

# The Critical Human Rights and Humanitarian Situation in Chechnya



April 24, 2003

Briefing of the  
Commission on Security and Cooperation in Europe

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**COMMISSION ON SECURITY AND COOPERATION IN EUROPE**  
**234 Ford House Office Building**  
**Washington, DC 20515-6460**  
**(202) 225-1901**  
**[csce@mail.house.gov](mailto:csce@mail.house.gov)**  
**<http://www.csce.gov>**

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The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <[www.osce.org](http://www.osce.org)>.

## **ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <[www.csce.gov](http://www.csce.gov)>.

# **THE CRITICAL HUMAN RIGHTS AND HUMANITARIAN SITUATION IN CHECHNYA**

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**THURSDAY, APRIL 24, 2003**

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# THE CRITICAL HUMAN RIGHTS AND HUMANITARIAN SITUATION IN CHECHNYA

THURSDAY, APRIL 24, 2003

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The briefing was held at 10:30 a.m. in Room 2200, Rayburn House Office Building, Washington, DC, Ronald J. McNamara, Deputy Chief of Staff, Commission on Security and Cooperation in Europe, moderating.

*Panelists present:* Eliza Moussaeva, Director of the Ingushetia Office, Memorial Human Rights Center; Bela Tsugaeva, Information Manager, World Vision, Nazran, Ingushetia; and Maureen Greenwood, Advocacy Director for Europe and Eurasia, Amnesty International, USA.

Mr. McNAMARA. Good morning, welcome to today's briefing of the Helsinki Commission on the critical human rights and humanitarian situation in war-torn Chechnya. My name is Ron McNamara. I have served on the Commission staff since 1986 and am currently serving as Deputy Chief of Staff.

For those who are in the audience I would ask that you sign in on a sheet out front if you have not done so already. There are a variety of materials, both relating to Commission initiatives and materials provided by some of the NGOs participating in today's briefing, and those are available for your use.

In addition I would direct you to the Commission's web site, <http://www.csce.gov>, and you can click on and search by topic or by country.

Before I begin our presentation today however, I would express sympathies for the family and friends of Sergey Yushenkov, a Deputy of the Russian Parliament, who was murdered last week in Moscow. Mr. Yushenkov had been a visitor to the Commission in the past, and he impressed many as a legislator deeply committed to Russia and the Russian people.

The Commission has closely followed developments in Chechnya since the outbreak of war in 1994. Today's briefing is the latest in a series of hearings, briefings and other Commission initiatives relating to that region of the Russian Federation. Shortly after the first war broke out I asked our analyst on Russian issues, John Finerty, who is with us today, if there was a meaning to the name Grozny. He related the rich history of the name of the Chechen capital and its meaning, *terrible*.

*Terrible*—how apt a description of life in that region since the leveling of the Chechen capital and the devastation that has followed now for nearly a decade. While the images of the first war may linger for many of us, a concerted campaign by the Putin administration has all but closed large parts of Chechnya off to independent journalists. Even the modest

presence of the OSCE's Assistance Group to Chechnya, which had attempted independently to report on developments in the region, was forcibly closed by Moscow. Such are the realities at a time when the Kremlin would have us believe that life in Chechnya has returned to normal.

While there are many dimensions of the situation in Chechnya, the Helsinki Commission's principal focus is on the human dimension. The violence continues as does a climate of fear for average Chechen civilians. Despite concerted efforts by the Russian leadership to portray the situation in Chechnya as approaching normal, the pattern of clear, gross and uncorrected violations of OSCE commitments by Russian forces continues. From reports of credible and courageous human rights activists such as our panelists, it is clear that the most egregious violations of international humanitarian law anywhere in the OSCE region are occurring in Chechnya today.

The recently released State Department *2002 Country Reports on Human Rights Practices* covering the period 2002 provides detailed documentation of the dismal state of human rights in Chechnya. Regrettably, the 59th Session of the United Nations Commission on Human Rights [UNCHR], which concludes its annual session tomorrow in Geneva, failed to adopt a U.S.-supported resolution expressing "deep concern" about reported human rights violations in Chechnya. I would note that two OSCE countries—Armenia and Ukraine—voted with the Russian Federation in opposing the resolution.

On a personal note, I found it quite ironic to hear President Putin admonishing U.S. troops in Iraq for their conduct at a time when Russian forces under his nominal control are conducting special sweep operations or "*zachistka*" in Chechnya that typically result in the detention, torture, and, often, disappearance of the male population of towns and villages. If allowed to live, some victims have been taken into custody and simply "ransomed" back to their families. Tens of thousands of internally displaced persons [IDPs] are living in temporary quarters or tent villages. It is also worth pointing out that the climate of fear for Chechen civilians is not limited to the borders of Chechnya, but extends elsewhere in the Russian Federation where Chechens face harassment, discrimination, and other forms of abuse solely because they are Chechen.

