

Information Documents

SG/Inf(2002)51 Addendum
9 December 2002

Addendum to the Twenty-Fourth Interim Report 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**

Introductory remarks

1. The present document provides 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 10 November 2002 to 4 December 2002 (see decision of the Ministers' Deputies of 10 October 2000, CM/Del/Dec(2000)725, item 1.7)¹.

2. On 26 November 2002, in an article published in the French newspaper "Le Monde", I strongly condemned the recent attack in Moscow, while stressing that anti-terrorist measures must be proportionate and in conformity with the rule of law (see Le Monde, 26/11/02). Furthermore, I underlined the readiness of our Organisation to contribute to the return of peace and the restoration of democracy and the rule of law in Chechnya, where massive human rights violations currently occur.

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

In general

3. Military operations have intensified. As announced by the **Russian Defence Minister**, Mr Sergey Ivanov, Russian military currently privileges targeted special operations and interventions (AP, 16/11/02; Infocentre, 11/11/02; see also Memorial in Prague Watchdog, 26/11/02). A change of tactics privileging small-scale operations was also highlighted by a member of the Russian human rights organisation **Memorial**, Mr Usam Baysayev, in his summary of last month's events in Chechnya. In this context, the **Chief of the Russian General Staff**, General Anatoly Kvashnin, is reported to have stated that the conditions for cutting the number of forces in Chechnya are still a long way off (Reuters, 15/11/02, "Chechnya gets New Prime Minister, Clashes go on").

4. The Russian authorities have reported the continued mining of roads by separatists and about skirmishes and special operations in the districts of Achkhoy-Martan, Chali, Kurchaloi, Shatoi, Vedeno, Nozhai-Yurt and Itum-Kale (Russian Informational Centre, 26 and 27/11/02 at www.infocentre.ru; [Information Channel of the Chechen Republic](http://www.infocentre.ru), 26/11/02; [The Moscow Times](http://www.themoscowtimes.com), 02/12/02).

5. The **Head of Russian Military Construction**, Lieutenant General Igor Shifrin, was killed in Grozny on 16 November 2002. In mid-November and early December, several abductions of high-ranking Chechen officials were also reported by news agencies (Interfax, see <http://www.interfax.ru>).

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: "*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](http://www.coe.int/cm) rev, also on the Committee of Ministers Web Site: <http://www.coe.int/cm>.

6. On 21 November 2002, at a session of the Chechen government attended by the newly appointed **Chairman of the Chechen Government**, Mr Mikhail Babich, the Russian **Minister for Chechnya Reconstruction**, Mr Stanislav Ilyasov, the **Head of the Chechen Administration**, Mr Akhmed Kadyrov, as well as by other district administrators, participants denounced human rights violations by the Russian Federal forces in Chechnya. According to them, the situation in the Republic has deteriorated drastically during the past weeks. Nightly abductions of civilians, unsanctioned searching, lootings and the blowing up of private homes were mentioned in this context ([RFE/RL](#), 27/11/02; see also [Interfax](#), 27/11/02; AP, 15/11/02; BBC, 15/11/02; AFP, 20/11/02).

7. On 3 December 2002, following an extradition request submitted by the Government of the Russian Federation concerning Mr Akhmed Zakayev, the Danish Ministry of Justice declared that the evidence provided by Russian authorities against Mr Zakayev with respect to his possible involvement in terrorist activities was not enough for extradition. It was reported that he had been released from custody ([BBC](#), 03/12/02).

8. On 25 November, the **Deputy Prime Minister of Ingushetia**, Mr Magomet Markhiyev, declared that all tent camps in Ingushetia will be closed by 2003. However, according to Mr Markhiyev, no one would be forced to leave Ingushetia and accommodation in rented houses would be provided for those who do not want to return to the Chechen Republic ([Interfax](#), 25/11/02). The process of sending back displaced Chechens has already started, even though some humanitarian aid organisations doubt whether such a return can be voluntary and safe at present, given the current situation in Chechnya ([Amnesty International](#), 29/11/02).

