

## HR news

*On 18th December in Paris the Committee of Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe met. At the sitting, amongst other things, the subject of the situation in the Chechen Republic was considered. The Committee must prepare a draft resolution on the aforementioned issue for the January PACE sitting. The Chairman of the Human Rights Centre 'Memorial', Oleg P Orlov, as an expert on the subject, was invited to speak at this sitting*

### **Address given by Oleg Orlov, Representative of the HRC 'Memorial' at the Meeting of the Committee for Legal Affairs and Human Rights Council of Europe in Paris, December 2000**

**Since the start of the current armed conflict in the Northern Caucasus, the Human Rights Center (HRC) 'Memorial' has been working in the conflict zone and in the surrounding area.**

**Since Autumn of 1999, HRC 'Memorial' has been regularly sending its representatives to the Republic of Ingushetiya to carry out interviews with forced migrants who have traveled there from the conflict zone. Furthermore, 'Memorial's' representatives have also, where-ever possible, worked in Chechnya. In March of this year, a Memorial permanent representative office was established in Nazran. Since Autumn of this year, permanent consultation centers have been in operation in Grozny and Urus-Martan in the Chechen Republic.**

**At the beginning of this month, HRC 'Memorial', was unfortunately once again forced to acknowledge that the majority of appeals, recommendations and requirements incorporated in the various resolutions passed by the Parliamentary Assembly of the Council of Europe with regards to the conflict in the Chechen Republic have not been fulfilled. During Autumn of this year, there were no significant improvements with regards to the protection of human rights in the Chechen Republic. The attacks, diversions and terrorist activities carried out by illegal armed formations opposing the Federal troops are, as before countered with acts of terror towards the civilian population of Chechnya.**

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In Autumn of this year, a partisan war was conducted more or less throughout the Republic of Chechnya. Although, according to official reports, the monthly loss of life of Russian troops in Chechnya dropped in Autumn as compared to the Summer, soldiers, including very young men on military service, and employees of the Ministry of Internal Affairs continue to be killed by mines and armed attacks.

**As a result of the persistent application of armed force by both sides in the conflict, the majority of civilians in Chechnya are often exposed to great danger. Both warring sides have failed to take into consideration the safety of civilians during this conflict.**

Over the last few months, at least some of the illegal armed formations, resisting the federal troops have used terrorist tactics as a weapon against the representatives of local government who remain loyal to the Russian federal powers. Regional administration offices have been bombed, the heads of a number of village administrations have been murdered, and there have been attempts on the lives of heads of administration of various regions. At the beginning of November, a letter was written to the heads of administration in various villages entitled "Open letter from members of the Sharia Supreme Field Court" (see [Appendix 1](#)). The letter contained the official stamp of the Chief Headquarters of the Federal troops of the Republic of Ichkeriya. In this letter, sent to the heads of the village administrations, it was proposed that all recipients resign as of 15th November. The

letter threatened that if the heads of administration did not resign, then the Sharia Supreme Field Court would punish them and "the implementation of the court decisions will be the responsibility of all field commanders of all federal troops mobilized in this conflict. It is evident that the words "court decisions" conceal a threat of extra-judiciary reprisals. Today, the heads of village administrations in Chechnya are pretty much the only authorities protecting the interests of the inhabitants of their village. Thus, the authors of the aforementioned letters are apparently following the principle "the worse the better."

More and more frequently as a result of diversion tactics employed by the federal troops, civilians are killed. On 12th October this year, for example, as the result of a car bomb which exploded next to the premises of the Oktyabrskiy district Department of Internal Affairs in Grozny, according to various estimates, between 10 and 15 people were killed and 16 were wounded. Amongst the dead were many civilians from Grozny. The attack was deliberately located and timed to jeopardize civilians. There are two explanations: either those who planted the bomb are completely indifferent to civilian lives or they intentionally wanted to frighten all those who have any contact at all with federal structures of power.

The federal troops for their part, in response to armed attacks, often indiscriminately open fire on the suburbs of populated areas as the result of which of course many civilians are killed. We have a large amount of information regarding such incidents, particularly those, which have occurred in the city of Grozny.