The format of today's briefing will provide time following the presentations of our panelists for questions from the audience. I ask that you approach a microphone—and we will provide one—state your name and any affiliation and direct your questions to one of our panelists. An unofficial transcript will be available tomorrow on the Commission's web site, which I mentioned earlier, [www.csce.gov](http://www.csce.gov), and that should be available by close of business tomorrow on Friday.

I will now move to the introduction of our panelists: Eliza Moussaeva, Director of the Ingushetia office of the Memorial Human Rights Center. Memorial provides legal consultations to Chechen refugees and is involved in cases before the European Court of Human Rights in Strasbourg. Also joining us this morning is Bela Tsugaeva, Information Manager of World Vision, Nazran, Ingushetia. Ms. Tsugaeva previously worked with IDPs for the International Rescue Committee and the Danish Refugee Council.

Our panelists are accompanied this morning by Maureen Greenwood, Advocacy Director for Europe and Eurasia with Amnesty International, USA. I would ask our panelists to proceed, and I understand that one of you will also be serving as translator, and that Ms. Greenwood will provide some specific recommendations at the conclusion of our experts' presentations. Thank you for your attention and for joining us today.

Ms. MOUSSAEVA [through interpreter]. We would like to express our gratitude for the provided opportunity. This is our second trip to the United States and for the second time

we want to draw attention of the United States to the existing problems in the Chechen Republic.

A brief overview of the general situation in Chechnya has already been given by the preceding panelist. I would like to draw your attention to another sore point in Chechnya. The Federal Forces have changed the tactics of their “counterterrorist” operation. Mop-ups, which in essence were punitive raids, are now changed into targeted night raids, which are actually worse than the mop-up operations.

According to many sources and monitoring in the first three months of this year, from January-March 2003, the representatives of the federal forces abducted 119 persons, while last year in the same time period, this figure amounted to 82 persons.

Thus, this year more people in Chechnya were abducted than one year ago in the same period.

Paradoxically, it became harder to search for the abducted. During the old-style mop-up cleansing operations, when a village was being blockaded by a military unit, it was approximately known which unit carried out the operation and where to look for the missing relative. In the cases of the current targeted night raids, this is next to impossible.

What are night raids? The masked military personnel arrive by military vehicles at night without presenting their identification documents. They burst into houses, abduct people and take them into unknown direction. How could people know where to find traces? According to the official statistics in Chechnya about 2800 are missing or “disappeared.” However, we suppose that this figure might be even higher. The discovery of mass graves is a normal phenomenon in Chechnya. Thus, in January 2003 in Pervomajskaja Village (not far from Grozny) a mass grave was found. The corpses were blasted, so it was impossible to make an exact count. The prosecutor of Chechnya declared that these were the remains of persons kidnaped by Chechen combatants.

Nonetheless, by a lucky coincidence, two of the corpses had been identified by the fragments of clothing. These were two civilians earlier detained by the representatives of the federal forces. Eyewitnesses can support this fact.

Why do they blow up the bodies? Because they want to hide the traces of torture. The unidentified bodies are being buried. This means that mothers today in Chechnya must look for their sons among thousands. One mother told me this story after visiting one grave, where about 40 corpses were found. For this woman all of the missing, even the dead corpses, have become her own children. After looking at forty dead corpses, she said: “I have checked each son thinking that any of them can be my own one.”

Many hopes were pinned on the referendum, but what this referendum has changed in the reality? Memorial has recorded the events after the referendum. Let us choose one after-referendum day at random. On April 3, at six o'clock in the morning, a student of the vocational school was abducted by the federal forces. The parents rushed to the local police station where they were told that the police knew nothing about the detainment of their son. By a lucky coincidence the father of the adolescent noticed the car, which had carried his son, in the yard of the police station. Only then the policemen acknowledged that the boy had been there.

For three hours the boy was kept in this militia department, but it was enough to find him severely beaten. He was forced to confess, to take responsibility for subjecting school number seven to fire shortly before the referendum. It is quite understandable why Memorial hides the name of the student.

On the same day on April 3, a car was detained at the checkpoint near the village Stariye Atagi. The driver was let go, but four passengers went missing. On the same day, April 3, in Grozny, a bus with workers exploded and the result is: nine persons died. So we have the question why did we need that referendum if it did not change the situation for the better, if it did not bring us stability.

Ms. TSUGAEVA. I would like to tell about the situation of IDPs. According to Danish Refugee Council, which is doing registration of IDPs and of the population of Chechnya, there are 92,000 IDPs in Ingushetia. Ingushetia is a neighboring republic. It is 60 kilometers from the Ingushetia border to the capital of Chechnya, Grozny, so it is not far.

