



# Information Documents

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**Seventeenth 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 20 January to 28 February 2002**

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1. This is the 17th interim report by the Secretary General on the activities of three consultative experts of the Council of Europe working with 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 (hereinafter, “the Office of the Special Representative”).
2. The experts, Ms Eva Hubalkova, Mr Thomas Kattau and Ms Marine Trévisan, continued their consultative work in the Office of the Special Representative.
3. In January, the experts worked in the Office in Znamenskoye dealing with applicants and administrative matters. They noticed an increase in the number of lawyers, particularly from Grozny and Gudermes, coming to the Office with applications containing allegations of violations of their rights, including ill treatment during arrest and detention of their clients. In addition, having regard to the fact that the number of solved cases is also growing, the experts set up a separate archive to stock finalised cases. The experts consider that the increasing number of lawyers who address them directly is a visible sign of the experts’ credibility and confidence the lawyers have in them.
4. The experts noted an increase in comments from lawyers in Chechnya concerning the role of the NGO Memorial. Some said that the degree of credibility and effectiveness Memorial has accomplished over time is not maintained in all aspects of the work anymore. Some lawyers feel that the support Memorial had rendered them in human rights-related matters was already fading in certain cases.
5. Due to the broken windscreens of the experts’ armoured vehicles, I was forced to recall them to Strasbourg on 28 January 2002. The damage, which was a result of the extreme road and climatic conditions in the region, severely diminished the bullet-proof protection, thus potentially endangering the lives of our experts. In this context it should be noted that the Prosecutor of the Chechen Republic, Mr Vsevolod Chernov, narrowly survived an assassination attempt thanks to his car's bullet-proof windscreen on 26 February 2002.
6. After their return to Strasbourg, the experts maintained close and daily contact with the Special Representative and his offices in Moscow and in Znamenskoye to follow the ongoing work and the most recent developments in the Chechen Republic. They also monitored developments in the region using media reports, as well as reports received from different NGOs (Memorial, MSF, Human Rights Watch, Prague Watchdog etc.).

7. Whilst in Strasbourg, the experts prepared a list of human rights cases which have been lodged with the Office of the Special Representative and are closely followed by them, as well as within the framework of the Joint Working Group with the Prosecutor's Office. (See Appendix I).

#### SECURITY SITUATION

8. The security situation in the Chechen Republic remains difficult. The reported crashes of four military helicopters, with heavy casualties, as well as the assassination attempt on the Prosecutor of the Chechen Republic contributed to a noticeable increase of tension and fear. Mass media and staff from the various branch offices of the Office of the Special Representative reported repeated bombings and attacks on federal forces in Gudermes, Grozny and other places.
9. The situation in Znamenskoye itself remains relatively calm in comparison with other districts.
10. Major anti-terrorist operations by the federal forces took place in Argun and Tsotsin-Yurt during the month of February. The official aim of these operations is the search for arms and alleged terrorists.

#### PROSECUTORS AND JOINT WORKING GROUP (JWG)

11. Information on the activities and investigations of the Military Prosecutor's Office during anti-terrorist operations in Chechnya was distributed on 21 February 2002 at the 784<sup>th</sup> meeting of the Deputies.  
The next plenary meeting of the JWG has not yet been scheduled. However, daily contacts in the branch office in Grozny continue.

#### POLITICAL SITUATION

12. At the beginning of February 2002, a draft Constitution for the Chechen Republic was presented to the Chechen Consultative Council as a "Kadyrov draft". The President of the Association of Chechen lawyers, Mr Mussak Vagapov, was appointed Chairman of the Constitutional Drafting Commission.
13. A meeting of the Security Council of the Russian Federation took place on 27 February 2002 in Moscow relating to the state and prospects for resolving the situation in the Chechen Republic. On this occasion President Putin addressed the Security Council (see Appendix II). The Head of the Chechen Administration, Mr A. Kadyrov, and the Head of the Chechen Government, Mr S. Iljasov, also participated in the meeting.

