

Information Documents

SG/Inf(2002)24 / 11 June 2002

Twentieth 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 May to 6 June 2002

1. This is the 20th interim report by the Secretary General on the activities of three Council of Europe staff 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. The experts, Mrs Eva Hubalkova, Mr Thomas Kattau and Mrs Marine Trévisan, continued their consultative work in the Office as described in my previous reports.
3. On 6 June 2002, I was informed by the Office of the Special Representative that President Putin recalled Mr Kalamenov from his post of Special Representative and appointed him as Ambassador to UNESCO. To date, a successor to the post of Special Representative has not been nominated, and the office in Moscow is not operational for the time being. I therefore recalled the experts to Strasbourg.

SECURITY SITUATION

General

4. Major anti-terrorist operations have been reported from Grozny, Gudermes, Atchkoi-Martan and Mesker Yurt since Saturday 1 June 2002. Over 50 people are said to have been arrested and weapons were seized during the operations. The Russian media reported on a large-scale military operation which began on 1 June after fighting broke out on Friday between the troops of the Ministry of the Interior and the rebels in the town of Mesker-Yurt, where one Russian serviceman and one rebel were killed.
5. A group of 28 rebels, under Field Commander Musost Kutiev, surrendered their weapons to the Head of the Chechen Administration, Mr Kadyrov, on 1 June. The procedure took place in the presence of representatives of the military, FSB and prosecutors. Mr Kadyrov is quoted as saying that the rebels were given security guarantees, including the elimination of any criminal record and the possibility of regular employment. The Chechen government and federal authorities attach great significance to this event, hoping that this will be a precedent, convincing other rebel groups to follow suit.
6. On 31 May 2002, Mr Oleg Mironov, the Russian Human Rights Commissioner, in an interview with the Russian media, said that the military presence in Chechnya should be reduced as much as possible.

Znamenskoye

7. The security situation in Znamenskoye remains relatively calm.

POLITICAL SITUATION

8. The Chechen Government is working intensively towards further transfer of institutional responsibilities from the federal level to the Republic. This move is reinforced by the announcement of the Federal Forces to start closing down its local headquarters (kommandanturas). The process of withdrawing federal police and re-instituting exclusively Chechen police is rapidly progressing. This development is supported by an increasing unwillingness of police forces from other parts of the Russian Federation to serve time in Chechnya as reported in the Russian media. In addition, the posting of large numbers of police in Chechnya places a great financial burden on the Federal Ministry of the Interior.
9. On 30 May 2002 the Russian media reported that a "friendship agreement" had been concluded between the government of Ingushetia and the Chechen administration. A parallel agreement containing an "action plan" for the voluntary repatriation of Chechen IDPs living in Ingushetia was signed. Representatives of the NGO 'Memorial' expressed great concerns that the agreement would provide a new tool adding undue pressure on IDPs to return.

NEW HUMAN RIGHTS STRUCTURE IN CHECHNYA

10. A new Human Rights Commission has been created at the Office of the Head of the Administration of the Chechen Republic. The Commission consists of 7 members; Mr Ramsan Tamakov, former Head of the Legal Department of the Chechen Administration, was appointed Chairman. The task of the Commission will be to assist in finding solutions to violations of human and civil rights in Chechnya.
11. Reactions in Grozny were mixed. Most Chechens are of the opinion that such a structure would be weak and ineffective, not to say, useless, vis-à-vis the federal agencies. Opinions varied as to its impact. The Chechens have expressed certain reservations as to the efficiency of the new structure in accomplishing its tasks. This reflects a general lack of confidence in the work of the present Chechen administration.

THE OFFICE OF THE SPECIAL REPRESENTATIVE

Znamenskoye

12. Since the move of the main Office of the Special Representative in Chechnya to Grozny, the experts are working from their residence. Despite the closure of the former office premises, the experts are fully operational and able to accomplish their tasks under the present mandate but with technical difficulties. The CoE is looking for new office space in Znamenskoye.