Parliamentary Assembly of the Council of Europe (PACE)

9. The **President of the Council of Europe Parliamentary Assembly**, Mr Peter Schieder, met with the **Russian President**, Mr Vladimir Putin, in Moscow on 27 November 2002. After the meeting, Mr Schieder made reference to the Russian plans to organise a referendum on a Chechen Constitution in the first half of 2003 and future elections. He stated that Mr Putin had shown interest for Council of Europe assistance in this process. Mr Schieder expressed support for any initiative that could contribute to a political solution to the tragic conflict and underlined that strict observance of Council of Europe human rights standards is a condition *sine qua non* for a peaceful solution, and that violations which continue to occur should stop immediately. President Putin accepted Mr Schieder's invitation to visit Strasbourg and speak to the Parliamentary Assembly in the near future (see [CoE Press Release](#), 27/11/02).

10. Further to his last visit to the Russian Federation, Mr Bindig, **Co-Rapporteur of the PACE on the Honouring of Obligations and Commitments by the Russian Federation**, took the view that despite the Russian President's veto of the amendments of the media law, the question of further restrictions of media freedom remains open. He indicated concern that there would be considerable restrictions on reporting, particularly reporting on "anti-terrorist operations" (CoE Portal, [Interview](#), 03/12/02).

European Court of Human Rights

11. On 26 November 2002, the European Court of Human Rights decided not to extend an interim measure prohibiting Georgian authorities from extraditing several suspected terrorists of Chechen origin to the Russian Federation. The decision was taken in the light of the Russian authorities' guarantees concerning the provision, to the persons concerned, of medical treatment, legal advice and the non-application of capital punishment (see [ECHR Press Release](#), 26/11/02). The Georgian authorities, for their part, were satisfied that the Russian Government had provided them with all the necessary guarantees regarding the future treatment of the applicants, if extradited. The applicants had requested that the interim measure remain in force.

12. On 29 November 2002, further to the ECHR's decision, the Georgian Prosecutor General's Office was reported to have taken a first step to extradite the three suspected Chechen rebels to the Russian Federation (see [Russian Informational Centre](#), 29/11/02). Before such an extradition could be carried out, the Prosecutor's Office will have to consider an appeal filed by the suspects against the decision to extradite them (see Prague Watchdog, 02/12/02).

European Union

13. On 27 November, the **European Commissioner for Development and Humanitarian Aid**, Mr Poul Nielson, expressed his concern regarding the envisaged closure of the Aki Yurt camp that by then hosted 1,700 Internally Displaced Persons (IDPs) of Chechen origin in Ingushetia. He underlined that the lack of security in Chechnya does not currently allow for their safe return and reiterated that any return of IDPs should be voluntary and that those who wish to stay in Ingushetia should be allowed to do so in decent conditions. According to Mr Nielson, forcing IDPs to go back to Chechnya, where the conflict is still going on, would be against international humanitarian law as well as Conventions by which the Russian Federation is bound (see [European Union](#), 27/11/02).

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

14. On 26 November 2002, the **OSCE Media Representative**, Mr Freimut Duve, welcomed the decision by the President of the Russian Federation, Mr Vladimir Putin, to veto a law amending Russian media legislation (in the context of the struggle against terrorism) which had recently been adopted by the Russian Duma and the Federation Council (OSCE Press Release).

15. Concerning the political component of the mandate of the OSCE Assistance Group to Chechnya, the Russian **Deputy Minister of Foreign Affairs**, Mr Vladimir Chizhov, stated on 3 December 2002 that Russia did not need the mediation of the OSCE in order to reach a settlement of the Chechen conflict. In this context, he criticised what he saw as efforts by some members of the OSCE Assistance Group to Chechnya to assume a mediating role that, according to him, is no longer needed. The current mandate of the OSCE Assistance Group to Chechnya expires on 31 December 2002 ([Radio Svoboda](#), 03/12/02 and [OSCE](#)).