## IDPs, REFUGEES, MISSING PERSONS

14. Some NGOs (in particular Prague Watchdog and Memorial) have reported on missing persons as a result of the special operations in Tsotsin-Yurt and Argun. The office in Znamenskoye and the sub-office in Argun have already received complaints, which are dealt with as a matter of priority. The Special Representative's Office in Moscow is addressing the issue with the ministries involved and the General Prosecutor's office.
15. The situation of some 7, 000 refugees from Chechnya in Georgia was discussed between Russia and Georgia, in order to organise their voluntary return. The Deputy Emergencies Minister of the Chechen Republic, Colonel Valery Yeshchenko, announced that units of this ministry are ready to start transportation of refugees from Georgia's Pankisi gorge back to the Chechen Republic as soon as weather conditions allow.
16. The Chechen administration plans to remove all tented camps in Chechnya by summer 2002. 15 000 IDPs will be accommodated in eight temporary centres in Grozny. The Head of the Chechen Government, Mr Iljasov, announced that 5,000 people from the tented camps in the Nadteretchny district would move house to Grozny and Gudermes by the end of March 2002. According to him and the Russian media, on 25 February 2002, the first 105 IDPs from Znamenskoye arrived in Grozny at the temporary accommodation centre in the Staropromislovsky District.

## OFFICE OF THE SPECIAL REPRESENTATIVE

17. On 28 February 2002 the Council for the Protection of Human Rights in Chechnya held a meeting, chaired by Mr L. Khasuyev, Head of the Office in Znamenskoye. "Memorial", "Civil assistance", "Chechen Committee for National Salvation", "Echo of war", "My land" and other local NGOs participated in the meeting. General Pavlenko, the acting Military Commander of the Chechen Republic, Mr Chernyaev, First Deputy of the Prosecutor of Chechnya, Mr Kolomietz, Military Prosecutor of Chechnya, the FSB and the Ministry of the Interior represented the federal forces. The agenda included the control by the Prokuratura of "special operations" of the federal forces and the conditions of detention of detained persons, as well as the results of the search for missing persons and the inevitability of punishment of crimes committed against the Chechen population.

The main results of the meeting could be summarised as follows:

- In order to improve the control by the civilian authorities over the “special operations”, the Prosecution and the Military Command in Chechnya are drafting a new regulation concerning the “special operations”. The NGOs will have the opportunity to comment on the chapter of the draft dealing with the relations between the federal forces and the local citizens. The new regulation is expected to enter into force by April-May 2002. This will also contribute to filling the legislative gaps in the legal basis for the “special operations” of the federal forces.
  - The status of the so-called “filtration points” where people are brought for identity check-ups remains a question of serious concern. The use of such places or facilities is not based on any legal document. Further action in this respect is required.
  - Concerning the prosecution of members of the federal military forces for violations of the rights of the local population the prosecutors reported that in 2001-2002 twelve servicemen have been charged in court for murder. In connection with the operation in Tsotsin-Yurt (30 December 2001-3 January 2002) seven criminal cases for robbery have been initiated against servicemen. Three separate criminal cases are dealing with missing persons and murder.
18. At the end of February the Chief Military Prosecutor, General M. Kislitsin, issued an order to ease the procedure for citizens to lodge complaints to the military prosecutors. Under the previous procedure the applicants were put on a waiting list and the military prosecutors had to undergo a complicated co-ordination procedure.

#### OSCE ASSISTANCE GROUP (AG)

19. The new Head of the AG, Ambassador Jorma Inki, arrived in Znamenskoye to take up his duties at the beginning of March 2002.

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## **Human Rights Cases followed closely by the Experts Status Report as of 24 February 2002**

### **Excessive shelling and shooting in Noviye Enikali (March 2000):**

The investigation is continuing. According to Mr Chernov, Chechen fighters attacked the federal troops from the living quarters of the village. It had been established that one of the people killed belonged to the armed resistance groups. Additional information is said to be available shortly.