Everywhere, without any advanced warning, with the tiniest grain of suspicion of danger and often with no grounds at all, federal troops open fire. Because of such activities, it is again civilians who are the first to suffer. Evidence of this is manifold.

**Regularly, grenade and artillery attacks** are carried out by the federal troops, leading to destruction, death and wounding of the civilian population. According to our information, which is far from exhaustive, during Autumn of this year, such attacks were made on a range of quarters in the cities of Grozny, Argun and Urus-Martan, and the villages of Valerik, Tangi-Chu, Mesker-Yurt and Tsa-Vedeno. This list of attacks is also far from exhaustive. Unfortunately, we often do not receive information about such incidents occurring in mountain villages.

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### **At times, federal troop activities are reminiscent of some kind of act of retribution aimed at the civilian population.**

Below are just six examples:

In the morning of the **6th October**, federal troops surrounded a number of residential blocks around B Khmel'nitskiy Street in Grozny. They opened fire at the windows of residential buildings. They planted explosives and detonated three residential buildings on this very street. This was all accompanied by insulting and abusive comments directed towards Chechens. This act of vengeance was only brought to a halt, when, after three hours, the military commander arrived at the location. The residents were told that on the evening before, a military truck had triggered a land-mine and the soldiers decided to respond with this act of violence. Similar events occurred on this same street on 12th October (see [Appendix 2](#)).

**On 24th November**, on a road leading to the village of Davidenko, a military vehicle triggered a land-mine - one soldier was killed and two were wounded. Soon after this event, close to the scene of the explosion, an inhabitant of this village, Hussain Gasiyev stepped off a passenger bus. In the presence of the other passengers on the bus, soldiers arrested Gasiyev, placed a hood over his head, seated him in an armed military vehicle and transported him to an unknown location. On 24th November, the body of Hussain Gasiyev was discovered on the outskirts of the village of Davidenko. His nose had been cut off, his eyes had been poked-out and on his neck was evidence of

a deep knife-wound, the upper part of his head was simply a mash of flesh and bones and his wrists and fingers had all been broken.

**On 23rd November**, at the Grozny central market, two officers from the Moscow Special Division of the Ministry for Internal Affairs were murdered by unknown assailants. After this, the central market was raided, during which 17 people were arrested. Military troops drove the detainees to an unknown location. **On 26th November** a large number of Russian servicemen travelling in armed military vehicles surrounded the market. Shortly after this, a massacre of the market-place began - tanks and bulldozers swept up kiosks and rows of market-stalls. Soldiers opened machine-gun fire on anyone who tried to stop the massacre and some were killed. A minimum of twenty men were arrested and driven to an unknown location. The fates of some of these detainees remain to this day unknown. This action was accompanied by large-scale looting: soldiers openly loaded their armed vehicles with the goods on sale (clothing, footwear, food items etc.) The soldiers also stole openly from goods stores and even from the flats situated close to the market-place. Employees from the HRC 'Memorial' observed the whole incident directly. On the next day, all that was left of the rows of market-stalls was a pile of broken boards.

It must be emphasized that the temporary troops which were surrounding the market, did not endorse the activities carried out by the so-called 'contractors' who destroyed and robbed this market-place.

It is evident that such undisguised and large-scale thefts could only take place on a direct order from the military command. A colleague of the RF Special Representative for the Protection of Human Rights and Freedoms in Chechnya who tried to put a stop to the massacre was sent away by the federal troops. When women who were trading on the market appealed to the municipal military commander's office, it refused to intervene in the incident.

**Nobody has been punished for any such "acts of vengeance"**

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**This Autumn in Chechnya, as has occurred in the past, citizens who had been arrested by federal troops and employees of the RF Ministry of Internal Affairs disappeared.**

Since the very beginning of the military activity in Chechnya, when people have been arrested by federal troops, employees of the RF Ministry of Internal Affairs or the Federal Security Service, relatives of the detainees have usually, for a considerable period of time, been unable to discover the reason for the arrest, the location of detention, whether or not the detainee has actually been charged with anything etc. It is self-evident that, in this way, detainees are unable to use solicitors.

