

Information Documents

SG/Inf(2002)39 Addendum / 22 October 2002

Addendum to the Twenty-Second 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

Additional information provided by the Secretary General

Introductory remarks

1. The present document provides additional relevant information on the situation of democracy, human rights and the rule of law in the Chechen Republic, Russian Federation, mainly for the period from 9 September 2002 to 9 October 2002 (see decision of the Ministers' Deputies of 10 October 2000, CM/Del/Dec(2000)725, item 1.7). It consists of two parts: information on the situation in the Chechen Republic (Part I), as well as the main recommendations and appeals made by Council of Europe bodies, international and non-governmental organisations, and Russian institutions made during the period in question (Part II)¹.

2. Following the Parliamentary Assembly – Russian State Duma Joint Working Group's (JWG) mission to Moscow and to Grozny from 3 to 5 September, Mr Abdul-Khakim Sultygov, the newly appointed Special Representative for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic, was invited to Strasbourg. On 24 September 2002, he made a presentation and participated in the debate of the Parliamentary Assembly on the item "Conflict in the Chechen Republic: information report" (Doc. [9559 part I](#) and [part II](#)) by the Rapporteur of the Political Affairs Committee, Lord Judd (United Kingdom, SOC). He also held an informal exchange of views with the Ministers' Deputies on 25 September 2002 (see also CM/Inf (2002) 38) and held discussions with me on 23 September 2002.

3. The activities of the Joint Working Group, which could significantly contribute to the finding of a political settlement of the conflict, were welcomed by the participants in the 18th

¹ This information has been collected by the Monitoring Department of the Directorate of Strategic Planning (DSP).

As concerns sources of information, the last sentence of para. 1 of the Committee of Ministers Declaration of 10 November 1994 on compliance with commitments accepted by member States of the Council of Europe reads:

"the Committee of Ministers will take account of all relevant information available from different sources such as the Parliamentary Assembly and the [O]SCE". For more information concerning the Committee of Ministers monitoring procedures, consult document [Monitor/Inf\(2002\)1](#), also on the Committee of Ministers Web Site: <http://www.coe.int/cm>.

Quadripartite Meeting on 25 September 2002. Participants further welcomed the fact that additional tasks have been entrusted to the CoE experts to the Office of Mr Sultygov (see SG/Inf(2002)37 dated 25 September 2002).

I. Additional relevant information concerning the situation in the Chechen Republic

In general:

4. According to a survey - polling 1500 respondents in 44 regions - conducted by the All-Russia Centre for the Study of Public Opinion (VTsIOM), the percentage of Russian citizens approving of Russia's military operation in Chechnya has decreased to 30 percent compared to the recorded 59 percent of support in July 2000. (9 September 2002, see <http://www.reliefweb.int>).

5. The security situation in Chechnya has deteriorated due to continued violent clashes of federal forces and Chechen militants. Local administration representatives continue to be targeted: the Mayor of Grozny was shot on his way to Ingushetia close to the Chechen border; the son of the head of the Urus-Martan district administration was abducted, land mines exploded, etc. (OSCE Assistance Group to Chechnya, Activity Report, 1 – 16 September 2002)

6. As a spill-over effect, the worsening situation in the Chechen Republic has lead to the escalation of tensions between the Russian Federation and Georgia with regard to recent border incidents, operations taking place in the Pankisi Valley and a fierce clash of the Russian 58th Army and around 200 armed Chechens in Ingushetia, near the village Galashki. The international community voiced its concern about these developments: see, in this connection, my Declaration of 13 September 2002 urging both member States to continue to explore all co-operative options in resolving their differences ([http://press.coe.int/cp/2002/432a\(2002\).htm](http://press.coe.int/cp/2002/432a(2002).htm)) In this context, I would also recall the exchange of views with the Minister for Special Affairs of Georgia, Mr Kakabadze, held at the GREDS meeting on 20 September 2002. Moreover, on 4 October 2002, the European Court of Human Rights, further to an application filed against Georgia and the Russian Federation by ten Chechen militants arrested after an illegal border-crossing, requested Georgia to suspend the applicants' extradition until further examination of the case in the light of information submitted by both defendant governments.

