



Information Documents

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Russian Federation: Council of Europe's response to the situation in the Chechen Republic

Report by the Secretary General on the implementation of co-operation activities with respect to the Chechen Republic and overview of the situation (January – March 2004)

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INTRODUCTION

1. As described in my last report (document SG/Inf(2004)3), the situation in the Chechen Republic of the Russian Federation has called for the Council of Europe's close attention and action. Two major steps have been taken so far:
 - (i) **co-operation and assistance:** assistance has been provided from April 2000 to January 2004 through the presence of Council of Europe expert staff 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. By an exchange of letters between the Russian Foreign Minister and myself, dated 25 and 30 December 2003 respectively, a new, more targeted, co-operation between the Council of Europe and the Russian Federation in the Chechen Republic in 2004 has been agreed upon.
 - (ii) **relevant information:** the Committee of Ministers has been seized by me, in June 2000, and by the Parliamentary Assembly (see Recommendation [1600](#) (2003)), in April 2003, by virtue of paragraph 1 of its 1994 Declaration on compliance with commitments accepted by member states. In this context, I regularly provide the Ministers' Deputies with relevant information (see follow-up to decisions taken by the Ministers' Deputies at their 712th meeting of 10 October 2000).
2. The present document provides the Ministers' Deputies with relevant information on recent developments in the context of the new form of co-operation between the Council of Europe and the Russian Federation (Part I) and on the situation in the Chechen Republic from January to March 2004 (Part II).

PART I: IMPLEMENTATION OF CO-OPERATION ACTIVITIES WITH RESPECT TO THE CHECHEN REPUBLIC

3. Preparations for implementation of the Agreement between the Minister for Foreign Affairs of the Russian Federation and the Secretary General of the Council of Europe concluded by an exchange of letters dated 25 and 30 December 2003 respectively on a new form of co-operation in the Chechen Republic started in January 2004 with talks on a detailed outline of activities to be implemented in 2004.
4. These talks were temporarily interrupted as of 20 January 2004 following the President of the Russian Federation, Mr Vladimir Putin's decision concerning the removal of Mr Abdul-Khakim Sultygov from the post of the Special Representative of the Russian President for Human Rights in Chechnya. Mr Sultygov was also in charge of coordination of the Council of Europe programmes of co-operation in Chechnya in 2004.
5. At the same time the Russian authorities reported that appointments of persons in charge of the offices of the former Special Representative in Chechnya and/or an institution in charge of coordination of programmes with the Council of Europe in 2004 could be expected in the near future.

6. The President of the Chechen Republic, Mr Akhmad Kadyrov, assumed his full constitutional responsibilities for human rights in Chechnya. The Office of the former Special Representative in Grozny and the 22 branch offices in Chechnya continued their regular work.
7. Mr Vladimir Lukin, the newly appointed Commissioner on Human Rights in the Russian Federation, visited the Council of Europe Secretariat from 17 to 19 March 2004. He confirmed his readiness to act for the time being as the Russian federal coordinator of the Programmes of activities to be implemented in Chechnya in 2004.
8. Talks on the details of the programme of activities to be implemented in Chechnya in 2004 resumed between Commissioner Lukin and the Secretariat General of the Council of Europe on 30 March 2004. Implementation of the programme could begin as soon as a detailed outline of the programme (description of the activities, dates, places of implementation, etc.) is mutually confirmed.
9. Implementation of any activity in Chechnya and the neighbouring regions requires specific logistics and security arrangements. The Council of Europe arrangements established since June 2000 for a permanent presence should be adapted according to the new form of co-operation. For this reason, a technical mission was deployed to the region from 15 to 27 March 2004 to solve several administrative and logistics issues. The composition of the technical mission (hereinafter "TM"), and a list of people met are reproduced in Appendix I. The programme of the TM is reproduced in Appendix II.
10. The Council of Europe would like to express its gratitude to the authorities of the Russian Federation, including the local and regional authorities in the North Caucasus region for their assistance and co-operation in the preparation of the TM and in fulfilling its tasks.
11. Special thanks are due to the Russian security protection team, the Special Unit of the Ministry of Justice, for its highly professional round-the-clock protection of the TM members and the Council of Europe property in the Chechen Republic.
12. Whilst travelling across the Southern Federal District (Chechnya, Ingushetia, Northern Ossetia, Kabardino-Balkaria, Stavropol and Rostov regions) the TM (convoy of six vehicles) was often controlled, but no obstacles were met.
13. The TM learned that the situation in the Chechen Republic is relatively calm and that the situation has improved substantially since 2003. The Chechen Government plans to dismantle a significant number of checkpoints by late April this year.
14. Problems remain in the southern mountainous parts of the Chechen Republic and in Grozny, where the situation is complicated but under control. According to the Russian security protection team, so far, special obstacles are not foreseen as regards occasional travel to Grozny.

