



Information Documents

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Twenty-fifth 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 5 December 2002 to 20 January 2003

1. This is the 25th interim report by the Secretary General on the activities of the three 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.
2. The experts left Znamenskoye on 14 December 2002. They returned to Russia on 7 January 2003 to deal with administrative and logistic issues. Since 13 January the experts have continued to implement their mandate and have now been fully operational in the Chechen Republic since 17 January 2003.
3. The Agreement on the presence of Council of Europe staff in the Office of the Special Representative has been prolonged for six months, i.e. until 4 July 2003 through an exchange of letters between the Secretary General of the Council of Europe, Mr Walter Schwimmer and the Minister for Foreign Affairs of the Russian Federation; Mr Igor Ivanov, dated 18 and 27 December 2002 respectively.
4. The mandate of the OSCE Assistance Group in Chechnya was not prolonged beyond 31 December 2002. Future co-operation between the OSCE and the Russian authorities is still under discussion. On 2 January 2003, the Secretary General issued a statement deploring the lack of consensus, which brought to an end the work of the OSCE Assistance Group in Chechnya. He praised past co-operation between the Council of Europe experts in Chechnya and the OSCE Group, whose work has always been complementary.

I. SECURITY SITUATION

5. The security situation remains highly unstable and is particularly worrying at night.

II. HUMAN RIGHTS

6. According to information from the Office of the Special Representative, the number of disappearances was much higher in 2002 than in previous years. Due to a considerable increase in the number of complaints relating to missing persons since early January 2003, the Office of the Special Representative initiated meetings with representatives of the law-enforcement agencies, heads of district administration and religious authorities in every district. The purpose of such meetings is to intensify the dialogue between civilian and military authorities, in order to stabilise the situation in the Chechen Republic. The first round of these meetings will be held in four districts of Grozny by the end of January 2003.

7. In the meantime, the meeting of the Joint Working Group between the Office and the prosecuting bodies is scheduled for 23 January 2003. Representatives of the Chechen Interior Ministry and the military forces will be invited to take part to the meeting.

a. State's obligation to protect everyone against terrorism

8. On 27 December 2002 a suicide bomb attack targeted the building of the Chechen Administration and Government in Grozny. According to the latest information provided by the Chechen Prime Minister, Mr Mikhail Babich, 82 individuals died during or after the explosion and 210 persons were wounded. A staff member of the Office of the Special Representative who was in the Governmental building at the time died in the explosion. According to the Russian Defence Minister, Mr Sergei Ivanov, those who masterminded the attack have been identified.
9. The Secretary General firmly condemned the terrible terrorist attack on the premises of the Chechen Republic's Government in Grozny on 27 December 2002 and conveyed his condolences to the families of the victims.
10. Heads of local administration and members of the prosecuting bodies continue to be the target of violent actions carried out by members of illegal armed groups. The heads of administration of the Tsotsin-Yurt village (Kurchaloy district) and of the Sharoy district were killed by unknown assailants.
11. Since the hostage taking in Moscow in late October 2002 the Russian authorities have taken severe security measures. Special operations and targeted measures (night raids at home in particular) have increased in number and the control of civilians at checkpoints has been reinforced. Concerning the latter, the experts were informed that an order issued by the military headquarters in Khankala requires that the security clearance at a checkpoint should last between 15 and 30 minutes.
12. However, these measures, and in particular the way they are implemented, are highly criticised by the Chechen authorities, the local population and NGOs as they may result in human rights violations, in particular extra-judicial killings, disappearances and lootings.
13. According to several heads of local administration whom the experts met, security at night is not sufficiently guaranteed by the Chechen police. In the meantime, joint military/local police patrolling at night have increased in certain areas or will be increased in several Chechen districts and villages, in particular to prevent disappearances of civilians.

b. Prohibition of arbitrariness

14. The Office of the Special Representative, as well as the Russian and Chechen NGOs, registered a number of complaints of arbitrary behaviour on the part of representatives of the Russian military forces against the civilian population, notably during special operations or at checkpoints. In this connection, several heads of local administration pointed out that the high number of law-enforcement bodies working in the Chechen Republic results in a certain confusion as concerns their respective powers and responsibilities and therefore highly contributes to a climate of arbitrariness in Chechnya. Various representatives of the Chechen authorities, the local population, as well as NGOs have stressed the lack of supervision of actions carried out by servicemen. In this connection, it has been pointed out that adequate implementation of Order No. 80, issued by General Moltenskoy in 2001, is still lacking.

c. Arrest and custody

15. Illegal arrests during night raids (“targeted measures”) by the federal forces continue to give rise to serious concern among the Chechen population. In reaction to several illegal and violent arrests, allegedly carried out by servicemen during the night of 13 to 14 January 2003, and the subsequent disappearances of the arrestees, a number of inhabitants - mainly neighbours of the detainees - protested in Grozny on 14 and 15 January 2003. Participants at the rally indicated that their neighbours were not involved in any illegal acts, and that there was no reason for their arrest. The current whereabouts of the arrestees, as well as the reasons for their presumed detention, are still unknown. 228 inhabitants of Grozny lodged an application with the Office of the Special Representative relating to violent action against peaceful citizens carried out by 150 unknown persons in uniforms.
16. According to “Memorial”, the participants at the rally succeeded in meeting Mr Movsar Khamidov, member of the Chechen Government responsible for co-ordination with the security forces, and the Chechen Deputy Minister of the Interior, Mr Sultan Satuyev. However, both of them indicated that they have no powers to find the persons arrested by the federal forces.
17. Large-scale special operations continued to be carried out in Chechen villages and towns and resulted in a high number of arrests, in particular in Argun as well as in Mesker-Yurt and Tsotsin-Yurt (Kurchaloy district).

