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Twenty-ninth 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 21 June to 16 September 2003

I. INTRODUCTION

1. On 4 July 2003, the mandate of the Council of Europe staff members 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 was prolonged until 4 January 2004.
2. This is the 29th interim report by the Secretary General covering the activities of the three consultative experts, Mr Rikard Barkeling, Ms Estelle Steiner and Mr Martin Zeman, appointed for the period 4 July 2003-4 January 2004.¹
3. 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.
4. During the above-mentioned period, the newly appointed experts have been following developments in the Chechen Republic mainly through Russian language media. Special focus has been given to the forthcoming presidential election.
5. The implementation of the additional tasks, agreed upon by exchange of letters between the Council of Europe Secretary General and the Russian Minister of Foreign Affairs, has continued. In this context, training in good practice in electoral matters for electoral teams of presidential candidates was held on 11-12 September 2003 in Moscow. A study visit to the Republic of Mordovia for the deputy heads of eighteen Chechen districts was also organized with a view to promoting local self-government.

II. ASSESSMENT OF THE CURRENT SITUATION IN THE CHECHEN REPUBLIC

a. Security situation

6. The situation in Chechnya has worsened over the last few months, with violence – including suicide bombings, abductions and killings – spreading to neighbouring republics of the Russian Federation. According to the Special Representative of the Russian President, Abdul-Khakim Sultygov, the situation might deteriorate in the run-up to the presidential election on 5 October.

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).

7. Among the most deadly incidents affecting neighbouring parts of the Russian Federation, the following can be mentioned:

- a suicide attack carried out by two female suicide bombers (one of them reported to be Chechen) during the Krylya rock festival in Moscow (Tushino airfield) on 4 July. Sixteen people, including the suicide bombers, died and around 30 were injured.²
- an explosion on 17 July in the neighbouring Republic of Dagestan in which five people, among them two civilians, were killed and 30 injured outside the Ministry of Interior. The republican Minister of Interior blamed radical Islamists for wanting to destabilise the situation in the Republic.³
- a suicide bombing carried out against a military hospital in Mozdok (North Ossetia) on 1 August. Fifty people reported killed and 82 injured. Chechen rebels were believed to be behind the attack.⁴
- the abduction on 22 August of five patients of Chechen origin in an Ingush hospital by over 20 masked gunmen.⁵
- the explosion on 3 September on a train between Kislovodsk and Mineralnye Vody in the southern Russian Stavropol region, in which 4 people were killed and 92 wounded.⁶
- a powerful explosion on 15 September hit the headquarters of the Federal Security Service Department in Magas, the capital of the southern republic of Ingushetia, near Chechnya. A car packed with explosives detonated near the building⁷ killing two and injuring 30 people.

² Interfax, 4 July 2003.

³ Itar-Tass, 17 July 2003.

⁴ Ria Novosti, 1 August 2003; see also Secretary General's press release, 2 August 2003.

⁵ Itar-Tass, 22 August 2003.

⁶ Ria Novosti, 3 September 2003.

⁷ Interfax, 15 September 2003.

Monitoring of incidents reported in the Chechen Republic

8. Whilst staying in Strasbourg, the experts have monitored a number of Russian language internet sources in order to get a picture of the security inside the Chechen Republic. This monitoring shows that the most dangerous parts of the Chechen Republic remain the south-eastern districts of Vedeno, Shali and Nozhai Yurt. Most people reported killed during the summer have been either servicemen or rebels engaged in regular fights in the south-eastern corner of the republic. In Grozny, the big risk is remote-controlled roadside bombs. Very few incidents are reported from the northern districts.
9. According to the experts' monitoring, 18 people were reported killed (2 in Grozny) and 72 reported injured (41 in Grozny) in 14 reported incidents in the Chechen Republic from 21 June to 30 June. In July 2003, 141 people were reported killed (21 in Grozny) and 107 reported injured (10 in Grozny) in 79 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.

The amnesty

10. The latest "Chechen" amnesty expired on 1 September. 143 rebels have been amnestied since the State Duma passed the amnesty law on 7 June, said Duma Deputy Pavel Krachennikov. According to the Military Prosecutor of the Federal Forces in the Northern Caucasus, 252 federal servicemen have been amnestied.⁸ Official Russian sources estimate the number of active rebels in Chechnya at around 2,000 and 3,000.⁹
11. The Duma will consider the possibility of prolonging the amnesty three more months, as proposed by Akhmad Kadyrov.¹⁰
12. Some critics claim that the amnesty has been virtually meaningless since it does not apply to fighters who have been involved in deadly clashes with the Russian forces.¹¹ Others say that the current amnesty has failed to reach its goal given the small number of rebels having handed in their weapons.¹²

⁸ Itar-Tass, 8 September 2003.

