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Russian Federation: Council of Europe's response to the situation in the Chechen Republic

Report by the Secretary General on the implementation of co-operation activities with respect to the Chechen Republic and overview of the situation (April – June 2004)

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INTRODUCTION

1. Since 1999, the situation in the Chechen Republic of the Russian Federation has called for the Council of Europe's close attention and action¹. Two major steps have been taken so far:
 - (i) **co-operation and assistance:** assistance has been provided from April 2000 to January 2004 through the presence of Council of Europe expert staff 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. By an exchange of letters between the Russian Foreign Minister and myself, dated 25 and 30 December 2003 respectively, a new, more targeted, co-operation between the Council of Europe and the Russian Federation in the Chechen Republic in 2004 has been agreed upon.
 - (ii) **circulation of relevant information:** the Committee of Ministers has been seized by me, in June 2000, and by the Parliamentary Assembly (see Recommendation 1600 (2003)), in April 2003, by virtue of paragraph 1 of its [1994 Declaration](#) on compliance with commitments accepted by member states. In this context, I continue to regularly provide the Ministers' Deputies with relevant information (see follow-up to decisions taken by the Ministers' Deputies at their 725th meeting of 10 October 2000).
2. The present document provides the Ministers' Deputies with information on recent developments in the context of the new form of co-operation between the Council of Europe and the Russian Federation (Part I) and on the situation in the Chechen Republic from April to June 2004 (Part II).

PART I: IMPLEMENTATION OF CO-OPERATION ACTIVITIES WITH RESPECT TO THE CHECHEN REPUBLIC

3. On 12 May 2004 the Russian Ministry of Foreign Affairs informed the Council of Europe that Mr Vladimir Lukin, Commissioner on Human Rights in the Russian Federation, will act as the Russian federal coordinator for the Council of Europe Programme of activities to be implemented in Chechnya in 2004. Commissioner Lukin will be supported by International Projects and Programmes Centre Addressing Regional Policy and Federal Relations ("ICARP") in the implementation of the Programme.

¹ See previous reports on the following Internet Site:

<http://www.coe.int/t/e/SG/Secretary-General/Information/Documents/Chechnya-Russia/>.

4. At a meeting in Moscow on 14 May 2004, Commissioner Lukin informed me about his contacts with the Chechen Government concerning the Programme of activities. Unfortunately, the assassination of President Kadyrov who was the personal interlocutor of Commissioner Lukin for the Programme interrupted these contacts. In the absence of an ombudsman, who can only be appointed by a Parliament, which still has to be elected, it is the President who has full constitutional responsibilities for human rights in Chechnya. Thus Commissioner Lukin will be able to resume his contacts in Chechnya concerning the Programme once a new President is elected.
5. Taking into account the situation since the death of President Kadyrov, we discussed the following activities which could be implemented in 2004:
 - before the elections of the President of the Chechen Republic on 29 August 2004:
 - a/ A Seminar in good practices in electoral matters for the electoral teams of the Presidential candidates and NGOs of Chechnya observing the electoral process;
 - b/ Supply and installation of equipment and documents for the future Human Rights library in the Grozny State University (Financed by a voluntary contribution of Japan).
 - after 29 August 2004 (this list is not exhaustive and is subject to future discussions between Commissioner Lukin and the newly elected President of Chechnya):
 - c/ Seminar in good practices in electoral matters for the electoral teams of candidates in the election to the Chechen Parliament (date to be fixed) and for NGO of Chechnya observing the electoral process;
 - d/ Study visit to a CoE member state within the programme Human rights training of staff of law enforcement agencies, local police and prison staff;
 - e/ Human rights training of students from State Universities of Nazran and Grozny;
 - f/ seminar in the field of local self-government.
6. This procedure and priorities have also been discussed in the meetings held in Moscow in May 2004 with the Russian leadership, including President Vladimir Putin, the CoE Human Rights Commissioner, Mr Alvaro Gil-Robles.
7. The Secretariat is in contact with the Office of Commissioner Lukin and the ICARP Centre in preparation of the Programme activities.

