



Information Documents

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Thirtieth 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 17 September to 13 October 2003

I. INTRODUCTION

1. This is the 30th interim report by the Secretary General covering the activities of the three consultative experts, Mr Rikard Barkeling, Ms Estelle Steiner and Mr Martin Zeman, providing expertise to 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.¹
2. For security reasons, the experts were not in a position to return to the Chechen Republic during the period covered by this interim report. They have been working at the headquarters in Strasbourg.
3. During the above-mentioned period, the experts have been following developments in the Chechen Republic. Focus has been given to political developments, in particular the October 5 presidential election.
4. The implementation of the additional tasks², agreed upon by exchange of letters between the Council of Europe Secretary General and the Russian Minister of Foreign Affairs, has continued.
5. On 23 September 2003 the Permanent Representative of the Russian Federation to the Council of Europe provided the Secretary General with information concerning the investigation into the incident involving Council of Europe staff in Grozny on 21 April 2003. During the investigation of this criminal case it was ascertained that the crime was committed against the representatives of the federal forces. The Public Prosecutor's Office, the Office of Internal Affairs and the Federal Security Service in the Chechen Republic are carrying out complex investigative procedures in order to establish the perpetrators.

II. ASSESSMENT OF THE CURRENT SECURITY SITUATION

6. Over the last few months violence has spread to neighbouring republics in the Northern Caucasus. The suicide bombing carried out against a military hospital in Mozdok (North Ossetia) on 1 August and the explosion at the headquarters of the Federal Security Service Department in Magas (Ingushetia) on 15 September are recent examples of deadly incidents affecting the North Caucasian region.

¹ At this stage, and due to the present circumstances, no additional information is provided by the Secretary General in an addendum to this interim report, without prejudice to the ongoing regular collection of information by the Monitoring Department of the Directorate of Strategic Planning (DSP), in accordance with the decision of the Ministers' Deputies of 10 October 2000 (doc. CM/Del/Dec(2000)725, item 1.7).

² See Appendix I.

a. Monitoring of incidents reported in the Chechen Republic

7. Whilst in Strasbourg, the experts have monitored a number of Russian language internet sources in order to get an overview of the security situation inside the Chechen Republic. This monitoring indicates that the south-eastern districts of Vedeno, Shali and Nozhai Yurt remain the most dangerous parts of the republic. On the other hand, there was also an increase in the number of clashes between federal forces and rebels in the south-western districts of Achkoi Martan and Urus Martan in September.
8. According to the experts' monitoring for September 2003, 51 people were reported killed (9 in Grozny), 73 reported injured (19 in Grozny) in 38 reported incidents in the Chechen Republic. In August 2003, 145 people were reported killed (10 in Grozny) and 107 injured (16 in Grozny) in 62 reported incidents in the Chechen Republic.³
9. From 1 to 12 October, 39 people were reported killed (9 in Grozny), 65 reported injured (19 in Grozny) in 22 reported incidents.

b. Security during the presidential campaign and on election day (5 October)

10. There were no deadly incidents reported on election day. The 426 polling stations had been under intensive round-the-clock supervision since 28 September, according to the Russian Interior Minister.⁴ However, two polling stations in Grozny (Oktyabrsky district) and one in Alkhan-Kala (Grozny rural district) reportedly came under fire the night before the poll.⁵ On 3 October, Said Zaurbekov, working as driver for the news agency "Novye Kommunikatsii", was killed by unknown gunmen when sitting in his car.
11. Other incidents possibly linked to the presidential campaign have been reported by the Moscow Helsinki Group.

³ See SG/Inf (2003) 31, p. 4, para. 9.

⁴ Pervy Kanal, "Vremya", 6 October 2003.

⁵ NTV and Grani.ru, 6 October 2003.

12. On 9 September, an assassination attempt in Grozny against Bilan Khayauri, the son of the head of Malik Saidullayev's presidential campaign, was reported. Armed men are also reported to have surrounded the house of the Khayauris in the village of Katayama, shot at and plundered it.⁶

c. Landmine risks

13. According to the International Campaign to ban Landmines, Chechnya has more landmine casualties than any other place in the world. In its last report⁷, the group said that 5,695 people (among them 938 were children) were killed or injured by landmines in the republic in 2002, more than twice the figures of 2001. This, in a region whose population is less than one million. Half a million landmines had been planted in Chechnya – making it “one of the most landmine polluted zones in the world, very much up there with Afghanistan, Angola, and Sri Lanka”.