### **Shelling of Grozny University (December 2000):**

The investigation by the Military Prosecution is going on. The matter will be reported on at the next meeting of the Joint Working Group (JWG).

### **Misbehaviour of the temporary police forces in the Oktyabrskiy District of Grozny in autumn-winter 2000-2001:**

Prosecutor Chernov re-affirmed that this was a priority case for him and that an investigation was under way. Some of the suspects are on the run.

### **Mass grave in "Zdorovye" (February 2001):**

24 bodies have been identified. The investigation continues slowly. According to Prosecutor Chernov, the identification of the bodies is difficult. Some of the corpses discovered in "Zdorovye" were there before the military operations started in 1999.

### **Ten missing persons in Alkhan-Kala after the mop-up operation on 28 April 2001:**

The investigation continues.

### **Mop-up operation in Assinovskaya and Sernovodsk on 1-2 July 2001 and in Kurchaloye on 15-16 June 2001:**

The work of the investigators continues under difficult and dangerous conditions in the district. According to Mr Chernov, few witnesses are willing to contribute to the search of truth in fear of their safety.

All servicemen involved in the operation have now been identified and the investigation continues.

### **Killing and mutilation of a teenager and a young woman near Komsomolskoye in the Gudermes District on 27 October 2001:**

Two suspects have been arrested and are under investigation.

**Mop-up operation in Grozny University on 12 November 2001:**

At the university, a meeting was convened including the Chancellor, Vice-Chancellor, academic staff and students. The experts were informed about a mop-up operation inside the university on 12 November. Staff and students accused the military troops which conducted the operation of serious violations. It was said that physical violence was exerted on students and professors alike and six people arrested, including a 14-year-old minor. According to Mr Chernov, the operation had been organised by the FSB after receiving information about a meeting of terrorist group members. Out of the six people arrested and detained, only one was a student. The issue will be addressed during the next JWG meeting.

**Adam Abubakarov:**

A letter from Viareggio / Italy addressed to Mr V. A. Kalamenov, dated 20 November 2001, was received on 24 December 2001. The letter was signed by 135 people (5 pages) and included eight letters from across Italy (without dates) with 311 signatures. The appeal concerns an Adam Abubakarov. He is 17 years old and was arrested in February 2000 in Urus-Martan, accused of being a rebel. He was brought to a "filtration" camp where allegedly he was tortured and mistreated. Despite his arrest he was never formally charged with an offence or formally investigated. The Office lodged a complaint in June 2000. Follow-up letters were sent but up until mid-February there has been no response. The matter will be addressed during the next JWG meeting.

**Mop-up operations in Tsotsin-Yurt:**

From 30 December 2001 - 3 January 2002 the town of Tsotsin-Yurt near Argun was subjected to a broad mop-up operation. On 21 January a group of over 100 residents from Tsotsin-Yurt arrived at the Office and complained about killings, assaults, mass arrests and looting during the operation by federal troops. Soldiers were said to have raped girls and women to provoke the men into resistance. The people from Tsotsin-Yurt reported that soldiers requested RUR 5,000 – 7,000 for the release of arrested men. Mr L. Khasuyev, Head of the Office in Znamenskoye, spoke with a delegation of nine and then addressed the group at large. On the same day Mr Khasuyev filed a complaint with Prosecutor Chernov and informed Mr Kalamenov in Moscow. The matter will be addressed during the next JWG meeting.



**MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION**

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**DAILY NEWS BULLETIN**

**February 28, 2002**

**Speech by Russian President Vladimir Putin at a Security Council Meeting, the  
Kremlin, Moscow, February 27, 2002**

Good afternoon, esteemed colleagues.

On our agenda is the question relating to the state of and prospects for resolving the situation in the Chechen Republic. We will today be considering military and political and socioeconomic problems. But in the first place, of course, we are to discuss security and law and order there.