8. On 8 June 2004 in Moscow a first publication of the World Fairy Tales translated into Chechen language was officially presented. This book of 35 fairy tales was compiled, translated and published by a Russian NGO "Civic Assistance". The Council of Europe together with the former Special Representative of the Russian President for Human Rights on Chechnya, Mr Sultygov, supported the project. The translation and printing of 5000 copies have been financed by the Council of Europe. The book will be distributed free of charge.

**PART II: OVERVIEW OF THE SITUATION IN THE CHECHEN REPUBLIC
(April – June 2004)**

A. RESTORATION OF PEACE AND SECURITY

9. On 9 May 2004, the assassination of the Chechen President, Mr Akhmad Kadyrov, the Chairman of the Chechen State Council, Mr Khussein Isayev, and at least five other people in a bomb attack at Grozny Dynamo stadium regrettably gave a clear indication that peace and security are far from being restored in the Chechen Republic. More than 80 persons were also injured in the explosion, including Mr Valery Baranov, the commander-in-chief of the Group of Joint Forces for conducting anti-terrorist operations in the northern Caucasus. One month earlier, several persons were also injured in an attack against the President of Ingushetia, Mr Murat Zyazikov.
10. Very recently, on 21-22 June 2004, members of illegal armed groups carried out massive attacks in the Republic of Ingushetia. These attacks have reportedly claimed the life of more than 80 individuals, including civilians, members of law-enforcement units and the Ingush acting Interior Minister, Mr Aboukar Kostoyev. Ingush Interior Ministry's buildings, police stations and border guard headquarters were also destroyed.
11. Once again, no political objective can justify such appalling acts, which have been widely condemned by the international community. The Russian, Chechen and Ingush authorities are expected to take all necessary measures to bring the perpetrators to justice while fully respecting human rights principles and the rule of law. Every effort should be made by the authorities to prevent further deterioration of the situation.
12. In this context, I have continued to receive alarming information on other violent actions by members of illegal armed groups since the last report, such as:
 - targeted attacks against members of the military, security and police agencies;
 - extensive use of landmines.
13. According to governmental and non-governmental reports, such acts resulted in the death of civilians and took the life of a number of servicemen and policemen (see in particular Russian Ministry of Interior (MoI), news from April to mid-June 2004; Amnesty International (AI), 23/06/04 and regular reports in Russian press agencies on such attacks).

14. So far, the measures taken in response by the various military, police and security forces involved in law-enforcement activities in the Chechen Republic, including the so-called Chechen presidential security forces headed by the newly appointed First Deputy Prime Minister, Mr Ramzan Kadyrov (late Chechen President' son), as well as in the Republic of Ingushetia, have taken the form of:
- new large-scale security operations in Chechen towns and villages as well as in Ingushetia, notably in compact settlements for Chechen internally displaced persons (as concerns Ingushetia, see statement adopted by the Parliamentary Assembly Bureau, [25/06/04](#));
 - extensive use of military force, including aerial attacks in non-populated as well as, according to NGOs, populated areas;
 - new series of 'targeted' security operations at residents' home, especially at night;
 - strengthening of federal interior troops in the region (Presidency of the Russian Federation, 22/06/04).
- (see notably, United Nations Office for the Coordination of Humanitarian Affairs, (OCHA), 15/06/04; AI, 23/06/04; Human Rights Watch (HRW), 20/05/04; International Helsinki Federation (IHF), 28/06/04; 25/06/04; 27/05/04; Joint Statement by AI, HRW, the Medical Foundation for the Care of Victims of Torture (MFCVT), and "Memorial", 08/04/04; Human Rights Centre "Memorial", 16/06/04, 15/06/04, 02/05/04, 14/04/04, 06/04/04 ; Society for the Russian-Chechen Friendship (SRCF), press releases Nos 714-815, April-mid-June 2004).
15. According to official sources (Ministry of Interior in particular), these measures have resulted in the physical "elimination" of a significant number of members of illegal armed groups, the arrest and detention of persons belonging to these groups and the prevention of a number of terrorist acts. In parallel, public statements urging them to surrender have been made (see in particular MoI; Interfax, 07/06/04 and 10/06/04).
16. Non-governmental sources allege that the implementation of these measures continue to cause much suffering among the Chechen civilian population and have also resulted in human rights violations (see sources mentioned in para. 14).
17. Aid workers continue to face serious obstacles in their daily activities in terms of security. Mr Arjan Erkel, *Médecins sans frontières* (MSF), was released on 11 April 2004 after 20 months of captivity. The release was secured thanks to various efforts from the Russian and the Dutch authorities as well as MSF itself, which hired a private Russian security company. The recent kidnapping of Ms Miriam Jevikova in Dagestan in early June 2004 (working for the Aid for Refugees organisation) regrettably demonstrates how it remains difficult for humanitarian organisations to safely operate (see in particular MSF, 15/04/04, 15/06/04 and European Council on Refugees and Exiles (ECRE), 16/06/04).