7. On the same lines, on 25 September 2002 the Parliamentary Assembly adopted Recommendation 1580 (2002) on 25 September 2002 which calls for the respect of territorial integrity and for the solution of conflicts through peaceful means. Offering its good offices, it will send a joint fact-finding mission to Moscow, Tbilisi and the conflict area. Furthermore, the EU and the OSCE also repeatedly urged both the Russian Federation and Georgia to exercise restraint and to respect the territorial integrity of their neighbours as well as to continue their efforts to secure full control of the border between them (<http://www.eu2002.dk/news/> and <http://www.osce.org/news/>).

Committee of Ministers

8. At their 807th meeting on 11 September 2002, the Ministers' Deputies adopted a reply to Parliamentary Assembly [Recommendation 1553](#) on the honouring of obligations and commitments by the Russian Federation, in which "*the Committee of Ministers reiterates*

"the need to seek a political solution as a matter of urgency with due regard for the sovereignty and territorial integrity of the Russian Federation" (final communiqué of the 107th session of the Committee of Ministers November 2000)...[and]...continues to encourage the Russian authorities to take the necessary measures to ensure that the rights guaranteed by the European Convention on Human Rights are fully respected in the Chechen Republic, and that all violators of these rights without exception are held accountable without further delay." (see <http://cm.coe.int/>).

Parliamentary Assembly of the Council of Europe (PACE)

9. The Parliamentary Assembly/Russian State Duma Joint Working Group on Chechnya (JWG) visited Moscow and Grozny from 3 to 5 September 2002. Lord Frank Judd, Co-chairman of the JWG, presented his report on the Conflict in Chechnya (Doc. 9559 dated 22 September 2002) to the PACE on 24 September 2002.

10. In this report it is stated, that according to interlocutors from the Chechen Administration, *"the political solution entails "step-by-step" restoration of a constitutional system in the Chechen Republic. In practice, this is anticipated to entail the holding of elections and the establishment of elected elements – in particular the President and Parliament. As the process progresses, the intention, we were told, is to reduce the size of the federal armed forces in Chechnya."* (see <http://stars.coe.fr/>).

11. Furthermore, according to certain interlocutors, members of the Public Consultative Council, *"a political solution necessarily entailed negotiations involving representatives of the federal bodies, of Mr Kadyrov's administration, of Mr Maskhadov, of other Chechen political forces opposing Mr Maskhadov and, according to some of them, representatives of the Russian community that had left Chechnya. Most of the people attending the meeting were of the view that conditions were not yet right for organising elections in the Chechen Republic."* (see <http://stars.coe.fr/>).

12. Lord Judd also regrets that certain NGOs, including Memorial, had announced the suspension of their participation in the allegedly pointless work of the Consultative Council for the Protection of Human Rights in Chechnya, which brings together local human rights NGOs, representatives of the Prosecutor General's Office, the Military Prosecutor's Office, the Federal Security Service and the Ministry of the Interior. (see <http://stars.coe.fr/>).

13. Concerning the return of refugees and IDPs to Chechnya, Lord Judd indicated that *"while some of those returned displaced people with whom he spoke said that they had indeed felt pressurised into returning and that the process of their return had been degrading others, apparently honestly, insisted that they had come of their own free will. Most said that, whether pressurised or not, now they were back in their old city they felt more at home but that the security identification was not good and that the humanitarian situation was unacceptable."* (see <http://stars.coe.fr/>).

European Committee for the Prevention of Torture (CPT)

14. To date the CPT has made five visits to the Chechen Republic (see CPT-Website: <http://www.cpt.coe.int/en/>). In her statement to the Ministers' Deputies at their 809th meeting on 2 October 2002, the President of the CPT, Ms Silvia Casale, underlined, that the issues arising from the ongoing conflict in the Chechen Republic continue to preoccupy the CPT. She also expressed the CPT's trust that it will be possible to organise high-level talks in Moscow this autumn in order to examine in detail action being taken following the CPT's

findings and recommendations. So far, the Russian authorities have not yet agreed to the publication of the reports on the visits of the CPT to Chechnya.