⁹ Interfax, 1 September 2003; Ria Novosti, 14 August 2003.

¹⁰ Itar-Tass, 1 September 2003.

¹¹ Itar-Tass, 1 September 2003.

¹² Russia Journal, 3 September 2003 and Newsru.com, 2 September 2003.

Missing persons

13. According to the Chechen Minister of Interior, approximately 380 people have disappeared in the Chechen Republic since the beginning of 2003. Of these, 84 have been found dead.¹³ Both rebels and individual servicemen of the security organs are thought to be involved in the disappearances.

The Budanov case

14. On 25 July, Colonel Yuri Budanov was found guilty of kidnapping and murdering a Chechen woman and sentenced to ten years of imprisonment. He is the highest-ranking Russian soldier to be convicted of a crime against a civilian in the recent Chechen wars. The military board of the Russian Supreme Court will consider the Budanov's appeal on 11 December this year.

Military command

15. The formal handover of federal military command in the Northern Caucasus from the FSB to the Minister of Interior was completed on 1 September. Federal Minister of Interior, Boris Gryzlov, said that from now on the "counter-terrorism operation" in Chechnya will be officially referred to as "an operation to protect law and constitutional order". His deputy, Rear Admiral Yury Maltsev, has been put in charge of operations in Chechnya.¹⁴

b. Situation of the Chechen Internally Displaced Persons (IDPs)

In Ingushetia and Chechnya

16. As of 31 August, about 80,000 Chechen IDPs in Ingushetia were registered for assistance in the database of the Danish Refugee Council, including 12,000 people living in five tent camps, nearly 24,000 people in temporary settlements and over 43,000 people with private accommodation¹⁵.

¹³ BBC Russian, 18 August 2003.

¹⁴ Newsru.com, 1 September 2003.

¹⁵ UN Office for the Coordination of Humanitarian Affairs (OCHA).

17. In July, 2,200 IDPs returned to Chechnya with the assistance of the Chechen Forced Migrant Committee, many to the recently opened Temporary Accommodation Centres (TACs) in Grozny. During the same period, the UNHCR NGO partner Vesta, reported 228 arrivals from Chechnya to Ingushetia. In August, 1,675 IDPs returned to Chechnya, whereas 262 arrivals from Chechnya were reported.¹⁶
18. In August, *Médecins Sans Frontières*, the UNHCR and Amnesty International expressed concern that IDPs are being sent back from tent camps in Ingushetia to the Chechen Republic against their will and without security guarantees.¹⁷ Rumours of possible electricity and gas cuts reported by OCHA preceded the decision announced mid-August to close and remove the five tent camps remaining in Ingushetia (Bella camp in Sleptsovskaya village, Avtodor camp near Karabulak, Alina Camp, Sputnik camp and Satsita camp in Ordzhonikidzevskaya village) by 1 October.¹⁸
19. In a letter to the President of Ingushetia, 788 refugees from the Bella Camp complained that a delegation from the Russian Interior Ministry had informed them officially that the camp would be closed and that they should either return to Chechnya or move to one of the 124 residences set up for them elsewhere in Ingushetia.¹⁹ The number of IDPs in the Bella camp decreased from 3,200 IDPs in January 2003 to 930 as of today.
20. The authorities denied allegations of pressure on IDPs, assuring that any returns to Chechnya would be voluntary. They have also promised that lodging would be provided in Ingushetia for those who do not wish to leave. NGOs insist that IDPs be fully informed about the conditions of their return and have access to viable alternative shelter in Ingushetia – if they choose to stay – or elsewhere in the Russian Federation.
21. As far as housing is concerned, twenty-two Temporary Accommodation Centres (TACs) (14 in Grozny), housing 21,000 people, are operational in Chechnya. Five more centres are to open before the end of September. Yet, some 200 Chechen IDPs returning from the Bella camp were forced to sleep on the streets of Grozny over the weekend of 10 August, despite promises that they would be given accommodation if they returned to Chechnya.²⁰

¹⁶ UN Office for the Coordination of Humanitarian Affairs (OCHA).