The majority of the detainees who had "disappeared" have then been discovered after some weeks or even months in investigation cells or temporary detention cells. However, unfortunately, there are many cases, where detainees who have "disappeared" in this way are simply never found.

**Sometimes local residents discover the bodies of detainees with evidence of torture and violent murder. Such cases were described in previous 'Memorial' appeals to the Parliamentary Assembly of the Council of Europe**

We would like to provide just two examples of such cases:

On 27th November, 28 year old Ali Yarshurkayev was arrested at his home in the village of Goity by servicemen from the 245th division. On the next day, his disfigured corpse was then taken by soldiers on an armed military vehicle and deposited in front of the Urus-Martan central district hospital. A Yarshurkayev had had his fingers and wrists broken and there was evidence of stab-wounds all over his body.

On 27th November, a resident of the village of Samashki, Jusup Beksultanov, was arrested by military troops on the outskirts of his village. This incident occurred in the presence of witnesses.

They bound his hands and seated him on a moving military vehicle. On 28th November at a federal troop block-station located in the western suburbs of the village of Samashki, the mutilated corpse of Jusup Beksultanov was discovered. The discovery of the body was recorded by representatives of the Achkha-Martanovsk district administration and employees of the law enforcement agencies.

Unfortunately, we have no reason to hope that anyone will be punished for this crime.

At the end of November, the press office of the Main Criminal Investigation Department of the RF Ministry for Internal Affairs, reported that "they had established the fates of 26 individuals who had disappeared without trace", that is, 26 out of several hundred similar cases known to the Ministry of Internal Affairs. The RF Special Presidential Representative for the Protection of Human Rights and Freedoms in Chechnya reported that "all of these individuals are alive and some of them have even received amnesty. Others are currently in investigation cells in the Naursk district of Grozny and some are under the jurisdiction of the Federal Security Service." However, the question as to who actually committed such unlawful acts and what can be done in order to ensure that they do not continue, remain unanswered.

On the contrary, as far as we are aware, not a single responsible person accused of these "disappearances" of detainees has actually been made to take criminal responsibility. Of all the many cases known to us of disappearance without trace of individuals who had been detained by federal troops or employees of the RF Ministry of Internal Affairs, not one has been investigated. In essence, 'Memorial' has still received no response to its appeals with regards to the aforementioned facts to the Departments of the RF Procuracy. As a result, 'Memorial' was forced to send a letter to the RF Special Representative for the Protection of Human Rights and Freedoms in Chechnya. In this letter, we requested that the Special Presidential Representative acquire a rapid response from the Procuracy with regards to at least fifteen of the most scandalous cases. The response which we received at the beginning of December from the Procuracy of the Chechen Republic simply supports our conviction that these facts are being investigated by the departments of the Procuracy in an extremely ineffective and tardy manner (see [Appendix 3](#)).

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We must bear in mind, however, that in certain locations where detainees are held, the situation has improved. For example, the temporary detention center in Urus-Martan was sadly known throughout Chechnya for the torture, humiliation and violence carried out on detainees there. At the end of September, the routine change in management of the Temporary Department of the Ministry of Internal Affairs in Urus-Martan occurred. After this, the torture and beatings in the Urus-Martan temporary detention center ceased.

However, torture, beatings and even arbitrary imprisonment continues to be carried out by federal troops of the 245th division stationed close to Urus-Martan.

At military unit bases and in branches of special police divisions, as previously, secret prison cells continue to exist. The detention of people in such prisons is not recorded anywhere and it is from such locations that citizens simply "disappear".

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In spite of the fact that a special decree was passed according to which, representatives of the Procuracy and the head of the village or municipal administration must always be present at the implementation of "**cleansing operations**" in residential areas, this ruling is often ignored by federal troops.

As was previously the case, "cleansing operations" are regularly accompanied by assault and battery of civilians, and by their arrest and consequential "disappearance". Additionally, more often than not, during the process of "cleansing operations" **looting** is carried out (see [Appendix 4](#)).