18. More than ever action is needed to break the present vicious circle of violence. However, if all agree that no peace can be restored without the full support of the Chechen population, there is a divergence of views on concrete ways to achieve substantial results. According to key Russian human rights organisations, such as “Memorial” and the Moscow Helsinki Group, the assassination of the Chechen President should have notably prompted the federal authorities to declare the state of emergency under the existing Russian legislation, to postpone the election processes, to declare a wide amnesty and to re-establish dialogue between all political forces in the Chechen Republic before re-organising any election. For their part, the Russian and Chechen authorities expressed their determination to move forward on the setting-up of new political institutions in accordance with the 2003 Chechen Constitution and, in this context, decided to organise new presidential elections in the Republic in August 2004. The key question of means deployed to restore peace and security is even more accurate with the recent spreading of violence in Ingushetia (see in particular Presidency of the Russian Federation, 26/05/04, 11/05/04; “Memorial”, 15/06/04; Parliamentary Assembly Bureau, 25/06/04; IHF, 25/06/04).

B. DEMOCRATIC INSTITUTION-BUILDING

19. In January 2000, the Russian authorities explained that, once large-scale anti-terrorist operations are completed, they planned to “*hold elections, in a peaceful and democratic atmosphere*” as part of a peace process (see doc. [SG/Inf\(2000\)21](#)). The death of the Chechen President last May has brought a temporary halt to that process. In accordance with Article 76 of the 2003 Chechen Constitution, the Chechen Prime Minister, Mr Sergei Abramov, became acting President of the Chechen Republic. New Chechen presidential elections are now scheduled for 29 August 2004.
20. However, as in the context of the constitutional referendum and the previous presidential elections in 2003, doubts have been raised over the circumstances under which these forthcoming elections will be held as minimum conditions for holding democratic elections does not yet appear to be met, notably in terms of security (see for instance IHF/Moscow Helsinki Group, 10/05/04 and “Memorial”, 15/06/04; see also Parliamentary Assembly Resolution [1315](#) (2003) as concerns minimum conditions for elections).
21. In mid-June 2004, more than 10 persons have informed the authorities of their intention to run for the presidency. Mr Alu Alkhanov, Chechen Minister of Interior, is among them and discussed his candidacy with the President of the Russian Federation, Mr Vladimir Putin, on 15 June.
22. Presidential candidates must submit 6,000 signatures or a bond equivalent to 142,000 Euros by mid-July 2004. According to the Chairman of the Russian Central Election Commission, Mr Alexander Veshnyakov, all chairmen of Chechen election committees will be trained in early July 2004. Council of Europe targeted assistance could also be provided in this context (see Part I).