d. The abduction of Arjan Erkel

14. Fourteen months after his abduction, the whereabouts of Arjan Erkel, head of the *Médecins Sans Frontières* (MSF) mission in Dagestan, remain unknown. Since his abduction on 12 August 2002 in Makhachkala (Dagestan), the Dutch authorities have received evidence that he is still alive on three occasions this year.⁸

III. THE CHECHEN PRESIDENTIAL ELECTION (5 OCTOBER 2003)

15. On 5 October 2003 the presidential election was held in the Chechen Republic. According to the official result issued by the Chechen Central Electoral Commission (CEC) on 7 October, the turn-out was 87.7 percent (i.e. 499,325 voting out of 569,347 people entitled to vote).⁹
16. Akhmad Kadyrov got 80.84 percent of the votes, according to the Chechen CEC. Abdulla Bugayev finished second with 5.77 percent. Shamil Burayev received 3.95 percent, Kudus Saduyev 1.54 percent and Hussein Biybulatov 1.65 percent. 2.59 percent voted “against all”.¹⁰

⁶ Moscow Helsinki Group, “Prezidentskiye Vyборы v Chechenskoy Respublike – Pravoazajitny Monitoring”, No 1, 24 September 2003 and The Economist, 10 October 2003.

⁷ See website: <http://www.icbl.org>.

⁸ Médecins Sans Frontières (MSF).

⁹ “Postanovlenie Izbiratelnoy Kommissii Chechenskoy Respubliki”, No. 111/53-3, 7 October 2003.

¹⁰ “Postanovlenie Izbiratelnoy Kommissii Chechenskoy Respubliki”, No. 111/53-3, 7 October 2003.

17. The Chechen CEC stated that no complaints on violation of the election legislation had been received that could have influenced the final result. In accordance with Article 65 of the Chechen Electoral Code, it declared the election valid and Akhmad Kadyrov elected President of the Chechen Republic having received more than half of the votes.¹¹
18. The Prosecutor General of the Chechen Republic, Vladimir Kravchenko, also reported he had received no complaints about the election.¹²
19. The Russian President Putin, at a Cabinet meeting on 6 October¹³ said that “the very fact of such a high turnout shows that people have hope – hope for a better life, for positive changes in the life of the Republic”.
20. As for the political evaluation of the Chechen presidential vote, the Russian President said in his interview to the New York Times that “the election in Chechnya is a very important element of political settlement in the Republic”¹⁴.
21. On 6 October, Interior Minister Boris Gryzlov stated that no complaints had been received from the officially invited observers of the election.¹⁵
22. The presidential inauguration took place in Chechnya on 19 October. The term of office of the President will expire in 2007, according to Article 67 of the Constitution of the Chechen Republic adopted on 23 March 2003.

¹¹ “Postanovlenie Izbiratelnoy Kommissii Chechenskoj Respubliki”, No. 111/53-3, 7 October 2003.

¹² The Voice of Russia, 9 October 2003.

¹³ AP, 6 October 2003.

¹⁴ Information letter from the Permanent Representative of the Russian Federation to the Ministers’ Deputies, 15 October 2003.

¹⁵ Pervy Kanal, “Vremya”, 6 October 2003.

a. Election observation

23. More than a hundred foreign journalists were in Chechnya on election day together with fifteen officially invited international observers, according to the Head of the Russian Central Electoral Commission, Alexander Veshnyakov.¹⁶ The Commonwealth of Independent States, the Arab League and the Organisation of the Islamic Conference were the only international organisations present to monitor the Chechen presidential election.¹⁷
24. A representative of the Commonwealth of Independent States, Yuri Yarov, stated that he had full access to all polling stations and that he had not met anyone complaining about any undue pressure. The voters had an absolute freedom of choice, according to Mr Yarov. He also praised the efficient organisation of the election.¹⁸
25. The Special Representative of the Russian President for ensuring human rights in the Chechen Republic, Abdul-Khakim Sultygov, stated that the turnout “exceeded the most optimistic forecasts”. After having visited several polling stations with representatives of some Chechen human rights organisations, Mr Sultygov stated that “the voting was free and [that] there was no pressure on the voters”.¹⁹
26. The head of the Russian Presidential Commission of Human Rights, Ms Ella Pamfilova, stated the following [unofficial translation]: “Those who participated in the election [...] hope for the establishment of political structures, for the establishment of law and order and for there to be someone to demand accountability from. For me, this is the *raison d’être* of these elections”.²⁰
27. An observer from the Council of Muftis of the Russian Federation, Ismail Shangareyev, noticed that people had voted with joy and that he had witnessed no irregularities.²¹

¹⁶ Itar-Tass, 5 October 2003.

¹⁷ Russian Ministry of Foreign Affairs, Edinaya Novostnaya Lenta, 7 October 2003.