Their own population of Ingushetia is estimated at 350,000 people of Ingush ethnicity and 92,000 IDPs are today on the territory of Ingushetia. 15,000 of them live in the five tent camps in Ingushetia and 27,000 live in spontaneous points, that is, in former industrial buildings, former poultry, pig and dairy farms. The last 50 percent of people live in private accommodations. Most of them pay for rent, and 15 percent of them live with hosts for free.

Since December, pressure was noticed in Ingushetia to force people back to Chechnya, though appropriate conditions were not organized for their return. There were some alternative shelters offered in the territory of Chechnya, but when some people returned, they found that those temporary accommodation centers did not have basic necessities. There was no water supplied, there was no electricity, and most of the centers were half-way repaired.

Also the representatives of the Chechen Forced Migrant Committee were spreading propaganda on a daily basis, asking people to go back. They set up in the camps, they were living there, and on a daily basis they were visiting camp after camp and saying different things. They said that if you do not go today, tomorrow you will have to run. Tomorrow in Ingushetia will be cleansing military operations, and here the situation is much worse in comparison with Chechnya.

So this was one way of putting pressure on people. Another was that rumors were spread: if you do not go back, those who stay here will be accused of having ties with rebels, because otherwise why do not they return? You should have reasons for that so you are afraid it means that you are connected to the rebels. This was another type of pressure.

Also the military forces, some of the units were deployed in Ingushetia and they were situated not far from the tent camps, so there they were psychologically pressuring those IDPs, who saw how the military was doing different military exercises, and there were detentions of IDPs from camps. There were also sweep operations conducted in some settlements of Ingushetia, not only in camps but even in private accommodations. Some people were detained. They did not have any massive character but anyway some cases were registered.

This is another kind of pressure, the presence of military in Ingushetia. Also their hosts of the spontaneous points ask IDPs—that is 27,000 IDPs—to leave their spontaneous points because they need those buildings, industrial buildings for their own businesses. It means that 27,000 people should leave those places, but where can they go? To the temporary accommodation centers? They are only for those people who are from tent camps. What about thousands of homeless people in Chechnya itself? So it is a huge problem. Federal migration services do not pay their debt to Ingushetia's migration services. It means that the public utilities are not covered by federal migration services. It means



that tension is created between hosts and IDPs who live for free with Ingush families. So these types of pressure are put on IDPs.

The only assistance is of course the assistance provided by international NGOs and U.N. agencies. Seventy percent of aid is covered by international NGOs and goes to the government, they usually do bread distribution that is vital for IDPs but it is not regular. They start it, then they stop. People cannot rely on that system. They stopped the distribution of bread, and so it is a huge problem.

In Chechnya the need is very great, but international organizations cannot open offices there because of the security situation, and without accountability they cannot just throw this aid to Chechnya. This is also a problem. There are many people that are not covered, and even some international NGOs have offices there. There is World Vision where I work but it is not enough. The Danish Refugee Council is also providing humanitarian assistance for those people who are categorized as vulnerable—elderly, orphans, children with one parent. That is very good, but it is not enough unfortunately.

So this is the general situation.

Mr. McNAMARA. Thank you for sharing that information with us.

Maureen.

Ms. GREENWOOD. I would like to thank Mr. Ron McNamara, Co-Chairman Christopher Smith, and Co-Chairman Ben Nighthorse Campbell, the Commissioners and staff of the CSCE for putting together this very important briefing on this very much-forgotten conflict.

Amnesty International is a worldwide campaigning movement that works to promote all the internationally recognized human rights in the Universal Declaration of Human Rights. Amnesty International is impartial and independent of any government, political persuasion or religious creed.

The world has largely forgotten the conflict in Chechnya, but I would like particularly to thank CSCE because they have not. We particularly appreciated the very important letter from CSCE Commissioners to Secretary of State Colin Powell, urging the U.S. delegation at the UNCHR in Geneva to push for a strong resolution on the conflict in Geneva. In particular, Amnesty International would like to thank co-signers Senator Ben Nighthorse Campbell, Representative Christopher Smith, Senator Gordon Smith, Representative Steny Hoyer, Representative Robert Aderholt and Representative Ben Cardin.

Despite this letter, Amnesty International deplored the failure of the 59th Session of UNCHR to pass the resolution condemning the human rights violations in Chechnya. While Amnesty International was glad to see that in the end the U.S. delegation at the U.N. Commission did support the resolution, clearly their lack of co-sponsorship was a sign that they failed early enough to commit to the resolution and to do the adequate politicking to see that other delegations also supported the resolution.

We also wanted to note that we appreciate the CSCE letter from February that calls for an accurate assessment of the situation in Chechnya following the decision of the OSCE to send a technical needs assessment mission to the war-torn region.