¹⁷ See their respective press releases of 9 August, 18 August and 22 August 2003.

¹⁸ See OCHA's note for the file, 8 August 2003.

¹⁹ AFP, 9 August 2003.

²⁰ Moscow Times, 12 August 2003.

22. Amongst the main reasons why many IDPs are reluctant to return to Chechnya, the following can be mentioned: lack of security in Chechnya, lack of economic perspectives, the fear of being struck off the list of people receiving humanitarian aid (for security reasons little humanitarian aid could be provided to people living in Grozny over the past years), poor living conditions and high unemployment, as well as the state of available accommodation in Chechnya.
23. In the framework of the federal reconstruction programme for the Chechen Republic, financial compensations for lost housing (approx. 9,000 euros) and property (approx. 1,500 euros) are to be paid as from 25 September.²¹ The Russian government has earmarked some 29 million euros for this purpose. 3,000 families are on the list of recipients of monetary compensations.
24. In early September, the head of Russia's Central Election Commission, Alexander Veshnyakov, said that polling stations might be set up in Ingushetia for IDPs who have not yet returned to Chechnya by 5 October²², the day of the presidential election.

In Georgia

25. At the start of the second Chechen military campaign in 1999, more than 7,000 refugees fled across the border to the Pankisi Valley. After the US administration said international terrorists had taken refuge alongside Chechen rebels in the Pankisi Valley, the Georgian forces launched a series of raids in August 2002.
26. Heading a Russian delegation to Tbilisi in September 2003, Russia's Federal Minister for Chechen Affairs, Stanislav Ilyasov, spoke to President Shevardnadze and his government about ways to persuade some 3,500 refugees in the Pankisi Valley to return²³.
27. According to Mr Ilyasov, Russia will ensure the security of all the refugees willing to return to Chechnya. He also declared that housing would be provided, that compensation would be paid for lost property and that unemployment benefits would be allocated.

²¹ Ria Novosti, 4 September 2003.

²² Ekho Moskvyy, 5 September 2003.

²³ AFP, 2 September 2003; AP, 3 September 2003.

28. A Georgian-Russian joint commission was set up to work out the details of their repatriation. The representatives of the administrations of five mountain regions of Chechnya are to visit the refugees in late September to describe the situation in the regions and to explain what kind of help they can expect when returning home.
29. Despite harsh conditions, the Chechen refugees in Georgia have so far preferred to move to neighbouring countries such as Armenia rather than to return to Chechnya.

III. THE FORTHCOMING CHECHEN PRESIDENTIAL ELECTION (5 OCTOBER 2003)

30. The Chechen presidential election will take place on 5 October 2003. If no candidate gets fifty percent of the votes, a second tour will be held. The turnout must be at least thirty percent for the election to be valid.²⁴
31. The last day for handing in applications to participate as a candidate in the presidential election was 20 August. According to the Chechen Central Electoral Commission (CEC), eleven individuals handed in complete applications. All these were given status as official candidates once the CEC had checked the signatures collected by the candidate. None of the candidates have been nominated by a party.
32. On 30 August, the Chechen CEC made public the following official candidates:
- Aslambek Aslakhanov (Duma deputy representing the Chechen Republic; **withdrew on 11 September**)
 - Hussein Biybulatov (research institute employee)
 - Abdulla Bugayev (former deputy Prime Minister in Kadyrov-government)
 - Shamil Burayev (former head of administration in Achkoy Martan district)
 - Hussein Dzhabrailov (Moscow-based businessman; **withdrew on 2 September**)
 - Akhmad Kadyrov (head of Chechen administration; acting president)
 - Avkhad Khachukayev (professor at Grozny State University)
 - Nikolay Paizullayev (information officer in Kadyrov-government)
 - Kudus Saduyev (Grozny-based businessman)
 - Malik Saidullayev (Moscow-based businessman; **candidacy invalidated on 11 September**)
 - Said-Selim Tsuyev (deputy commander of Chechen military district)

²⁴ Strana.ru, 5 September 2003.