15. The security situation seems to be deteriorating in Ingushetia with an increase in kidnappings, abductions and racketeering. No more than eight representatives of the international community are permanently based in Nazran under high security. They represent a corresponding number of international organisations.
16. Upon its arrival in Nazran the TM met with the Head of the Grozny Office of the former Special Representative, Mr Nurdi Nukhazhiyev. According to him, the status of the Office in the Chechen Republic has been further strengthened in the aftermath of the Chechen presidential election in October 2003. As of today, it has 22 branch offices established across the Chechen Republic.
17. According to Mr Nukhazhiyev, representatives of the civilian and military prosecutors have regular meetings in the Office premises. Moreover, Chechen NGOs are regularly invited to attend its working meetings and these meetings are reportedly given substantial media coverage in the Chechen Republic.
18. The Head of the Office in Grozny reported on the progress made to the follow-up given by the Office in relation to complaints lodged regarding social rights and benefits. He explained this as a result of the ongoing process of re-establishing a functioning Chechen administration with "lots of marks of confidence to the Office from the population". The Office has also started to collect information on disappearances in the Republic, dating back to 1991, based on findings by local authorities in the Chechen districts.
19. Furthermore, Mr Nukhazhiyev took the view that Council of Europe activities in the Chechen Republic are necessary. In this context, he repeatedly expressed his expectation to see the Council of Europe staff again regularly visiting the Office in Grozny. Concerning concrete activities he stressed that it is essential to organise tailor-made human rights seminars for members of local security organs. Such needs have reportedly been confirmed at a meeting of the Chechen State Council attended by representatives of Chechen law-enforcement agencies.
20. Mr Nukhazhiyev expected that Chechen parliamentary elections will be held this year and that some human rights groups will present their own candidates.
21. The TM accomplished all its tasks according to plan. The Russian authorities granted customs clearance for the four armoured vehicles owned by the Council of Europe. The temporary importation clearance for the rest of the Council of Europe property is underway and will be extended according to the period of the new agreement on co-operation. All four cars owned by the Council of Europe, as well as the two vehicles used by the security protection team (donated in 2003 by the President of Ingushetia, Mr Murat Zyazikov) were taken to Rostov-on-Don for maintenance and repairs.
22. During the TM's stay in Znamenskoye, a complete inventory as well as a technical and security check of the property owned or rented by the Council of Europe was made. Due to such a long period of absence, some work and repairs also had to be carried out and the residences are now fully habitable. The local branch office in Znamenskoye was found to be in good condition.

23. The future parameters of the property belonging to or rented by the Council of Europe in Chechnya have to be decided in the light of the outline of the new programme of activities to be agreed upon between the Council of Europe and the Russian Federation.