Grozny

13. The CoE experts visited the main head office in Grozny several times. The local staff has started to restore the archives and file system. There is still a lack of electricity, as well as water and sewer connections. The computers, copiers, faxes and printers cannot be used due to the lack of electricity. Telephone lines have not been installed and proper means of communication are not available to the office. There is a severe problem with humidity on the newly-painted ceiling because the roof damage had not been repaired.
14. So far the Office has been unable to obtain the necessary resources and assistance from the Chechen Government. Salaries and costs of the Office staff are to be paid from the budget of the Chechen Republic, and no longer directly from the federal budget. The rent for the office premises has not been paid and salaries were only guaranteed for May 2002. The budget office of the administration apparently questioned the necessity of the number of staff working in the Office and branch offices.
15. Office staff have started to go out to schools and universities in order to hold consultation sessions there. This new approach has received many positive responses and apparently meets an existing need. The Head of Office now encourages staff to take their services to the people rather than wait for the people to come to them.
16. According to Mr Khasuyev, Head of the Office in Grozny, the pattern of complaints has significantly changed in the last 12 months. Whilst in spring 2001 approximately 80% of complaints were related to human rights violations, this figure now relates mainly to complaints about social benefits, reconstruction compensation, etc. The remaining 20% still concern human rights violations.

PROSECUTOR AND JOINT WORKING GROUP

17. Mr Nikolai Petrovich Kostuchenko replaced the Prosecutor of the Chechen Republic, Mr Chernov, as of 1 May 2002.
18. At present no future meeting of the Joint Working Group (hereinafter "the JWG") has been scheduled. On the other hand, the Permanent Council for the Protection of Human Rights in the Chechen Republic meets regularly and will hold its next meeting on 13 June 2002 in Grozny. The Permanent Council for the Protection of Human Rights in the Chechen Republic is now referred to as the "joint working group". This could suggest that the Permanent Consultative Council for the Protection of Human Rights in the Chechen Republic may replace the JWG in the process of transferring more responsibilities from federal level to the Chechen administration.

CHERNOKOSOVO DETENTION CENTRE (SIZO)

19. The experts paid a routine visit to the Chernokosovo pre-trial detention centre on 30 May 2002. Though the official number of detainees was kept confidential, it can be estimated that about 200 detainees are incarcerated in Chernokosovo SIZO, including 11 juveniles (between 14 and 18 years old) and an undisclosed number of women. The adult detainees are between 20 and 30 years old; the oldest is 35.
20. The experts had the opportunity to speak to the detainees arrested on charges of narcotics related offences, theft and murder.
21. Several parts of the prison are currently under repair, including the medical department. Each cell accommodates 5 or 6 inmates in some 13 m² (four inmates in juvenile cells of 8 m²). The right to receive visitors depends on a decision by the prosecutor who is in charge of the investigation and is not governed by any general rule. Therefore, several inmates whom the experts talked to complained about the fact that the prosecutor in charge often did not authorise visits by their relatives during ongoing investigations. When asked, all of them said that their relatives were aware of their incarceration in Chernokosovo. Moreover, even when the right to receive visitors is granted, many relatives are prevented from coming for practical reasons (distance, money, checkpoints etc.). It was however visible that parcels sent to the detainees were kept at their disposal in the cells. The inmates are allowed a one-hour daily outdoor walk in a repaired courtyard cell whilst juveniles have two hours. Three hot meals per day are provided to the inmates. The ventilation of the cells was poor. A new ventilation system shown to the experts is to be installed in the coming weeks. The hygiene conditions of the shower room were equally poor with a very strong smell of mildew.
22. The medical department looks comparatively well-equipped in material and medicines. A doctor is present 24 hours a day in the detention centre. He visits each cell daily. In case of hospitalisation the detainee is sent to a medical prison facility in Georgievsk.

IDPs

23. On 27 May 2002 the experts visited one of the Temporary Accommodation Centres (hereinafter "the TAC") in the Staropromyslovskiy district in Grozny. The number of residents has remained stable (266 inhabitants) since the opening. The head of the institution complained of the absence of any humanitarian aid and the inadequate conditions in the building. Many residents are very frustrated and regret having moved there due to the lack of running water and sewer connections and irregular supply of electricity. She acknowledged that only bread is sufficiently supplied every day.