Today it is possible to speak of a serious stabilization of the situation in Chechnya, mass actions by gunmen being practically ruled out. Yet as before we face the tasks of neutralizing the leaders of bands and suppressing the channels of arms supply and financing, as well as the transfer to the Chechen Republic's territory of foreign mercenaries, including from contiguous territories.

Also substantial is the question of providing timely supplies to the group of federal forces in Chechnya.

The next complex of questions is socioeconomic. Here there has been progress distinguishing, I would say, the last year as well. Wages, pensions, and other social benefits are being regularly paid. Health care, educational and cultural projects have been contemplated and brought into service. As of now, about 60,000 new jobs have been created.



Yet on a whole series of items a serious lag has still been observable. Restoration and building work remains a substantial problem. With the reasonable organization of construction several thousand more jobs could have been created, thus making a step forward in dealing with one of the most serious and acute problems - employment in Chechnya. Furthermore, the financial flow to Chechnya was most uneven, and the reports on the fulfilment of points of the plan not infrequently turned out far removed from reality.

It is obvious that unemployment, the poor condition of the social sphere and economic stagnation are in no way conducive to the establishment of order in the republic. This does not help either the federal bodies of power and administration or the republic's bodies of power that are just getting on their feet.

I suppose that the main source of problems is the now operating scheme of financing. We have held long discussions, arranging matters and I think there are still more things that need to be further spoken of as well as improving. The money seems to go to Chechnya in a maze-like fashion through a host of agencies, and banking structures. Entirely different entities are responsible for the ultimate use of the funds and the slow pace of work.

The government, first of all the Ministry of Finance and the Federal Treasury, should promptly develop an effective scheme of financing to exclude both abuses and schedule disruptions.

The third set of questions is problems that relate to the possibility of political settlement. Of course, it is directly associated with the process of disarming the bands. But of tremendous significance is the process of finishing the building of the bodies of power of the republic and ensuring their effective operational functioning, of training staff from among the local population. The courts, prosecutor's office, and other law enforcement bodies are already operating in the republic now. It is very difficult to accomplish this task. On the whole, none the less, it is being accomplished quite successfully.

But a normal life in Chechnya cannot be restored through the efforts of federal authority alone. In accordance with the Russian Constitution there must operate in a subject of the Federation both local self-government and a system of republican organs, including law enforcement bodies. For their full-fledged activities an appropriate regulatory base is necessary. We know that they are discussing the question of a constitution in the republic now - a difficult question it is, but I think absolutely timely. Basic conditions for transition to the solving of peacetime tasks - I repeat, only basic - have been created and the aspirations of the people of Chechnya for stability, based on constitutional order, are evident. I think that we should pay due attention to this process.

In addition, it is already necessary to look far ahead now. After the constitution has been approved not only order in relations with federal structures should be restored in the republic, but also democratic election procedures.

A very important matter - information work. In sixteen districts of the republic the broadcasting of federal channels, including ORT and RTR, has been organized. The work of the republic's radio and reception of central radio stations have been resumed. District and city newspapers are being published. At the same time the information vacuum here is still being filled extremely slowly. How many times have we discussed this, how many times at all levels and in different compositions have we spoken about it. Very slowly this task is being solved. Information work is also lacking in the zone of counter terrorist operations.

Finally, one more important job for the republic is migration processes. The return to Chechnya of forced migrants, particularly from the camps in Ingushetia is an essential precondition for the restoration of political and social life. And not only from Ingushetia, but also from abroad, including from Georgia. Our agencies came into contact with the Georgian colleagues. However, they have encountered the fact that right now the Georgian side was not ready to provide necessary information. I very much hope that the cooperation evolving in this sphere with the Georgian colleagues by our power agencies and Emergency Situations Ministry, which must be concerned with this problem, will continue and in the end lead to positive results. In each area of work by authority in the Chechen Republic there are still outstanding issues and problems, and today I would ask you not only to identify the sore spots, but also to come up with concrete proposals that can rectify the situation.

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