PART II: OVERVIEW OF THE SITUATION IN THE CHECHEN REPUBLIC (JANUARY-MARCH 2004)

A. RESTORATION OF PEACE AND SECURITY

24. As indicated in my last report, although new political institutions are being set up, violence has regrettably not stopped and has spread to the neighbouring republics and to Moscow.
25. During the period covered by the present report, this violence has reportedly taken the form of:
- a substantial number of attacks against members of the military, police and security forces allegedly carried out by illegal armed groups in the Chechen Republic, but also in the neighbouring republics (Ingushetia in particular);
 - acts of terrorism in the region or in Moscow (such as a bomb attack in the Moscow Metro in early February 2004);
 - pursuance of “targeted” security operations at residents’ homes in the Chechen Republic and in Ingushetia, as well as new large-scale security operations in towns and villages by Russian military, security and police forces and/or other security forces acting in support of the Chechen President, Mr Akhmad Kadyrov;
 - extensive use by the Russian authorities of military force for law-enforcement purposes, notably through an increased recourse to aerial attacks, including bombings, in the southern part of the Chechen Republic (see CoE Press Release, 6/2/2004; Moscow Times, 17/2/2004; [Report](#) by *Action Contre la Faim* (ACF), Handicap International (HI) and *Médecins du Monde* (MM), March 2004; International Helsinki Federation (IHF)/International League of Human Rights (ILHR) [Joint Statement](#), 25/3/2004; Institute for War and Peace Reporting, 5/2/2004 and 27/3/2004; Memorial, 26/3/2004; Interfax/Memorial, 31/3/2004; Society of the Russian-Chechen Friendship, 18/3/2004, 26/3/2004 and 31/3/2004).
26. Continued reports of “killings”, “extra-judicial executions” and “disappearances” indicate that a climate of insecurity prevails in the Chechen Republic (see sources as in paragraph 25).
27. According to the Russian Ministry of the Interior, the security situation may deteriorate in spring and summer 2004 (RIA-Novosti, 28/3/2004). The activities of humanitarian aid workers in the region are also seriously hampered by the situation. No information is yet available on action taken by the Russian authorities to secure the release of Mr Arjan Erkel, *Médecins sans frontières* (MSF), who was abducted in Dagestan in 2002 (MSF, 22.3.2004).

28. In this context, the Office of the United Nations High Commissioner for Refugees (UNHCR) indicated in a recent report of February 2004 that, since May 2003, Russian asylum-seekers, many of whom originate from the Chechen Republic, constitute the largest single nationality of asylum-seekers in the industrialised world. Across Europe as a whole, the number of Russian asylum seekers rose by 73 percent in 2003 (UNHCR, 24/2/2004).

B. DEMOCRATIC INSTITUTION-BUILDING

29. In February 2004, the Russian authorities indicated that a draft power-sharing treaty between the federal authorities and the Chechen authorities is being finalised and that Chechen parliamentary elections will then be held (Russian Ministry of Foreign Affairs (MFA), 26/2/2004).

30. The ability of the authorities to conduct fair and democratic elections in the Chechen Republic has been questioned (Moscow Times, 15/3/2004). Such concerns would plead for more Council of Europe assistance.

C. RESPECT FOR HUMAN RIGHTS

31. The human rights situation still gives rise to very serious concern. By ratifying the European Convention on Human Rights (ECHR), the Russian Federation accepted a dual commitment, namely to ensure that its domestic legislation and practice complies with the ECHR, and the Strasbourg Court's case-law thereunder, and to offer effective remedies to anyone who believes that his or her rights and freedoms under the Convention have been violated. Nevertheless, most of the issues raised when I exercised the powers conferred on me by Article 52 of the ECHR back in December 1999 remain valid today (see documents SG/Inf(2000)21 and Addendum and SG/Inf(2000)24 and Addendum). A significant number of applications to the European Court of Human Rights relate to the situation in the Chechen Republic.