33. According to the most recent Russian census, the Chechen Republic has approximately 1,000,000 inhabitants.²⁵ The number of Chechen voters is officially said to be 540,000.²⁶ A Chechnya specialist of the Russian polling institute Validata, sociologist Sergey Khaikin, estimates that the census was not well done and that around 200,000 Chechens included in it are in fact “dead souls”.²⁷ If Mr Khaikin is right, this could open up for manipulation of voting results unless extra control measures are taken during the election. The reason is that the voting lists are based on the census.
34. According to the Head of the Central Electoral Commission in Moscow, approximately 40,000 military servicemen *permanently* deployed in the Chechen Republic will have the right to participate in the election.²⁸
35. Some of the presidential candidates have expressed concern for their safety when campaigning in Chechnya.²⁹ The Head of the Federal Electoral Commission, Alexander Veshnyakov, sent a letter to the Federal Security Service (FSB) and to the Ministry of Interior, in this context, asking for extra measures to guarantee the security of the Chechen presidential candidates.³⁰ The head of the Chechen CEC, Mr Abdul-Kerim Arsakhanov, later declared that all official candidates would be provided with personal security.³¹
36. Invitations to monitor the presidential elections have been sent to twelve international organisations, among these, the Council of Europe, the OSCE, the Arab League and the CIS.³²

²⁵ Jamestown/“Chechnya Weekly”, 21 October 2002.

²⁶ Strana.ru, 5 September 2003.

²⁷ The Goskomstat-census conducted in Chechnya is officially said to have been made through visits to households. However, Mr Khaikin of Validata, states he has never met a Chechen who has been visited by the people making the census. He believes that Chechen local administration officials have overestimated the number of inhabitants in their respective districts in order to get increased funding. See Nezavisimaya Gazeta, 30 July 2003.

²⁸ Ria Novosti, 5 September 2003.

²⁹ Nezavisimaya Gazeta, 15 August 2003 and Rossiyskaya Gazeta, 15 August 2003.

³⁰ Invitations sent via the Russian Foreign Ministry. Nezavisimaya Gazeta, 22 August 2003.

³¹ Lenta.ru, 26 August 2003.

³² Interfax, 14 August 2003.

37. The human rights activists of the Moscow Helsinki Group in August declared they intend to send monitors to observe the presidential election on 5 October. Its leader, Lyudmila Alexeyeva, still considers elections to be premature, but decided to send some 300 observers to Chechnya after having been pressured to do so by human rights groups in Chechnya. The Helsinki Group did not observe the Chechen referendum in March 2003.³³
38. One of the officially registered candidates, Hussein Dzhabrailov, withdrew his candidacy on 2 September.³⁴ The Chechen Minister in charge of the Media, Mr Beslan Gantemirov, prior to this, had declared that he wanted to see Mr Dzhabrailov as Chechen President.³⁵ In a recent interview, the Minister had distanced himself from Mr Kadyrov stating that the acting Chechen President enjoys the support of only three or five percent of the Chechen population.³⁶ On 3 September, Mr Gantemirov's Ministry was totally abolished and replaced by another body led by Taus Dzhabrailov (not to confuse with the businessman), who is in charge of Mr Kadyrov's election campaign.³⁷
39. The former Speaker of the Russian Parliament, Ruslan Khasbulatov – a fierce critic of the referendum in March – declared he intended to run for the Chechen presidency³⁸ in late July. However, on 18 August he changed his mind. It remains unclear whether he decided not to run out of political considerations or if he could not provide the Chechen CEC with a complete application in time.
40. Following the dismissal of the Chechen Press Minister Beslan Gantamirov, the Grozny television and radio station that he had launched in March was surrounded by armed security forces and closed down the following day. Journalists loyal to Gantemirov resigned in protest.³⁹ This hampered the election coverage on the first day of campaigning. However, the Chechen authorities claim that election roundtables and commercials will be broadcast as planned on the second Chechen channel instead.

³³ Twenty invited observers were present in Chechnya during the March referendum – among them representatives from the Arab League and the CIS. Strana.ru, 5 September 2003 and Newsru.com, 12 August 2003.

³⁴ Itar-Tass, 4 September 2003.

³⁵ Infocentre.ru, 26 August 2003.

³⁶ Infocentre.ru, 26 August 2003.

³⁷ Itar-Tass, 3 September 2003; Itar-Tass, 19 August 2003.

³⁸ Interfax, 31 July 2003 and Izvestiya, 5 August 2003.

³⁹ Newsru.com, 5 September 2003.