United Nations (UN)

16. On 27 November 2002, Mr Kenzo Oshima, the **United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator**, issued a statement in which he expressed his concern at the prospect of the closing by Russian authorities of the Aki Yurt camp for internally displaced persons (IDPs) in Ingushetia. The **UN Office for the Coordination of Humanitarian Affairs** (OCHA) stated that whereas the IDPs wish to return to Chechnya, they are reluctant to do so because of the insecurity in the Republic and the lack of shelter, basic services, and economic opportunities ([OCHA](#), 27/11/02).

17. On 3 December 2002, it was reported that Russian authorities had closed the Iman tent camp in Ingushetia (Aki Yurt) despite criticism from humanitarian organisations. The camp housed approximatively 1,700 displaced Chechens. According to UN estimates, less than one half of the former Aki Yurt camp residents remain in Ingushetia. The remaining persons are said to have entered the Chechen Republic. Humanitarian organisations – among them the **UNHCR** – have stated that they want assurances that gas and electricity will remain available for those staying on or near the former camp site ([OCHA](#), 03/12/02 and 04/12/02). The Bart tent village in Karabulak may be the next camp of Chechen IDPs to close ([Prague Watchdog](#), 03/12/02).

International Committee of the Red Cross (ICRC)

18. On 13 November 2002, near Grozny, two employees of the **International Committee of the Red Cross** (ICRC), who accompanied a convoy with humanitarian aid, were abducted. They were released on 17 November 2002. As a result of the incident, ICRC will re-assess the security situation and maintain restrictions on staff movements. Furthermore, ICRC expressed continuing concern about the fate of Ms Nina Davydovich and Mr Arjan Erkel, the two humanitarian workers, who were abducted in the summer of 2002 (CICR, 18/11/02).

Russian institutions

19. On 12 November 2002, the Head of the Administration of the Republic of Chechnya appointed Mr Mikhail Babich **Chairman of the Chechen Government**. Mr Mikhail Babich had been the First Deputy Head of Administration of Ivanovskaya oblast of the Russian Federation.

20. The timetable for a referendum on a new constitution in Chechnya and parliamentary elections continued to be subject to public debate. According to Mr Akhmar Zavgayev, **Representative of the Chechen Administration in the Federation Council**, the referendum on the Chechen constitution will be held in the Republic in March-April 2003. Among the various drafts of the Constitution, the one making Chechnya a presidential republic is being considered. After the adoption of the constitution, elections could take place before the end of 2003.

21. The establishment of a **Chechen Ministry of Interior** with full responsibility for law enforcement in the Chechen Republic from the beginning of 2003 was further debated in the media. It will comprise a force of approximately 12,000 police officers which can be compared to the estimated 80,000 Russian soldiers currently serving in Chechnya (see Institute for War and Peace Reporting, 28/11/02).

22. As concerns the situation of the Chechen IDPs in Ingushetia, the **First Deputy Chairman of the Russian Interior Ministry's Migration Service**, Mr Igor Yunash, demanded, on 22 November 2002, that the tent villages in Ingushetia be dismantled due to fears of a possible outbreak of infectious diseases. According to Mr Yunash, 1,000 displaced Chechens should be repatriated in the near future. They would be offered housing in temporary accommodation centres (TACs) in Chechnya and receive daily allowances of 20 RUB (0,6 euro) per person from the government ([Prague Watchdog](#), 22/11/02).

23. On 27 November 2002, the **President's Special Representative for Human Rights and Civil Rights and Freedoms in the Chechen Republic**, Mr Abdul Khakim Sultygov, stated that IDPs living in tent camps in Ingushetia are "severely pressured by extremists and used in the active information war of Mr Maskhadov's emissaries" ([Russian Informational Centre](#), 27/11/02). He also provided information about the plans for parliamentary elections in the Chechen Republic by the end of 2003 ([Information Channel of the Chechen Republic](#), 27/11/02).