32. A number of comments are already contained in my previous report. So far, the Russian authorities have not expressed an intention to amend the 1998 Law on the Suppression of Terrorism in accordance with recommendations made by the Joint Council of Europe/Russian Expert Group. Since January 2004, I continue to receive alarming reports on disproportionate action causing unacceptable and unnecessary suffering to the civilian population:

- reports of "targeted" security operations involving the Russian military, security and police forces and other security forces acting in support of President Kadyrov, these operations reportedly leading to looting, illegal arrests, disappearances, and extra-judicial killings;
- new reports of large-scale security operations in towns or villages also involving the Russian military, security and police forces and other security forces acting in support of President Kadyrov (such as operations carried out in the Sernovodske and Assinovskoy villages in late March), bearing in mind that such operations led to a number of human rights violations in the past;
- reports of Russian bombings, with incidents of bombing in populated areas;
- reports on harassment by members of Russian forces of human rights defenders working in the Chechen Republic and in Ingushetia;

- reports on cases of alleged torture or ill-treatment in unofficial, but also in official places of detention (see sources as in paragraph 25 as well as: IHF, 23/1/2004; Amnesty International, 19/3/2004; Human Rights Watch (HRW) [World Report](#), 26/1/2004; Observatory for the Protection of Human Rights Defenders (World Organisation Against Torture and International Federation of Human Rights Leagues, FIDH), 26/1/2004).
33. In this regard, I would again appeal to the Russian authorities to authorise publication of the reports of the Committee for the Prevention of Torture (CPT) directly relevant to the situation in the Chechen Republic.
34. Information about harassment and intimidation of applicants to the European Court of Human Rights remains particularly worrying. In March 2004, international NGOs recalled that an applicant to the European Court “disappeared” in June 2002, and Russian forces allegedly extra-judicially executed another applicant and her family in May 2003. NGOs that represent Chechen victims of human rights abuses before the Court have documented threats against other applicants or their families in at least seven other cases (IHF/ILHR [Joint Statement](#), 25/3/2004).
35. According to a recent report by the Centre of Journalism in Extreme Situations, the conditions in which freedom of speech exists in the Chechen Republic continue to remain outside the legal framework set up by international and domestic legislation. At the same time, efforts have been made by the authorities to make Russian and Chechen electronic media and Chechen written press more accessible to the population.

D. RESTORATION OF THE RULE OF LAW AND FIGHT AGAINST IMPUNITY

36. Steps have been taken to restore the rule of law. As recently highlighted by the Russian authorities, the judicial system is being re-established in the Chechen Republic. The Chechen Supreme Court is functioning, along with 14 local courts. More than 10,000 civil cases were examined in 2003. The number of serious crimes decreased by over 50 percent compared to 2002. At the same time the number of crimes of a terrorist nature increased by 10.5 percent (MFA, 26/2/2004).
37. Nevertheless, resolute action is still needed to put an end to the prevailing climate of impunity in the Republic. As indicated by international NGOs, very few cases reach the courts. It is claimed that, in most instances, prosecutors fail to conduct effective and thorough investigations. NGOs even complained that they sometimes fail to question witnesses and relatives (IHF/ILHR [Joint Statement](#), 25/3/2004; HRW [World Report](#), 26/1/2004).
38. As highlighted in my previous report, the need for a clear-cut division of responsibilities between various military, security and police forces and the need for more effective internal supervision mechanisms are also key issues in the fight against impunity. This aspect is even more problematic following the involvement of security forces acting in support of the Chechen President.

39. As concerns the implementation of the Amnesty Law, the Russian authorities indicated that, as of February 2004, they decided to grant amnesties to 89 people. 111 other people have filed written requests for amnesty (MFA). No further detailed information is available on whether these persons committed crimes as members of illegal armed groups or as public officials. It should however be stressed that an amnesty should not be granted to perpetrators of human rights violations before the victims have obtained justice by means of an effective remedy and that any such amnesty should have no legal effect on proceedings brought by victims relating to the right to reparation.

E. RECONSTRUCTION

40. Efforts are being pursued to allocate funds for reconstruction in the Chechen Republic, notably in the social and economic sector. In 2004 37 billion roubles are planned to be used in this context. According to the Russian authorities, 20,000 jobs will also be created in 2004-2005 (MFA).

41. As highlighted by Mr Francis M. Deng, the Representative of the UN Secretary General on internally displaced persons, the authorities should ensure that all those whose property was damaged or destroyed should have equal and fair access to compensation. According to official sources, more than 48,000 homes were partly or entirely destroyed. A list of applicants for compensation for destroyed housing or lost property should be approved in May 2004 (doc. [E/CN.4/2004/77/Add.2](#)).