24. Many residents apparently would prefer to go back to the camp in Znamenskoye where there were regular supplies of humanitarian aid which is not available in Grozny, opportunities to work and trade, and a better security situation. However, none evidently did actually return there. Schooling is available to all children in two local schools near the TAC. Medical assistance is provided by an in-house infirmary, which is supplied with the basic medical instruments and medicines. A clinic in the area gives free medical service to severely ill patients. Absence of any compensation payments or other funds and materials to rebuild homes has caused great frustration with those IDPs who have returned to Grozny. The fact that all inhabitants are unemployed and have no proper means to generate a family income makes the situation even more difficult.
25. The Chechen authorities spare no efforts to convince international humanitarian aid organisations presently based in Ingushetia to move their operations to Grozny. The Chechen Administration has even decided to build a centre for international organisations in Grozny as a matter of priority. It is hoped that the arrival of those organisations will bring back the IDPs as well as initiate an economic boost. Given the security situation in Grozny, it is doubtful that the international organisations will move there and IDPs will return voluntarily.

RECONSTRUCTION

26. During their visits to Grozny the experts noticed little reconstruction or reconstruction efforts. Some districts, particularly residential areas, have no visible signs of any reconstruction efforts whatsoever and people live in ruins. It remains unclear how authorities (Chechen and federal alike) intend to repatriate over 150,000 IDPs from Ingushetia under such conditions without a humanitarian catastrophe.

RELATIONS WITH UNHCR

27. The experts attended a conference organised by UNHCR and ODHIR in co-operation with the Special Representative's Office on "The re-establishment of the rule of law and the protection of citizens' rights in the Republic of Chechnya: the role of judges, prosecutors and advocates" in Kislovodsk on 29 -30 May 2002.
28. Mr Ramsan Batyev, Deputy Head of the Special Representative's Office in Chechnya, chaired the meeting. The main topics discussed at the meeting were:
- curfews, passport issues, identity checks;
 - implementation of Order N° 46 of the Prosecutor General of the Russian Federation, Mr Ustinov, and Order N° 80 of the Commander of the Joint Troops Group (Forces) (OGV(s)), Lieutenant General Moltenskoy, in the North Caucasus Region of the Russian Federation during anti-terrorist and other "special" operations;

- compensation payments for war damages, inadequate follow-up of complaints by prosecutors;
 - lack of efficiency in the work of the Chechen courts;
 - problems in the work of independent lawyers;
 - application of the ECHR by judges;
 - repatriation efforts for IDPs;
 - applying Russian criminal law and procedure.
29. Interventions by the experts focused on the Council of Europe contribution towards the restoration of the rule of law, respect for human rights and democracy in Chechnya. Ambassador Inki, Head of the OSCE AG, lauded the work of the Council of Europe in Chechnya and proposed that the CoE together with OSCE play a primary consultative role in the drafting of the new Chechen constitution.

Summary of conclusions of the Conference:

- The implementation of Order N° 46 and Order N° 80 is widely acknowledged. At the same time, there was a broad agreement that these orders have proven to be inadequate in preventing violations effectively or identifying perpetrators. Initial enthusiasm has given way to scepticism.
- The training of judges, availability of suitable premises, lack of administrative infrastructure and sometimes the absence of basic material needs make work very difficult for the courts at present.
- Judges reported on widespread intimidation of witnesses and judges, not only by criminal groups but also by security forces.
- Access to courts by plaintiffs and witnesses is often very difficult because of the transport situation, roadblocks, frequent movement restrictions, identity checks, etc. When it comes to accessing these courts situated in neighbouring regions (Dagestan, Rostov-on-Don, etc.) it is even more complicated and often long-distance travel and incurring costs makes access *de facto* impossible for many.

Recommendations from the Conference:

- Introduction of non-discriminatory language on Chechnya issues in the Russian media.
- Compensation payments for damage from the second military campaign.
- More effective procedures to trace missing people. New rules to ensure that relatives are timely and fully informed on the whereabouts of detainees.
- Revision of Orders N° 46 and Order N° 80 in order to make them more effective
- End of military operations.
- Training of judges and defence lawyers in dealing with cases of alleged human rights violations and torture.

RELATIONS WITH OSCE AG

30. The experts continue to have regular contacts with the OSCE AG in Znamenskoye. The AG is now involved in many activities concerning the reconstruction and stabilisation of Chechnya and works closely with the Chechen authorities. Several of these activities are complementary to those proposed for the enlarged CoE mandate (university education, training of judges, lawyers and law enforcement officers, drafting of the constitution).