C. PROTECTION OF HUMAN RIGHTS

23. Since my last report, no information has been available on tangible results obtained by the authorities to address the numerous human rights issues raised in the context of the anti-terrorist operations in the Chechen Republic. These issues are increasingly raised in the neighbouring Ingushetia. By contrast, during the period covered by the present document, I have continued to receive new reports on alleged violations, by members of military, security and police units in a large majority of cases, of the most fundamental human rights, such as disappearances, (extra-judicial) killings and torture or ill-treatment. These reports notably raises the following questions:
- effective protection of individuals against terrorism;
 - clarity of the legal basis under which all military, security and police units continue to operate;
 - proportionality of the use of lethal force, notably in the context of security operations and aerial attacks (bombings in Rigakhoy in April 2004 for instance);
 - lawfulness of arrests and detentions, notably in the context of large-scale or targeted security operations;
 - prohibition of torture or ill-treatment during deprivation of liberty; protection against rape and other sexual violence (for more detailed information, see notably sources mentioned in para. 14).
24. According to the Prosecutor of the Chechen Republic, Mr Vladimir Kravchenko, 95 criminal cases have been opened with respect to abductions from January to May 2004. In April 2004 alone, 42 abductions were registered. An investigation has already established that 12 people were actually detained by the authorities. For its part, the Human Rights Centre "Memorial" registered 173 abductions, of which 89 have been released, 13 have been found dead, and another 71 are still missing. A number of disappearances/abductions are increasingly registered in the neighbouring republics, in particular Ingushetia (see in particular AI, 23/06/04, and IHF, 27/05/04, Joint Statement by AI, HRW, the MFCVT, and "Memorial", 08/04/04; Interfax, 25/05/04, Itar-Tass, 12/04/04).
25. According to international NGOs, human rights defenders working in the region or lawyers defending Chechen victims before domestic courts are still subject to harassment by members of state organs, in particular federal servicemen (see in particular Observatory for the Protection of Human Rights Defenders (World Organisation against Torture, OMCT, and the International Federation for Human Rights, FIDH), Annual Report, April 2004 and AI, 29/04/04).

26. Of particular concern remains information on increasing intimidation against a number of applicants to the European Court of Human Rights or members of their family or their friends. One of the organisations providing legal aid to Chechen applicants, *Stichting Chechnya Justice Initiative*, expressed its deep concern over this trend. According to the organisation, some applicants (or their relatives) have been expressly threatened as a result of their application. In other cases, applicants have been threatened following their efforts to pursue domestic avenues of redress (see notably *Stichting Chechnya Justice Initiative*, 2003 Annual Report, April 2004; AI, 23/06/04, June 2004).

D. RESTORATION OF THE RULE OF LAW AND FIGHT AGAINST IMPUNITY

27. Restoration of the rule of law and the fight against impunity has always been at the heart of Council of Europe attention. Undeniably, the Russian authorities have made considerable efforts to set up domestic courts, including the Supreme Court of the Chechen Republic. However, serious concerns have been expressed again as regards access to justice for victims of human rights abuses (or their family members). NGOs reported previously that corruption is endemic within the Chechen judicial system. Excessive length of proceedings is also particularly worrying. According to new reports, in the few instances where complaints have been successfully brought before the courts against federal servicemen who have allegedly committed serious human rights violations, they received minimum punishment, if they are punished at all. For instance, in April 2004, in a court judgement in Rostov-on-Don, three servicemen accused of having killed six civilians in the Chechen Republic in early 2002 were acquitted by a jury in spite of strong evidence brought by the prosecution. The military prosecuting authorities decided to appeal the court's judgment (see for instance OCHA, 15/06/04; AI, 23/06/04; HRW, 20/05/04; Joint statement by OMCT, International Federation of Christians for the Abolition of Torture (FiACAT), Médecins du Monde, Catholique Contre la Faim et pour le Développement, and Caritas France, in March 2004; Interfax, 30/04/04).
28. The efficiency of the prosecuting authorities remains crucial in maintaining public confidence in the ability of the Russian and Chechen authorities to restore the rule of law. However, prosecutors and deputy prosecutors face tremendous difficulties to investigate allegations of serious human rights violations, in particular when the perpetrators could be members of the military, security or police forces. NGOs continue to point out many deficiencies, which have resulted in the closure or suspension of a majority of cases. As recently underlined by the Russian Human Rights Commissioner, Mr Vladimir Lukin, the problem of unsolved crimes exists in the whole Russian Federation. However, it remains acute in the Chechen Republic and, according to NGOs, fails to prevent appearance of collusion in or tolerance of unlawful acts (see in particular AI, 23/06/04; Joint Statement by AI, HRW, the MFCVT, and "Memorial", 08/04/04; HRW, 20/05/04; Interfax, 25/05/04).