42. There are 459 general education schools operating in Chechnya (of which 356 are in rural areas and with 28 evening schools), 96 consultation centres and 5 boarding schools, along with three institutions of higher learning and 19 specialised secondary educational establishments, totalling 225,000 pupils and students and 21,500 teachers and instructors (MFA).

F. INTERNALLY DISPLACED PERSONS

43. As of 2 March 2004, a total of 63,578 internally displaced persons from the Chechen Republic were registered for assistance in Ingushetia. The two remaining tented camps, Satista and Sputnik, still house nearly 4,500 people (UNHCR, 8/3/2004, 24/2/2004 and 20/2/2004).

44. During the period covered by the present report, concerns have again been expressed by international organisations and the Russian President's Human Rights Commission about pressure on IDPs in tented camps to return to their place of origin in the Chechen Republic. The UN has recommended a number of key forms of protection for IDPs, including the provision of reliable information to enable them to make an informed decision about returning, the need to secure accommodation for returnees (particularly as concerns physical and legal protection in the Chechen Temporary Accommodation Centres), and the re-enforcement of human rights by facilitating access to the courts. The availability of alternative shelters in Ingushetia also remains essential to ensure the voluntary nature of returns to the Chechen Republic (doc. [E/CN.4/2004/77/Add.2](#); UNHCR, 8/3/2004, 24/2/2004 and 20/2/2004; IHF/ILHR [Joint Statement](#), 25/3/2004; Memorial, 29/3/2004; IHF, 12/3/2004).

Appendix I

Members of the Technical Mission

Mr Rikard BARKELING
Mr Guy Michel BRANDTNER
Mr Franck DAESCHLER
Mr Vladimir PYATIN
Mr Martin ZEMAN

O O O

Persons the technical mission met :

Mr Kovalev, Head of the Customs Office, Mineralnye Vody

Ms Tokareva, Customs Office, Mineralnye Vody

Mr Nukhazhiyev, Head of the Grozny Office of the former Special Representative of the President of the Russian Federation for ensuring Human Rights in the Chechen Republic

Mr Gausukov, representative of the Ingush government

Mr Chaployev, Director of the Presidential Garage in Nazran

Mr Vaessen, UN Office for the Coordination of Humanitarian Affairs (OCHA), Nazran

Mr Sliwak, Office of the United Nations Security Coordinator, Nazran

Colonel Krylov, Commander of the security team at the disposal of the Council of Europe in Znamenskoye

Mr Hartmann, Manager of the car workshop in Rostov-on-Don

Mr Barzykin, Technical manager of the car workshop in Rostov-on-Don

Appendix II

Programme of the technical mission (TM)

Day 1 (Monday 15 March 2004):

TM members arrived in Moscow

Day 2 (Tuesday 16 March 2004):

TM flight to Mineralnye Vody to arrange the customs issues

Day 3 (Wednesday 17 March 2004):

Continuation of customs clearance procedures

Other TM members arrived in Moscow

Day 4 (Thursday 18 March 2004):

TM arrived in Magas airport (Republic of Ingushetia)

Meeting with the authorities of the Republic of Ingushetia

Check and starting of the vehicles

Day 5 (Friday 19 March 2004):

TM traveled from Nazran to Znamenskoye

Day 6 (Saturday 20 March 2004):

Complete inventory of the equipment, technical and security check of the CoE property in Znamenskoye

Day 7 (Sunday 21 March 2004):

TM departure from Znamenskoye to Rostov-on-Don

Day 8-10 (Monday 22 to Wednesday 24 March 2004):

Service of the CoE vehicles in Rostov-on-Don

Day 11 (Thursday 25 March 2004):

TM departure from Rostov-on-Don to Nazran

Day 12 (Friday 26 March 2004):

Meeting with the authorities of the Republic of Ingushetia

Signing of the contract concerning the parking of the CoE vehicles

TM flight from Nazran to Moscow

Day 13 (Saturday 27 March 2004):