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As before, at many **block-stations** located on roads, soldiers and members of the police force more or less openly extort money from drivers travelling along such roads in their vehicles. Employees of the HRC 'Memorial' have themselves on many occasions been not only witnesses to such extortion but also victims.

In this regard, it is important to note that at some block-stations a system of joint shifts with members of the Chechen police force has been implemented. This means that the likelihood of aggressive violations of the local population's rights by federal troops and members of the police force is significantly reduced.

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The **stabilization** of the situation in Chechnya and the development of cordial relations between the population and the representatives of the federal agencies of power will not be possible without serious and objective **investigation of the many crimes** which have been committed by federal troops and employees of the RF Ministry of Internal Affairs towards the civilian population of this republic.

However, the agencies of the Procuracy officials have demonstrated an unwillingness to investigate crimes committed by the agencies of federal power against the civilian population during this armed conflict.

At the end of September, according to information received from various official sources, the agencies of the Military Procuracy had examined between 16 and 19 criminal cases which had been instigated to investigate crimes committed against civilians.

'Memorial' has received information that, for the entire period of the Chechen armed conflict, up until the beginning of December, the agencies of the Military Procuracy had examined 31 criminal cases instigated to investigate crimes committed against the civilian population. In spite of the noticeable increase in the number of criminal cases instigated between October and November, for anyone who is in the possession of objective information on the situation in Chechnya, it is evident that this figure is ludicrously low in comparison with the number of diverse crimes which have in reality been committed by federal troops against the civilian population.

For the sake of comparison, we would like to provide another figure, also received from an official source. The report on the activities of the RF Special Representative for the Protection of Human Rights and Freedoms in the Republic of Chechnya, published in July 2000, stated that the Special Representative and his office had received appeals from 5689 people. Further more, in excess of 50% of all appeals concerned a lack of information with regards the detention and disappearance of relatives, restrictions on freedom of movement, incidents of violence, insulting and abusive behavior of federal troops and employees of the agencies of law enforcement, arbitrary arrests, beatings and illegal custody. By October of this year, the office of the Special Presidential Representative had already received appeals from 8129 individuals.

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At this point in time, the **courts** have still not started work in the Chechen Republic. This of course means, that the population of Chechnya is deprived of a crucial mechanism for the protection of their rights.

The so-called "Independent Social Commission on the Chechen Republic", led by a deputy from the RF State Duma, P V Krashennikovoy is in reality neither independent nor social and is inactive.

The existence of the post of the RF Special Representative for the Protection of Human Rights and Freedoms in Chechnya is facilitating an improvement in the human rights situation in the area.

However, this post cannot function with any great effect due to the flagrantly inadequate authority given to both the Representative and his colleagues.

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**The Parliamentary Assembly of the Council of Europe recommended that the Russian leadership initiate political dialogue with no preconditions or limitations with the entire spectrum of representatives of the Chechen people, including representatives of the legally elected Chechen leadership with the aim of achieving a system of comprehensive political monitoring of the conflict. As was previously the case, to this day, no steps have been taken in this direction. Russian leaders have refused to conduct negotiations with the current representatives of the opposing side.**

As before, nothing is known with regards to the fate of the parliamentary representative of the Chechen Republic of Ichkeriya, Ruslan Alikhadzhiyev who was arrested by representatives of the federal agencies of power. The head of the department for the monitoring of criminal investigations in the Procuracy of the Chechen Republic, I D Golubyev, stated on 7th December that "the investigation which had been conducted on this case established that on 17th May 2000, in the town of Shali an unidentified individual in camouflage travelling on a military armed vehicle burst into the building in which R Sh Alikhadzhiyev was residing and then abducted the aforementioned to an unknown location." There is no doubt that, in Shali, in May, the only people who could have been travelling on an armed military vehicle were those participating in the military activities of the Russian federal agencies of power.

Ruslan Alikhadzhiyev's family have sent a letter to the Parliamentary Assembly of the Council of Europe with the request that they use all influence to establish the fate of their father, husband, son and brother (see [Appendix 5](#)).

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Even representatives of the current Chechen administration who are loyal to the Russian Federal powers consider the situation in the Chechen Republic as regards to observance of human rights to be extremely negative.