29. In this context, supervision of actions carried out by military, security and police units by the prosecuting authorities is particularly challenging in the Chechen Republic, but also in Ingushetia. For instance, according to non-governmental sources, a deputy prosecutor of the Republic of Ingushetia, Mr Rashid Ozdoev, was abducted in March 2004. It is alleged that this abduction is connected to past critical reports on FSB actions (see for instance IHF, 27/05/04).
30. Particularly worrying is still the lack of clear-cut division of responsibilities between the numerous military, security and police forces operating in the Chechen Republic and – increasingly – in neighbouring republics. Special attention should also be drawn on the so-called presidential security forces. These security forces could comprise between 2,500 and 5,000 members according to press reports. The legal basis under which they operate and use the lethal force is unclear as no mention is made to such forces in the Russian legislation or in the Chechen Constitution. Their actions and methods have been heavily criticised (notably in relation to severe human rights violations, including torture, allegedly inflicted against family members of individuals suspected of belonging to illegal armed groups). See for instance AI, 23/06/04 and 04/05/04; Joint Statement by AI, HRW, MFCVT, and “Memorial”, 08/04/04; The Moscow Times, 09/06/04.

E. RECONSTRUCTION

31. According to the UN agencies, unemployment and poverty rates are key obstacles to economic and social recovery. Further reconstruction efforts are therefore being made by the Russian and Chechen authorities. Representatives of the Russian Government visited the Chechen Republic on 15 May 2004 in order to identify priorities for the 2004-2006 period in the economic and social fields in particular. A report should be submitted to the President and the Prime Minister of the Russian Federation. Instructions should then be given to the ministries concerned and the federal targeted budget for restoring the Chechen Republic might be revised. However, misappropriation of federal funds and corruption have hampered reconstruction efforts so far (see notably Presidency of the Russian Federation, 11/05/04; OCHA, 15/06/04, 30/04/04; WFP, 18/06/04, 04/06/04, 07/05/04, 23/04/04; RIA-Novosti, 15/05/04).
32. According to the Chechen Ministry of Interior, 39,000 persons should receive compensation for lost properties in 2004 (for more details, see Interfax, 20/06/04).

F. INTERNALLY DISPLACED PERSONS (IDPs)

33. According to UN agencies, over one million, two-hundred thousand individuals in the Chechen Republic and Republic of Ingushetia continue to require international humanitarian assistance. Further IDPs in Ingushetia, encouraged by promises made by the authorities to offer compensation for destroyed or lost properties, decided to return to the Chechen Republic over the period covered by the present report. The last tent camp in Ingushetia (“Satsita”) was closed in early June 2004. However, serious concerns have again been reported on pressure exerted on the remaining families in tent camps. According to NGOs, the Russian authorities deliberately created an insecure environment in Ingushetia (security operations and abductions) to convince Chechen IDPs to return to their origin place of residence. These organisations also complained that returnees are often not provided with electricity, gas or running water.
34. In response, the President of Ingushetia indicated once again that the principle of voluntary return was not and will not be violated and explained that no oral or written complaints about IDPs being forcibly returned has been made. As of 31 May 2004, the Danish Refugee Council reported about 54,000 Chechen IDPs were still living in Ingushetia, including 24,366 registered in 186 temporary settlements and 29,218 living in private accommodation (see in particular OCHA, 15/06/04, 30/04/04; UN Commissioner for Refugees (UNHCR), 04/06/04; WFP, 18/06/04, 04/06/04, AI, 23/06/04; IHF, 01/04/04; “Memorial”, 16/06/04, 15/06/04, 02/05/04, 14/04/04, 06/04/04; Interfax, 07/06/04, 09/06/04).
35. The humanitarian situation of Chechen IDPs is even more worrying after the 21-22 June events in Ingushetia. Repeated security operations in this republic make it particularly difficult for Chechen IDPs to stay in Ingushetia (see also para. 14).