¹⁸ Interfax, 5 October 2003.

¹⁹ Interfax, 7 October 2003.

²⁰ Vesti.ru, 5 October 2003.

²¹ Pervy Kanal, 5 October 2003.

28. A correspondent of the German newspaper *Frankfurter Rundschau* reported on incidents with ballot boxes already full of ballots when the voting started. According to the correspondent, representatives of the presidential candidate Abdulla Bugayev had not been given proper access to the ballot boxes and these were stored after the election, opening up for potential manipulation. In yet another incident, a by-standing policeman was reported to have counted a total of 700 voters in a Grozny polling station (Staropromyslovsky district), whereas the election officials stated that almost 2,000 people had voted at the end of the day.²²
29. Another candidate in the election, Shamil Burayev, claimed that voting by proxy was very common and that certain people had cast as many as ten ballots without even having to show the passports of those in whose name they voted. Mr Burayev also claimed that his representatives had not been given due access to some polling stations in the Kurchaloy district.²³
30. The correspondent of *Vremya Novostey* reported that most polling stations he had visited had not kept a transparent and public track of the correlation between people turning out to vote and people entitled to vote. It reported that the names of voters on many occasions were added on a blank list, making it possible for anyone to come and vote at that particular polling station.²⁴
31. The Moscow Helsinki Group (MHG), which was present in Chechnya with six representatives on an informal basis, stated that election day had been calm but questioned the high official turnout. They also highlighted as suspect that not a single vote, according to official figures, had been cast “against all” or in favour of Mr Kadyrov’s rivals in two constituencies in the Grozny rural district, where over a thousand ballots had been cast in total.²⁵ The MHG reported in addition that representatives of the presidential candidate, Abdulla Bugayev, had been denied due access to polling stations in the districts of Shali, Gudermes, Urus Martan and Nadterechny.

²² Frankfurter Rundschau, 6 October 2003.

²³ Nezavisimaya Gazeta, 6 October 2003.

²⁴ Vremya Novostey, 6 October 2003.

²⁵ At the 66th polling station (UIK Bekart-Yurtovskaya) and the 95th polling station (UIK Datchu berzoevskaya) in the Grozny rural district, 2,387 people cast their votes in total, according to official figures. Of these, one hundred percent (100%) voted for Kadyrov. See The Moscow Helsinki Group, “Prezidentskiye Vybory v Chechne – Pravosazhitny Monitoring”, No. 5, 9 October 2003.

32. As regards the monitoring of the Chechen republican print media, the MHG reported that all candidates had indeed been visible and that the tone in the coverage had been restrained in the run-up to the presidential vote.²⁶

33. Less is known about the republican television in the run-up to the election. However, in an interview, the head of the Chechen Radio and Television Company, Beslan Khaladov, complained about the lack of interest among Kadyrov's rivals to make use of the free airtime they had been offered.²⁷

b. Statements by the European Union, the OSCE Chairman-in-Office and the U.S. State Department

34. The Presidency of the European Union expressed serious concern regarding the conditions in which these elections were held. Nevertheless, it expressed hope that the political settlement process in the Chechen Republic continues, that commitments will be followed by their implementation and that an immediate, significant improvement of the human rights situation in Chechnya will bridge the division between the authorities and the population.²⁸

35. The Dutch OSCE Chairman-in-Office, Jaap de Hoop Scheffer, stated that the election had lacked pluralism, but he hoped that the "new authorities [would] pursue an active policy of dialogue and reconciliation". He also regretted that the OSCE did not send observers to the election, adding that the invitation had been received late.²⁹

36. A spokesperson for the U.S. State Department, said that the Chechen election "fell short of its potential for producing a positive democratic outcome".³⁰

²⁶ "Presidential Elections in Chechnya", Moscow Helsinki Group, Bulletin 2, 26 September 2003.

²⁷ Izvestiya, 2 October 2003.

²⁸ See EU website: <http://www.europa.eu.int>, press release No 13993/03, 8 October 2003.

²⁹ Statement on the occasion of the annual OSCE conference on the human dimension held in Warsaw on 6 October 2003. Quoted by AFP and BBC.

