secretary General and the Russian Foreign Minister of 4 April 2000, paragraph 4, "*the Staff will benefit from all facilities for the freedom of movement and of access to the local population, subject to security and safety restrictions only.*"

d. Working methods

18. As indicated in previous reports and stressed by the Parliamentary Assembly representatives when meeting Mr Sultygov on 4 September 2002, a more pro-active approach is required in order to promote the activities of the Office to ensure that victims of human rights violations are able to make complaints. Mr Sultygov informed the delegation and the experts that he is planning to change the working methods of the Office in this respect. One of the substantial changes concerns the staff of the Office as mentioned above. In addition, a website will be created to increase the visibility of the Office.

VII. HUMANITARIAN SITUATION

19. Although the authorities confirmed that all returns of internally displaced persons (IDPs) to the Chechen Republic, and in particular to Grozny, have taken place on a voluntary basis, serious concerns have been expressed by international organisations and NGOs in this respect. Living conditions in the new Temporary Accommodation Centres in Grozny are described as far from satisfactory. IDPs are often unable to complain to the relevant authorities.