24. According to the **Russian Ministry for Emergencies**, this year, already 2,000 Chechen IDPs have been given assistance to return to the Chechen Republic from all over the Russian Federation. Furthermore, a total of 12,334 IDPs were offered housing at sixteen TACs in the Chechen Republic. Seven other TACs are reported to be ready to house another 3,674 IDPs (Interfax-AVN, 26/11/02).

25. On 3 December 2002 it was reported that federal forces had arrested the **Head of the local administration** in Ersenoi (Vedeno District) and his son for suspected cooperation with rebels ([Information Channel of the Chechen Republic](#), 03/12/02).

Non-governmental Organisations

26. On 14 November 2002, in a letter addressed to the President of the Russian Federation, Mr Vladimir Putin, **Human Rights Watch (HRW)** asked him to ensure that persons displaced from Chechnya, now living in Ingushetia, should enjoy their right to satisfactory humanitarian conditions guaranteed by international law, to choose their own residence, to be protected from forced return and against serious human rights violations. In the letter, HRW also criticised Ingush officials about housing provided for Chechens wishing to stay in Ingushetia: the facilities made available by the Migration Service are considered inappropriate and private housing too expensive for IDPs (HRW, 14/11/02; see also Amnesty International, 29/11/02).

27. According to the **Danish Refugee Council**, which co-operates with the UNHCR, on 1 November 2002, there were 110,385 IDPs from the Chechen Republic living in Ingushetia. Of these, fifty-five percent live in host families and twenty-one percent in tent camps ([OCHA](#), 25/11/02).

28. On 15 November 2002, 300 Chechen IDPs in Ingushetia addressed a letter to the President of Kazakhstan, Mr Nursultan Nazarbaev, asking permission to settle in Kazakhstan (BBC, 15/11/02). According to the representative of the Russian human rights organisation **Memorial** in Ingushetia, this request was a result of the current security measures imposed on the camps and of the security situation in Chechnya itself ([RFE/RL](#), 15/11/02). On 20 November 2002, a spokesperson of the Kazakh Ministry of Foreign Affairs stated that any influx of displaced Chechens would require prior consultation with Russian authorities,

adding that Kazakhstan, cannot, in principle, afford any new immigrants ([RFE/RL](#), 20/11/02).

29. On 21 November 2002, several members of the committee organising an international conference on ending the war in Chechnya, including the human rights activists Mr Sergei Kovalev and Mr Lev Ponamarev, addressed an open letter to President Putin criticizing his refusal to hold peace talks with Mr Aslan Maskhadov as well as his proposal to hold a referendum on a new constitution in Chechnya in spring 2003. They took the view that holding a referendum on a territory at war is against international law and would exacerbate tensions. In their view, the rejection of peace talks would prolong the war in Chechnya (RFR/RL Newslines, 21/11/02).

30. On 23 November 2002, the **International Helsinki Federation and Memorial**, as well as representatives of several Chechen NGOs - in particular the Chechen Committee of National Salvation, the Society of the Russian-Chechen Friendship and the political coalition National Unity - organised a round-table in Ingushetia on "The Role of Civil Society in Achieving Peace in Chechnya." The aim of this meeting was to analyse the political situation after the October hostage-taking in Moscow. The participants of the meeting discussed modalities to strengthen peace efforts and to normalise the life of citizens in Chechnya and Northern Caucasus (see Prague Watchdog, 26/11/02).

31. On 2 December 2002, Ms Malika Umazheva, former mayor of Alkhan-Kala, was killed by masked gunmen in her home outside Grozny. The town of Alkhan-Kala was recently the site of several special operations and interventions by federal forces and Ms Umazheva is said to have received, prior to her assassination, several threats for cooperating with Moscow-appointed officials. After a security sweep by federal forces in April 2002, when Ms Umazheva still was in office, it was reported that she had refused to sign documents on the non-implication of federal forces in the perpetration of violations. According to the Human Rights Centre "**Memorial**", the murder was perpetrated by members of the federal forces (see [The Moscow Times](#), 02/12/02; RFE/RL(Un)Civil Societies, 04/12/02, Vol. 3, No. 49; Memorial, 03/12/02).