APPENDIX I**Committee of Ministers' follow-up decisions to the Secretary General's referral of a question to it by virtue of paragraph 1 of the 1994 Declaration on compliance with commitments****(extract from doc. CM/Del/Dec(2000)725, item 1.7)***“Decisions*

The Deputies

1. recalled their decision at their 724th meeting (5-6 October 2000), item 4.4, to resume consideration of the contribution of the Council of Europe towards restoration of the rule of law, respect for human rights and democracy in Chechnya on the basis of a periodic report by the Secretary General;
2. noted that the Secretary General would, in the context of such discussions, provide the Deputies with additional relevant information;
3. further noted that this decision is without prejudice to the continued validity of the 1994 Declaration on compliance with commitments accepted by member states of the Council of Europe.”

APPENDIX II**Text of letter, dated 26 June 2000, sent by the Secretary General to the Chairman of the Ministers' Deputies with respect to the situation in the Chechen Republic, Russian Federation**

Dear Chairman,

I have the honour of forwarding to you an analysis² of a team of international human rights law experts following the exchange of correspondence I have had with Mr Ivanov, Minister of Foreign Affairs of the Russian Federation, on the manner in which the Russian Federation's internal law ensures the effective implementation of the European Convention of Human Rights. I refer you, in this connection, to Information Document [SG/Inf\(2000\)21](#) of 10 May 2000.

As you are aware, I did not consider the replies I received from the Russian authorities as satisfactory "*explanations*" for the purposes of Article 52 of the European Convention of Human Rights. The findings of the team of independent experts have confirmed my views on this subject. In their opinion, the "*replies given were not adequate and [...] the Russian Federation has failed in its legal obligations as a Contracting State under Article 52 of the Convention*".

Consequently, I consider it my duty, in particular in the light of the findings of the experts, to seize the Committee of Ministers of this matter by virtue of paragraph 1, second indent, of the 1994 Declaration on compliance with commitments accepted by member States of the Council of Europe.

A copy of the present letter, together with the analysis of the team of experts, have been forwarded to the Parliamentary Assembly and, for information, to the European Court of Human Rights and the Council of Europe Commissioner for Human Rights as well as other relevant international institutions.

Yours sincerely,

Walter SCHWIMMER

Mr Pietro Ercole AGO
Ambassador
Chairman-in-Office of the Ministers' Deputies
Permanent Representative of Italy
to the Council of Europe

² Document [SG/Inf\(2000\)24](#) and [Addendum](#).

APPENDIX III

Relevant extracts from the Parliamentary Assembly Recommendation 1600 (2003) on the human rights situation in the Chechen Republic (adopted on 2 April 2003)

“1. The Parliamentary Assembly refers to its [Resolution 1323](#) (2003) on the human rights situation in the Chechen Republic. It reiterates its belief that there will be no peace without justice in Chechnya.

2. The Assembly considers that urgent action is necessary to counteract the climate of impunity which has developed in the Chechen Republic over the last decade. Those guilty of past human rights abuses – whichever side of the conflict they belong to – must be brought to justice without further delay, and further human rights violations must be actively prevented.

[...]

4. [...] the Assembly decides to petition the Committee of Ministers by virtue of paragraph 1 of its 1994 Declaration on compliance with commitments accepted by member states of the Council of Europe, and recommends that the Committee of Ministers instruct the Secretary General to make contacts, collect information and furnish advice on the human rights situation in the Chechen Republic, in accordance with paragraph 4 of the said declaration.”