Organisation for Security and Co-operation in Europe (OSCE)

15. According to the OSCE, the Head of the Federal Migration Service (FMS) in the Chechen Republic, Mr Asu Dudarkhev, stated that the FMS continues to organise the return of those IDPs currently living in camps in Ingushetia, who handed in a written request (OSCE Assistance Group to Chechnya, Activity Report, 1 – 16 September 2002).

United Nations (UN)

16. On 9 September 2002, the UN agencies resumed their humanitarian programme in the Republic of Chechnya, which had been suspended on 29 July 2002 following the abduction of Ms Nina Davidovich, the representative of a local UNICEF partner organisation (UN Office for the Co-ordination of Humanitarian Affairs (OCHA), Humanitarian action in the North Caucasus information bulletin, 1 – 15 September 2002 on <http://www.ocha.ru>). The decision was based on the rising humanitarian need of the civilian population in Chechnya and was taken following extensive consultations with the Russian authorities. In its statement, the UN expressed deep concern about the situation in the North Caucasus and the risks taken by humanitarian workers as made evident by the recent abductions.

17. On 12/13 September 2002, the Deputy Director for Europe for the Office of the UN High Commissioner for Refugees (UNHCR), Mr Robert Robinson, visited the Republic of Ingushetia as part of his mission to the Russian Federation, to meet local authorities, representatives of UN agencies, NGOs, and IDPs accommodated in tent camps, spontaneous settlements, and host families. The President of Ingushetia, Mr Murat Zyazikov, reconfirmed his government's commitment to the principle of voluntary return with regard to IDPs from Chechnya. The authorities in Ingushetia also indicated that they were planning to improve living conditions for refugees with the assistance of the UNHCR. (UN Office for the Co-ordination of Humanitarian Affairs (OCHA), Humanitarian action in the North Caucasus information bulletin, 1 – 15 September 2002 on <http://www.ocha.ru>).

18. The UNHCR has set up a system of legal counselling and monitoring of the protection situation in Ingushetia as well as a similar system in Chechnya. In Ingushetia, given a significant discrepancy between the number of IDPs reportedly registered by the Ingush migration service and the latest update of the database maintained by the Danish Refugee Council (DRC), UNHCR monitors carried out an independent check in the Imam IDP camp in Aki-Yurt. The aim of this activity was to ensure that a safe haven and appropriate assistance is available in Ingushetia for those who do not want to return to Chechnya. The UNHCR-co-ordinated winterisation plan concerning shelter for IDPs in Ingushetia, agreed upon with donors and NGOs, is gaining pace (UN Office for the Co-ordination of Humanitarian Affairs (OCHA), Humanitarian action in the North Caucasus information bulletin, 1 – 15 September 2002 on <http://www.ocha.ru>).

19. As concerns food and water supply: the World Food Programme, together with the Danish Refugee Council (DRC) and the People in Need Foundation (PINF), distributed basic food parcels to 38,700 beneficiaries in Chechnya; the Centre for Peacemaking and Community Development (CPCD) and DRC delivered 60 tons of mixed food commodities to schools in Grozny city. The Polish Humanitarian Organisation (PHO), a UNICEF NGO

partner, continued distributing drinking water in Grozny, which is essential for the survival of the local population. (UN Office for the Co-ordination of Humanitarian Affairs (OCHA), Humanitarian action in the North Caucasus information bulletin, 1 – 15 September 2002 on <http://www.ocha.ru>).

Russian institutions

20. On 3 October 2002, the Deputy Minister of Justice of the Russian Federation, Yevgeny Zabarchuk, announced at a press conference that the draft Constitution of the Chechen Republic is currently under legal examination in the Russian Ministry of Justice. The initial version of the Chechen Constitution had been previously examined by the Justice Department of the Southern Federal District (3 October 2002, RIA Novosti).