³⁰ Quoted by AFP, 6 October 2003.

c. Recent Statements by the President-elect

37. Already on election day, Akhmad Kadyrov stated in front of journalists in his home village of Tsentoroy that:
- i. there would be no negotiations with Maskhadov;
 - ii. the status of Chechnya within the Russian Federation has been definitely decided;
 - iii. a political commission would be created after the election investigating the unlawful usurpation of power in the Chechen-Ingush Republic in 1991 and other crimes committed since then – in particular abductions;
 - iv. he regretted the absence of the Council of Europe Parliamentary Assembly in Chechnya on election day.³¹
38. In an interview given to the Russian newspaper *Kommersant*, the President-elect elaborated on his achievements and plans for the future. As a main achievement, he mentioned the transfer of power from local military structures to local heads of administration. Mr Kadyrov also highlighted his increased independence in appointing Chechen officials and made clear that he, as an elected president, would make sure that local heads of administration are completely loyal to him. “I will be even tougher [in this respect]”, the President-elect declared.³²
39. In the same interview, Mr Kadyrov stressed the importance that Chechens assume the main responsibility for the oil production in the republic.
40. Mr Kadyrov also stated that he would recommend a reduction of the federal forces currently deployed in the Chechen Republic.³³ He lamented the lack of coordination between different security organs active in the republic. In his opinion, the Chechen Ministry of Interior should have all other security organs in Chechnya under its control.

³¹ Vesti.ru, 5 October 2003.

³² Kommersant, 7 October 2003.

³³ According to Mr Kadyrov, only those troops with Chechnya as their permanent place of deployment should stay in the republic (in particular the 42nd Division of the Ministry of Defence and the 46th Brigade of the Interior Ministry of the Russian Federation). Strana.ru, 10 October 2003.

41. At a press conference in Moscow on 10 October, the President-elect declared that the reconstruction of the Chechen economy requires that the republic enjoy extraordinary economic privileges at least until 2010.³⁴ A bilateral power-sharing agreement between the federal centre and the Chechen Republic is currently being discussed by a special commission set up by the President of the Russian Federation.
42. As regards the overall situation in the republic, the President-elect stated that it has improved since 2001, but that “people continue to disappear”. He also said that the family of the former Chechen leader Dzhokhar Dudayev is welcome to return to Chechnya and that rebel leader Aslan Maskhadov ought to be held responsible in a court rather than eliminated. The President-elect also spoke out in favour of a future reunification of the Chechen and Ingush Republics.³⁵

d. Future elections in the Chechen Republic

43. Elections to the Russian State Duma will be held on 7 December 2003. In mid-October, nineteen people had stated they intend to run for the Chechen seat in the State Duma, according to the Chechen Electoral Commission.³⁶ The current holder of the Chechen seat in the Duma and former presidential candidate, Aslambek Aslakhonov, was appointed advisor on southern Russian affairs to President Putin in September.³⁷
44. The head of the Russian Central Electoral Commission, Alexander Veshnyakov, has mentioned 14 March 2004 as a possible date for Chechen parliamentary elections.³⁸ As of now, legislative power in Chechnya is exercised by the Chechen State Council.

³⁴ RIA Novosti, 10 October 2003 and Gazeta.ru, 10 October 2003.

³⁵ Strana.ru, 10 October 2003. On 13 October, the Ingush President Murat Zyazikov stated that a reunification of the Chechen and Ingush Republics must be decided through a referendum, but that the question is prematurely raised (Itar-Tass).

³⁶ Among these, Akhmar Zakayev (member of the Russian Federation Council), Salambek Maigov (former Maskhadov-spokesperson in Moscow), Malik Saidullayev (former Chechen presidential candidate), Milan Saidullayev (brother of the former presidential candidate), Usman Masayev, Ruslan Zakriyev, Ruslan Martagov, Makka Naurbiyeva (schoolteacher), Alavdi Musayev (lawyer) and Ibragim Suleymanov (Deputy Head of the Chechen military district). See Infocentre.ru, 2 October 2003 and Interfax, 13 October 2003.

³⁷ Interfax, 12 October 2003.

³⁸ RIA Novosti.

IV. THE OFFICE OF THE SPECIAL REPRESENTATIVE

45. According to the information provided to the consultative experts on 2 October 2003 by 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, 530 complaints have been registered by the Office from April to August 2003. Of these complaints, 160 concerned missing people. During this period, 264 complaints were forwarded to prosecuting bodies.
46. As regards missing people, 160 complaints were lodged from April to August 2003 (33/month).³⁹ In 2000, 390 applications regarding missing people were lodged with the Office (33/month). In the year 2001, the figure was 535 (45/month). During the ten first months of 2002, 643 applications were lodged regarding missing people (64/month).
47. According to the Chechen Deputy Prime Minister, Movsar Khamidov, 338 people were abducted in Chechnya from January to August 2003 (42 people/month).⁴⁰
48. Mr Sultygov also informed the experts that an agreement has been reached with the military Prosecutor's Office opening up for a presence by the latter at the Office's premises when people file complaints. The consultative experts had previously highlighted that many Chechens complain about the perceived inaccessibility of the military prosecutors.
49. Mr Sultygov further informed that the Joint Working Group (formalised meeting between the Office and the prosecuting bodies) convened in the district of Urus Martan on 20 June 2003 in order to discuss local issues related to abductions, cooperation between military and civilian prosecutors as well as the ongoing process of issuing passports to the population.
50. According to the Special Representative, his staff has been regularly trained in human rights in Rostov-on-Don from April to August 2003. The Office assisted in the setting-up of the "Council of Human Rights organisations in the Chechen Republic" uniting a high number of Chechen NGOs. A "Monitoring Council" was also created consisting of members of Chechen human rights organisations. The primary goal of this body is to exercise civilian control over the electoral process.