41. Free space to the candidates will be provided on the pages of some republican newspapers.⁴⁰
42. On 11 September, the presidential candidate Aslambek Aslakhanov decided to withdraw his candidacy. Immediately after the decision was taken, Mr Aslakhanov reported that he had accepted an offer by President Putin to become a presidential advisor.⁴¹ On the same day the Chechen Supreme Court decided to invalidate the candidacy of Mr Malik Saidullayev upon a request by the presidential candidate, Mr Nikolay Paizullayev.⁴² Mr Saidullayev has appealed to the Supreme Court of the Russian Federation against this decision.⁴³ Mr Aslakhanov and Mr Saidullayev were thought to be the most well-known and popular rivals to Mr Kadyrov.⁴⁴

VI. ADDITIONAL TASKS⁴⁵

a. **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**

42. Following the needs assessment mission carried out to Nazran (Ingushetia) from 13 to 15 May 2003, a study visit to the Republic of Mordovia for the deputy heads of 18 (out of 21) districts in Chechnya was organised on 27-29 August 2003 with two Council of Europe *ad hoc* experts.⁴⁶

⁴⁰ Itar-Tass, 3 September 2003.

⁴¹ Nezavisimaya Gazeta, 12 September 2003.

⁴² Kommersant, 12 September 2003.

⁴³ Versiya, 15 September 2003.

⁴⁴ According to a poll conducted before the official start of the campaign this summer by the independent polling institute Validata (ordered by the well-renowned Public Opinion Foundation), Chechens would favour the following political figures in a presidential election: M. Saidullayev (20%), R. Khasbulatov (19%), A. Aslakhanov (17,6%) and A. Kadyrov (12,5%). Aslan Maskhadov got only 4% but did much better in the group aged between 18-29. According to Validata, 75% of the respondents intend to participate in the presidential election. People in northern and southern Chechnya are more likely than people in Grozny to participate in the vote, according to the poll. Seventy percent of Chechens said they favour unity with Russia. The poll also showed that 62% of the population participated in the March referendum (the official turn-out was 90%). See www.validata.ru (in Russian). See also Strana.ru 1 August 2003; Izvestiya 15 June/21 July 2003; Vedomosti 17 July 2003 and Nezavisimaya Gazeta 30 July 2003.

⁴⁵ See Appendix I.

⁴⁶ Tomas Jirsa (Czech Republic) and Michel Lesage (France)

- b. 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)**
44. The training in electoral matters was held on 11-12 September 2003 in Moscow with the participation of Council of Europe representatives, including the consultative experts, and Special Representative of the President of the Russian Federation for Ensuring Human and Civil Rights and Freedoms in the Chechen Republic Abdul-Khakim Sultygov.
45. Two *ad hoc* experts⁴⁷ trained six representatives of the electoral teams, representing respectively Abdulla Bugayev (former minister in the Kadyrov-government), Shamil Burayev (former head of administration in Achkoy Martan district), Akhmad Kadyrov (current Chechen head of administration; “acting president”), Kudus Saduyev (Grozny-based businessman) and Malik Saidullayev (Moscow-based businessman) as well as four representatives of human rights groups.
46. The training sessions focused on campaigning methods (e.g. speeches, rallies, communication with the voters and the media), good practice in the pre-election, polling and post-polling phases, the role of opposition in the post-election period and lessons to be learnt from experiences in the Balkans.
47. The *ad hoc* experts encouraged unsuccessful candidates to run in the parliamentary election to be held at the earliest within three months after the presidential election. Their roles should be to challenge, scrutinize, expose unsound actions and support the actions of the successful candidate.
48. All the participants highly welcomed the organization of the training and asked for similar activities to be held in the near future.

⁴⁷ Owen Masters (United Kingdom) and Tomas Jirsa (Czech Republic)

Appendix I**Programme of Cooperation in the Chechen Republic**
State of implementation as of 2 September 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-orphan 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 seminar for students from the Chechen State University**
15-16 October 2003, Nazran, Ingushetia.
8. **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, 12-13 November 2003, Nazran, Ingushetia – *follow-up to activity n° 4.*
9. **Human rights training of staff of law enforcement agencies, local police and prison staff**
 - Seminar: **27-28 November 2003**, Nazran, Ingushetia
– *follow-up to activity n°3.*
10. **Human rights library in the University of Grozny**
 - Training in Strasbourg of the 3 librarians from the Grozny State University – by the end of 2003.