21. On 9 September 2002, at a press conference, the Special Representative for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic, Mr Sultygov, stated that the constitutional referendum should be held as soon as possible towards the end of the year, even if federal military forces were still present in Chechnya. He also suggested that the next Chechen president should be appointed by the Russian President rather than elected (<http://www.rferl.org>). According to the same source, the Head of the Chechen Administration, Mr Kadyrov, considered that the foreseen constitutional referendum, as well as subsequent presidential and parliamentary elections, should only be organised after the end of military operations.

22. On 9 September 2002, the Chairman of the Russian Central Election Commission, Mr Aleksander Veshnyakov, told Ekho Moskvyy that the referendum could take place concurrently with the Russian State Duma elections in December 2003, and argued that the necessary political, economic, and social conditions for conducting the referendum do not yet exist. In a roundtable discussion broadcast by RFE/RL's Russian Service in September, the Human Rights Ombudsman of the Russian Federation, Mr Oleg Mironov [and the Head of the Moscow Helsinki Group, Ms Lyudmila Alekseeva] stated that the referendum and subsequent presidential election could help stabilise the situation in Chechnya. Voting, however, should not take place as long as Russian troops remain there (<http://www.rferl.org/>).

23. Press coverage showed an increase in calls for the initiation of peace talks with Mr Maskhadov following the discussions held in Liechtenstein on the future of Chechnya by, i.a., Duma deputies, Mr Yury Shchekochikhin and Mr Aslambek Aslakhonov, the envoy of Mr Maskhadov, Mr Akhmed Zakayev, as well as Mr Ruslan Khasbulatov, former speaker of the Russian Parliament and some prominent members of the American Committee for Peace in Chechnya, i.a. Mr Zbigniew Brzezynski and Alexander Haig. See Institute for War & Peace Reporting as well as <http://www.reliefweb.int/>).

24. The former Prime Minister, Mr Yevgenii Primakov, also stated in an extract from his book "The World after 11 September" published in the newspaper "Rossiiskaya Gazeta" that negotiations on an immediate cease-fire should be held. State Duma Lower House of Parliament Deputy Sergei Yushenkov, who is also co-chairman of the Liberal Russia party, was quoted as recommending negotiations with Mr Maskhadov. Salambek Maygov, who heads a peace initiative "the Congress for Peace in Chechnya", holds a similar position on these points (see <http://www.reliefweb.int/>).

Non-governmental organisations

25. On 9 September 2002, the Human Rights Centre Memorial reported the discovery, by the police, of a mass grave containing 15 corpses close to the Chechen-Ingush border. (9 September 2002; on <http://www.rferl.org>).

26. The issue of press freedom in Chechnya was raised by NGOs and media on several occasions during last month. Difficult access to information by journalists in Chechnya in general and problems relating to the accreditation procedure in the department of Mr Sergei Yastrzhembski, the Russian President's Aide on Chechnya, in particular, as well as an analysis of the legal obstacles to the freedom of information and expression with regard to the situation in Chechnya, was referred to by the "Prague Watchdog" (1 October 2002; see on <http://www.watchdog.cz>). The present situation does not, apparently, allow objective reporting or the creation of an objective picture of the events in Chechnya. "Prague Watchdog" also published a chronicle of alleged abuses documented by the Russian Centre for Journalism in Extreme Situation. On 27 September, a report by RFE/RL highlighted the toll in terms of violence paid by reporters during the last three years (see RFE/RL Media Matters Vol. 2, No. 37, 27 September 2002).

27. News agencies reported protests by Chechen IDPs in Moscow and Ingushetia against alleged pressure by the Russian authorities to repatriate persons to Chechnya against their will by discontinuing food distribution and cutting gas and electricity supplies in the camps. These allegations were confirmed by representatives of the Civil Assistance Rights Group (see <http://www.reliefweb.int>).

28. Médecins Sans Frontières (MSF) reiterated its demand for the immediate and unconditional release of the Head of its mission in Dagestan, Mr Arjan Erkel, abducted on 12 August. In the light of the humanitarian needs of civilians, MSF decided to resume its activities in Ingushetia. However, activities in Dagestan and Chechnya remain suspended (11 September 2002; see on <http://www.msf.org>).