TM flight from Moscow to Strasbourg

Appendix III

Text of letter, dated 26 June 2000, sent by the Secretary General to the Chairman of the Ministers' Deputies with respect to the situation in the Chechen Republic, Russian Federation

Dear Chairman,

I have the honour of forwarding to you an analysis¹ of a team of international human rights law experts following the exchange of correspondence I have had with Mr Ivanov, Minister of Foreign Affairs of the Russian Federation, on the manner in which the Russian Federation's internal law ensures the effective implementation of the European Convention of Human Rights. I refer you, in this connection, to Information Document [SG/Inf\(2000\)21](#) of 10 May 2000.

As you are aware, I did not consider the replies I received from the Russian authorities as satisfactory "*explanations*" for the purposes of Article 52 of the European Convention of Human Rights. The findings of the team of independent experts have confirmed my views on this subject. In their opinion, the "*replies given were not adequate and [...] the Russian Federation has failed in its legal obligations as a Contracting State under Article 52 of the Convention*".

Consequently, I consider it my duty, in particular in the light of the findings of the experts, to seize the Committee of Ministers of this matter by virtue of paragraph 1, second indent, of the 1994 Declaration on compliance with commitments accepted by member States of the Council of Europe.

A copy of the present letter, together with the analysis of the team of experts, have been forwarded to the Parliamentary Assembly and, for information, to the European Court of Human Rights and the Council of Europe Commissioner for Human Rights as well as other relevant international institutions.

Yours sincerely,

Walter SCHWIMMER

Mr Pietro Ercole AGO
Ambassador
Chairman-in-Office of the Ministers' Deputies
Permanent Representative of Italy
to the Council of Europe

¹ Document [SG/Inf\(2000\)24](#) and [Addendum](#).

Appendix IV

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

DECLARATION

ON COMPLIANCE WITH COMMITMENTS ACCEPTED BY MEMBER STATES OF THE COUNCIL OF EUROPE

*(Adopted by the Committee of Ministers on 10 November 1994
at its 95th Session)*

The Committee of Ministers,

Bearing in mind:

- the vocation of the Council of Europe to promote the reinforcement of democratic security in Europe, as stressed by the Vienna Summit (October 1993), where heads of state and government also resolved to ensure full compliance with the commitments accepted by all member states within the Council of Europe;
- the commitments to democracy, human rights and the rule of law accepted by the member states under the Council's Statute, the European Convention on Human Rights and other legal instruments;
- the importance of the strict compliance with these commitments by every member State;
- the statutory responsibility incumbent upon itself for ensuring full respect of these commitments in all member states, without prejudice to other existing procedures, including the activities of the Parliamentary Assembly and conventional control bodies;
- the need to facilitate the fulfilment of these commitments, through political follow-up, carried out constructively, on the basis of dialogue, co-operation and mutual assistance,

Decides as follows :

1. The Committee of Ministers will consider the questions of implementation of commitments concerning the situation of democracy, human rights and the rule of law in any member State which will be referred to it either:
 - by member states,
 - by the Secretary General, or
 - on the basis of a recommendation from the Parliamentary Assembly.
- When considering such issues the Committee of Ministers will take account of all relevant information available from different sources such as the Parliamentary Assembly and the CSCE.
2. The Secretary General will forward to the Committee of Ministers to this end information deriving from contacts and co-operation with member states that are liable to call for the attention of the Committee of Ministers.
3. The Committee of Ministers will consider in a constructive manner matters brought to its attention, encouraging member states, through dialogue and co-operation, to take all appropriate steps to conform with the principles of the Statute in the cases under discussion.
4. The Committee of Ministers, in cases requiring specific action, may decide to:
 - request the Secretary General to make contacts, collect information or furnish advice;
 - issue an opinion or recommendation;
 - forward a communication to the Parliamentary Assembly;
 - take any other decision within its statutory powers.
5. The Committee of Ministers will continue to seek greater efficacy in its procedures with a view to ensuring compliance with commitments, in the framework of a constructive dialogue.