The HRC 'Memorial' has at its disposal a report from 22nd November this year regarding the situation in the Kurchaloyevsk region of the Chechen Republic provided by the head of the administration of this region, Makkhal Taramov (see [Appendix 6](#)). This report includes information about diversions and terrorist acts committed by the Chechen fighters as well as information on the many acts of violence inflicted on the civilian population by the federal troops. M Taramov, is a man who has been threatened with death by separatists, but, nevertheless he has written the following "Crimes and incidents carried out by the federal troops and representatives of various military departments and sub-divisions have had an extremely negative impact on the situation in the region and have had significant social resonance. Cases of civilian detention continue and the torture of citizens during so-called "cleansing operations" during which people are abducted and further information with regards to their fates is withheld<...> At all block-stations deliberate torture is carried out on travelling civilians. Employees of the local police force are insulted and humiliated. The uncivilised behaviour of the employees of the federal troops has led to an explosive situation in the region."

In this regard, it is important to emphasize that the Kurchaloyevsk region is situated on the plains not far from Grozny. In the mountainous regions, the situation is even worse.

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The HRC 'Memorial' must unfortunately acknowledge that politicians in many European states do not want to accept what is really happening in Chechnya and prefer to see what they want to see rather than reality:

Until in Chechnya:

- Acts of violence committed by federal troops on the civilian population fall in number,
- Military unit bases and in branches of special police divisions maintain order and discipline,
- The fates of those who were arrested, detained and who have "disappeared" have been ascertained,
- Illegal prisons in military unit bases have been closed,
- Even a proportion of the servicemen and employees of the Ministry for Internal Affairs guilty of serious crimes against the civilian population have been punished,
- A fully functional legal system capable of protecting the rights of citizens has been established,

it would be cynical to speak of any real improvement in the sphere of human rights in Chechnya.

We could only speak of a key policy if the aforementioned requirements were forced under the noses of Russian leaders at every official meeting and all official negotiations, and if all possible mechanisms of international diplomacy were employed to ensure such requirements were fulfilled.

The HRC 'Memorial' regrets that the recommendation made by the Parliamentary Assembly of the Council of Europe (PACE) that the member-states of the Council of Europe bring the issue of Russia's violations of the conditions laid out in the European Convention on the Protection Human Rights and Basic Freedoms to the attention of the European Court has not been fulfilled.

In the absence of any attempt to instigate such international legal proceedings, an invitation for the Russian delegation to speak at the next sitting of Parliamentary Assembly of the Council of Europe (PACE) would mean recognition by the Council of Europe of its total impotence.

The HRC 'Memorial' believes that OSCE member-states must use all means within their power to ensure that, at last, a permanent monitor mission is stationed in the Chechen Republic, with broad competencies as regards to the regulation of the condition of human rights in this area.

We would also like to appeal for your support of the Special representatives of the UN Commission for Human Rights, on torture, extrajudicial, summary or conditional punishment, the Special Representative of the UN Secretary General on children and armed conflict in their attempts to arrange fact-finding visits to the Chechen Republic and provide the Commission and the UN General Assembly with reports on those visits.

Appendices:

Appendix 1: ["Open letter from members of the Sharia Supreme Field Court"](#)(English translation)

Appendix 2: [Appeal from the residents of a building in B Khmel'nitskiy Street, Grozny](#) (English translation)

Appendix 3: [Copy of letter sent by HRC 'Memorial' to the RF Special Representative for the Protection of Human Rights and Freedoms in Chechnya with commentary](#) (English translation)

Appendix 4: [Appeal from the village Gonsal-Chu elders](#) (English translation)

Appendix 5: [Letter from the family of the Head of Parliament in the Chechen Republic of Ichkeriya, Ruslan Alikhadzhiyev, to the members of the Parliamentary Assembly of the Council of Europe](#) (English translation)

Appendix 6: [Report on the situation in the Kurchaloyevsk region of the Chechen Republic, written on 22nd November 2000 by the head of the administration of this region, M Taramov](#) (English translation)