³⁹ In January 2003, the Office received 63 applications on abductions.

⁴⁰ Itar-Tass, 29 August 2003.

V. HUMAN RIGHTS AND THE RULE OF LAW

a. The amnesty

51. According to the latest figures of the Chechen prosecutor's office, 204 people, including former rebels and Russian military and law-enforcement officers have been amnestied in Chechnya . Official Russian sources estimate the number of active rebels in Chechnya at around 2,000 and 3,000.⁴¹

b. Court decisions and proceedings

The Budanov case

52. On 6 October Russia's Supreme Court upheld the ten-year sentence against Yuri Budanov. On 25 July the North Caucasus military district court had found Colonel Budanov guilty of kidnapping and murdering of a Chechen woman and sentenced to ten years of imprisonment.

Case of Shamayev and 12 others v. Russia and Georgia in the ECHR (No.36378/02)

53. On 16 September 2003 the European Court of Human Rights declared the application of thirteen people of Chechen origin admissible.⁴²
54. The applicants were arrested by Georgian border police at a checkpoint in the village of Girevi in August 2002 and charged with illegally crossing the state border and unlawfully possessing and trading in firearms.
55. On 2 October 2002 the applicants had lodged a complaint with the ECHR, challenging that their extradition to the Russian Federation, where capital punishment has not been abolished, exposes them to a real risk of death or torture, in breach of Articles 2 (right to life) and 3 (right not to be subjected to torture or inhuman or degrading treatment or punishment) of the Convention. They further complain under Article 5 §§ 1, 2 and 4 (right to liberty and security), Article 13 (right to an effective remedy) and Article 6 §§ 1 and 3 (right to a fair trial).

⁴¹ Interfax, 1 September 2003 and RIA Novosti, 14 August 2003.

⁴² See Council of Europe website: www.coe.int, press release No 446a (2003), 16 September 2003.

Appendix I**Programme of Cooperation in the Chechen Republic**
State of implementation as of 13 October 2003Activities implemented so far

1. **Training in Good Practice in Electoral Matters**
4-6 March 2003, Magas, Ingushetia.
2. **Human rights seminar for students from the University of Grozny**
10-12 April 2003, Nazran, Ingushetia.
3. **Human rights training of staff of law enforcement agencies, local police and prison staff**
 - Needs Assessment Mission, 24-26 April 2003 in Nazran, Ingushetia.
4. **Assessment and expert assistance in promoting republican, municipal and local government and self-government and training of civil servants, elected representatives and officials based upon the European Charter of Local Self-Government**
 - Needs Assessment Mission on local democracy, 13-15 May 2003 Nazran, Ingushetia
 - Follow-up activity: study visit to the Republic of Mordovia for Deputy Heads of 18 (out of 21) District Local Government of Chechnya, 27-29 August 2003.
5. **Development of a psychosocial rehabilitation and reintegration programme for women-widows and children-orphans in residential care and places of temporary accommodation. The programme includes the training of professionals in psychosocial counselling**
 - Seminar, 27-29 May 2003, Nazran, Ingushetia.
6. **Training in Good Practice in electoral matters and code of conduct of electoral campaign for electoral teams of presidential candidates**
11-12 September 2003, Moscow.

Activities to be implemented by the end of 2003

7. **Human rights library in the University of Grozny**
 - Training of three librarians from the Grozny State University, 3-7 November 2003, Strasbourg.
8. **Human rights seminar for students from the Chechen State University**
Nazran, Ingushetia, (dates to be determined).
9. **Assessment and expert assistance in promoting republican, municipal and local government and self-government and training of civil servants, elected representatives and officials based upon the European Charter of Local Self-Government**
 - Training seminar for 50 participants, Nazran, Ingushetia (dates to be determined) – *follow-up to activity n° 4.*
10. **Human rights training of staff of law enforcement agencies, local police and prison staff**
 - Seminar: Nazran, Ingushetia (dates to be determined)
– *follow-up to activity n°3.*