IV. RULE OF LAW

a. Functioning of the prosecuting bodies

18. The experts were informed that protection of representatives of the prosecuting bodies is not sufficiently ensured. For example, according to the Office of the Prosecutor of the Chechen Republic, the deputy prosecutors of the Shali and Shatoy districts were recently abducted.

b. Functioning of the police, security and military bodies

19. The experts were told that co-ordination between various law-enforcement bodies is relatively effective in the northern part of the Chechen Republic. Order No. 76, issued by the Chechen Administration in late October 2002, is mainly aimed at harmonising working methods on the whole Chechen territory.
20. There is a lack of police protection in certain areas. For instance, the head of the administration of the Rubezhnoye village indicated that there is no police officer ensuring security in her village. It has been pointed out that the Chechen police are still understaffed. Lack of adequate equipment has also been pointed out. In the meantime, it was indicated to the experts that a high number of policemen ensure personal protection for senior police officers of certain districts, as is the case in the Urus-Martan district.
21. Corruption within the federal forces, in particular at checkpoints, remains a serious issue in Chechnya. According to information from the Office of the Special Representative, "compulsory bribes" at checkpoints may amount from 20 to 50 RUR. Several methods are used by servicemen to request bribes. For instance, checkpoints may be closed for an indefinite time and those who are willing to pass through them have to pay a certain amount of money.

V. DEMOCRACY

a. Referendum on the future Constitution of the Chechen Republic and draft laws on the elections of the Chechen President and Parliament

22. On 12 December 2002, the President of the Russian Federation issued an order with respect to the holding of a referendum on the draft Chechen Constitution and draft laws on the elections of the President of the Chechen Republic and the elections of the Chechen Parliament. He empowered the Chechen Administration and the Central Electoral Commission (RF), in liaison with the Chechen Electoral Commission, to take measures for the holding of the referendum. On 23 December 2002, the Russian President met with Mr Sultygov in order to discuss the preparation of the referendum. Following a decision of the Electoral Commission of the Chechen Republic the referendum is now scheduled for 23 March 2003.

23. Subsequently, an initiative group collected 13,500 signatures supporting the holding of a referendum. The Prosecutor of the Chechen Republic underlined that no complaints have been registered in this respect and that his Office will closely monitor the referendum and electoral processes.

b. Local democracy

24. Several heads of local administration expressed the view that local elections would give future mayors much more power and credibility than at present since as heads they are directly appointed by the Chechen Administration and can be very easily dismissed subject to various pressures.

APPENDIX

Applications lodged with the Office of the Special Representative concerning criminal matters and abductions currently under investigation by the prosecuting bodies in the Chechen Republic from January 2000 to 1 November 2002
(Statistical data provided by the Office)

DISTRICTS		2000	2001	10 months in 2002	IN TOTAL (2000 to 01.11.02)
Argun	Criminal cases	3	20	43	66
	Abduction cases	3	33	53	89 (17) ¹
Achkhoy-Martanovskiy	Criminal cases	10	13	25	48
	Abduction cases	14	21	35	70 (6)
Vedenskiy	Criminal cases	3	5	15	23
	Abduction cases	7	7	21	35(8)
Grozny	Criminal cases	127	72	104	303
	Abduction cases	202	97	136	435(33)
Groznenskiy	Criminal cases	14	55	37	106
	Abduction cases	22	99	83	204(25)
Gudermesskiy	Criminal cases	12	14	42	68
	Abduction cases	18	22	46	86(8)
Kurchalovskiy	Criminal cases	---	31	34	65
	Abduction cases	---	44	49	93(23)
Nadtarechniy	Criminal cases	5	6	15	26
	Abduction cases	7	8	17	32
Naurskiy	Criminal cases	24	7	10	41
	Abduction cases	24	9	17	50(1)
Nozhay-Yurtovskiy	Criminal cases	4	12	12	28
	Abduction cases	6	14	14	34(7)
Urus-Martanovskiy	Criminal cases	16	56	47	119
	Abduction cases	25	65	57	147(57)
Shatovskiy	Criminal cases	1	2	2	5
	Abduction cases	1	2	3	6(4)
Shalinskiy	Criminal cases	17	72	80	169
	Abduction cases	60	100	105	265(26)
Shelkovskoy	Criminal cases	1	11	6	18
	Abduction cases	1	14	7	22(3)
IN TOTAL	Criminal cases	237	376	472	1085
	Abduction cases	390	535	643	1568(218)

¹ Figures in brackets concern missing persons for whom there is currently an investigation of the circumstances of their disappearance for establishing whether the criminal proceedings should be pursued or closed.