29. In a public statement, Dr Claude Moncorgé, President of Médecins du monde, drew attention on the ongoing humanitarian crisis. Even if reconstruction and the rehabilitation of health structures are expected, the return of the refugees and IDPs has to remain voluntary. Due to lack of housing, sanitation, water and electricity in Grozny, the conditions for a massive return of IDPs from Ingushetia cannot be fulfilled. Dr Moncorgé called on international institutions to condemn forced return and to monitor the factual developments (AlertNet on 30 September 2002; see on <http://www.reliefweb.int>).

30. The Russian National Committee "For the End of the War and the Establishment of Peace in the Chechen Republic" issued a declaration calling that the Russian and world community make a stand against a new Caucasian war and to demand the immediate start of peaceful negotiations with Mr. Maskhadov (13 September 2002; see on <http://www.reliefweb.int>).

31. On 24 September 2002, Mr Sulumbek Tashtamirov, President of the Chechen human rights organisation Sintar, started a hunger strike requesting that the Russian authorities grant security and immunity to Mr Maskhadov and the Chechen Deputies, elected at the last parliamentary elections, as a pre-condition for negotiations and a peaceful resolution of the Chechen conflict. This initiative was supported by a number of other Chechen organisations, which created a coalition "Political Unity" and asked the Ingush President Murat Zyakov for his support (24 September 2002; see on <http://www.watchdog.cz>).

32. On 4 October, an appeal, supported by the Prague Watchdog, to journalists and public figures who recognize the need to stop the war in Chechnya and to start political peace negotiations was launched by the Viktor Popkov Information and Analytical Centre (<http://www.watchdog.cz/>).

II. Main recommendations and appeals made by the Council of Europe bodies, international and non-governmental organisations, as well as by Russian institutions concerning the situation in the Chechen Republic (9 September to 9 October 2002)

Among the main points made in the reporting period were the following "priority issues of concern" to the Council of Europe, identified by Lord Judd in his above-mentioned reports Doc 9559 Part II (see above para 7):

On human rights and the rule of law

- continued support and assistance by the Council of Europe for the Office of Mr Sultygov, with particular emphasis on missing people and strengthening the judiciary;
- ensuring the security arrangements to allow for the speedy location of the Council of Europe experts in Grozny;
- far greater speed and effectiveness by the responsible law enforcement authorities in reviewing and pursuing all complaints about unlawful killing and about missing, maltreated or tortured people; it is essential to see more evidence of criminal investigations being initiated whenever they should be, of their outcome and of the penalties imposed by the judicial authorities on wrongdoers; reliable statistics should be regularly available to the Parliamentary Assembly of the Council of Europe with convincing records of the progress being made; at present the absence of such reliable information remains frustrating and disturbing;
- publication by the Russian government of the CPT reports;
- more rapid provision of registration and general identification documents to ensure greater freedom of movement throughout Grozny and the Chechen Republic.

Concerning the strengthening of democratic security and stability

- the widest possible endorsement and "ownership" of any new constitution; this will involve imaginative and courageous wide political dialogue before a referendum is held;
- all possible support by the Council of Europe in the promotion of such a dialogue;
- ensuring a healthy context for any referendum e.g., effective registration of all those entitled to participate whether they are currently resident inside the Chechen Republic or not;
- free and open media discussion of the issues;
- strengthened security with a transparent commitment to justice and human rights;

- practical support financially and, where appropriate, in kind by member governments of the Council of Europe for strengthening the work of the Chechen Consultative Council established under the aegis of the JWG; this is very urgent and should already have happened; the challenge is to do it effectively not just to articulate the difficulties;
- Council of Europe support for the development of civil society and NGOs;
- Council of Europe support for education for democracy

Concerning the humanitarian situation:

- greater and more generous humanitarian support by the international community, including the member governments of the Council of Europe and the Council of Europe Development Bank;
- more technical co-operation;
- effective co-ordination of aid and its distribution;
- renewed commitment by international humanitarian agencies and NGOs;
- essential resources for rebuilding the economic and social infrastructure and for backing self-sustaining economic initiatives and self-help by the Chechens themselves.