

Information Documents

SG/Inf (2002) 39

22 October 2002

22nd interim report by the Secretary General on the presence of Council of Europe 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 10 September to 10 October 2002

1. This is the 22nd interim report by the Secretary General on the activities of three Council of Europe staff members who provide 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.

I. SECURITY SITUATION

2. Further to fighting in Ingushetia and North Ossetia in late September 2002, security measures have been reinforced at checkpoints and through a passport control regime on the Chechen territory.
3. On 22 September 2002, unidentified masked men kidnapped a staff member of the Office of the Special Representative working in the Urus-Martan District, Mr Nurdin Sadiyevich Nukhazhiev. Released on 25 September, it was evident that he had been tortured. The Head of the Office has recommended utmost vigilance to the staff.
4. During a meeting on 10 October 2002, a powerful explosion destroyed a large part of the Permanent Police Department building of the Zavodskoy district in Grozny. The explosion killed 24 policemen.

II. HUMAN RIGHTS

5. According to recent information from the Office of the Special Representative as well as from the Russian and Chechen NGOs, including the Human Rights Centre “Memorial”, the majority of complaints concern human rights violations allegedly committed by members of the federal forces and law-enforcement bodies, especially in the course of special operations (disappearances, killings, torture, ill-treatment, destruction of houses and personal goods, robbery) and through road accidents caused by military vehicles.
6. According to the Prosecutor of the Chechen Republic, Mr N. P. Kostyuchenko, 7,000 criminal cases have been registered on the territory of the Republic during the past year, of which 700 were murder cases. This last figure shows a decrease of about 7 percent compared to the previous year. The proportion of crimes is higher than in other regions of the Russian Federation. However, terrorist acts have decreased and the amount of murders successfully investigated has increased from 15 to over 30 percent. The Prosecutor’s Office seems to be active as far as crimes committed by rebels are concerned. The number of complaints on persons disappearing is considerably high. There are 2,000 persons reported as missing and around 400 such criminal cases are under investigation. Many of these complaints date back to 1995-96. The Prosecutor points out that there are no “safe” places in Chechnya, as the rebels now use the “quiet” districts as havens.

a. Special operations

7. Observance of human rights standards during special operations varies from one district to another. According to the Prosecutor of the Chechen Republic, around 300 special operations took place this year, mainly in the Kurchaloy, Shalin and Grozny districts. Special operations carried out in the Kurchaloy and Grozny Districts are considered to be the most violent and problematic in terms of human rights violations. Serious violations are still allegedly committed on a regular basis in the Urus-Martan District. Constant efforts to avoid such violations are made in other districts. Particularly in the Gudermes or the Nozhai-Yurt Districts, no serious human rights violations have recently been reported.
8. Two examples of special operations recently carried out on the Chechen territory have been brought to the attention of the experts in the Office of the Special Representative in Grozny (Alkhazurovo and Komsomolskoye) and by "Memorial" (Tsotsin-Yurt):

- Alkhazurovo and Komsomolskoye (Urus-Martan District)

Elderly persons from Alkhazurovo complained to the main Office in Grozny about alleged atrocities committed by the federal forces during a special operation in their village, which started on 18 September and ended in early October. All men under 34 years were arrested by the federal troops. Their families were allegedly asked to pay a large amount of money for their release. On 3 October, servicemen allegedly killed the representative of the reconstruction team by decapitating him. The Federal troops reportedly destroyed the villagers' properties. The local militia was present during the operation but was unable to intervene. On 4 October the Head of the Office went there in order to assess the situation and meet the relevant federal and local authorities. Since then, the special operation has stopped.

- Tsotsin-Yurt (Shalin District)

At the beginning of September 2002, the special operation carried out in Tsotsin-Yurt gave rise to serious concerns among Russian and Chechen civil society. The Chechen militia was present during the first day of the operation on 1 September 2002, however, serious crimes (disappearances, killings, torture, destruction of houses) were allegedly committed by members of the federal forces on 2-3 September after the militia had left. The operation lasted until 8 September 2002. 86 persons were detained and many of them were allegedly beaten. 9 persons were declared missing after the operation, of which one person was found alive, although severely beaten.

b. Regulations with respect to special operations

9. According to the Prosecutor of the Chechen Republic, Order No. 46 by the General Prosecutor, Mr Ustinov, and Order No. 80 by General Moltenskoi, have certainly contributed to reducing human rights abuses committed by federal forces during the special operations. However, they are not fully implemented. The staff of the Office of the Special Representative agreed on this issue with the Prosecutor. The representatives of "Memorial" and other NGOs do not share this view. The NGOs underline that the adoption of Orders No. 46 and No. 80 were most welcome but failed to prevent serious human rights violations during the special operations as they are rarely implemented in a large number of districts. The head of the local administration should act as a co-ordinator between various authorities, who should be present during the operation. However, he and his representative are often afraid of being present during the operation.
10. The Prosecutor of the Chechen Republic informed the experts that 90 percent of the special operations were said to be carried out in the presence of prosecutors. As far as co-ordination during the special operations between civilian and military prosecutors is concerned, Mr Kostyuchenko stated that it could be described as good. According to information at the disposal of the Office, the number of special operations carried out with the presence of the prosecuting bodies varies between 60 and 70 percent. A majority of these operations are carried out with the sole presence of the military prosecutors and not civilians. For their part, NGOs and Chechen villagers complained that during the recent special operations, no representatives at all of the prosecuting bodies nor of the local administration were to be seen.
11. In order to respond to these problems, the Chechen Administration, with the assistance of the Special Representative, intends to adopt an Order on measures to prevent, detect and curtail terrorist activities, economic and ideological sabotage and to safeguard human and civil rights and freedoms in the Chechen Republic. Experts of the law-enforcement agencies are presently examining the text. According to the Deputy Head of the Chechen Administration, Mr Taus Dzhabrailov, a formal request for a Council of Europe expertise will be sent to the Secretary General before the signature of the Order by Mr Kadyrov. Pending this request, the experts working in the Office of the Special Representative will provide Mr Sultygov with their consultative advice on the draft Order.

III. DEMOCRACY

Draft Chechen Constitution

12. According to the Deputy Head of the Chechen Administration, Mr Dzhabrailov, the first stage of the Constitution drafting process is finished. The draft is now subject to a legal expertise by various federal authorities, including the Administration of the President of the Russian Federation, the Ministry of Justice and the State Duma. He agrees that the Council of Europe should be part of this consultation process. A formal request will be sent to the Secretary General in the near future.
13. The public debate on the Constitution and the referendum will take place as soon as the legal opinions have been received. No precise date can so far be given for the organisation of the referendum which could take place during the course of 2003.

VI. THE OFFICE OF THE SPECIAL REPRESENTATIVE*a. Znamenskoye*

14. The experts office in Znamenskoye has been operational since early October 2002. Part of this office space is made available to the Special Representative's Branch Office. Staff Members in the Znamenskoye Branch Office have not been nominated as yet.

b. Grozny

15. The Head Office in Grozny continues to receive applications relating to missing persons. As the Office had already registered a number of these complaints, this could mean that the competent authorities have not examined these applications. The Office also received a number of complaints relating to damage of property during this year's summer floods, as well as of property destroyed by military action from 1994 to 1996 and since 1999. The law on compensation for destroyed property caused by military action has still not been adopted.

VII. HUMANITARIAN SITUATION

16. Some of the NGOs working in Chechnya point to the "small amount" of humanitarian assistance provided inside the Republic. International humanitarian organisations' concerns about security are understood: however, increased targeted assistance within the Chechen territory is urgently needed.