I would like to speak about a few key issues that are most important in the human rights and humanitarian situation, including IDPs, attacks on civilians, impunity access and discrimination.

First, as Bela has already explained, we are extremely concerned about the status of the IDPs in Ingushetia. Approximately 92,000 Chechens are currently located in Ingushetia. Now that it is spring, we are concerned that Russian authorities may close the five remaining tent camps and force those people to go back to Chechnya. First, as far as we are

aware, there is not an adequate infrastructure, in terms of housing, electricity, heat, in Chechnya for those persons to be forced back. Second, they lack security guarantees, and as long as the ongoing extrajudicial executions, disappearances, night raids, torture, rape, and impunity continue, they lack adequate security guarantees in order to be pushed back.

Second, Amnesty International is very concerned about the targeting of civilians by both sides in the conflict, in violation of humanitarian law.

Chechen forces have reportedly committed abuses of international humanitarian law, including hostage-taking, targeting civilian members of the pro-Moscow administration, and executing captured members of Russian armed forces.

Russian security forces, as I already mentioned, have reportedly subjected the civilian population to beatings, arbitrary detention, disappearance, torture, rape and extrajudicial executions, as Eliza detailed, and much of this has actually happened, as she pointed out, since the referendum passed.

I just want to draw quickly attention to one case that we are profiling. This is the case of two Chechen women, Aset Yakhiaeva and Milana Betirgirieva. You can see in their photos that these are two ordinary Chechen women. They had gathered in Serzhen-Yurt to prepare for a wedding. On November 9, 2001, Russian military forces came to the home where they were staying and picked up these two women. Their clothes were later found in the street, so it is a probable rape case, and nothing has been heard about them since. Just imagine if two people in your family were simply picked up and you had absolutely no capacity to find out what happened to them. It has now been a year and a half. We are trying to draw attention to this case. We are trying to attract attention to many, hundreds of disappearance cases in Moscow.

Third, we are very concerned about impunity for violations of international and human rights law. A continuing lack of a meaningful accountability process means that, on both sides, there is a complete failure to bring anybody responsible for the violations to justice. The one most famous case that so far has come forward, the case of Colonel Yuri Budanov, that trial is still going on right now. He has confessed to murdering, and there was one initial forensic investigation that proved that he had also raped, 18-year Kheda Kungaeva. However, at the last round of his trial, he was found guilty of temporary insanity and was therefore let out. That case is now being appealed and is currently under review. But the point is that this is the one case where somebody actually has been brought to court, and he still hasn't been punished despite his confession.

Fourth, Amnesty is concerned about the lack of access to Chechnya for international observers, and particularly about the lack of available information on abuses, especially after Russia closed the OSCE Assistance Group.

Fifth, Amnesty International is concerned that Chechens in other parts of the Russian Federation have been subjected to discrimination, harassment, beatings and arbitrary detention. Actually on the table out there we have our new 100-page book, *Dokumenty! Discrimination on Grounds of Race in the Russian Federation*,\* and it documents discrimination against Chechens all over the Russian Federation as well as against other ethnic groups.

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\* This document may accessed and downloaded in pdf form at <<<http://web.amnesty.org/library/Index/ENGEUR460012003?open&of=ENG-RUS>>>.

Now, for recommendations. Currently, we are urging the Administration and Congress on an issue that we especially want to highlight, the need to put out pressure on the Russian authorities not to close the remaining tent camps in Ingushetia. To this extent, we think that after they closed one camp in December, they decided not to close the others partially, we think, because of the international outcry. We think that a letter from the CSCE might be useful further to highlight the importance that these people should not be forced back, particularly for security reasons.

Secondly, we are urging the U.S. Government to maintain the current levels of U.S. assistance for Russian human rights and democracy NGOs through the Freedom Support Act. According to the administration's budget request, Russia is slated for graduation from FSA assistance over the next several years. The budget request states: "Graduation strategies will seek to leave behind a legacy of sustainable institutions that will seek to promote civil society and economic growth." Well, this may be what they seek, but it is not in fact a reality. One success, I think, in Russia in the last ten years is the development of human rights NGOs, and you can see here we have two representatives from extremely effective organizations.

Our partners right now range from activists in Barnaul who are working against domestic violence to activists in Krasnodar who are working on racial tolerance programs. In fact, many of these activists with whom we are working are 25 years old, 35 years old, they are people who have benefitted from the Freedom Support Act, going to high school for a year in the United States, going to college for a year in the United States.

In addition, many of these NGOs are supported by U.S. Government grants. They do not have indigenous, other sources of support so it is a huge risk if the United States cuts them off because in a sense that assistance is their lifeline.

Amnesty International is also calling for the U.S. Government to press Russia for access for international journalists, NGOs and international organizations in Chechnya. We are asking for constant international attention to these cases of these disappeared and murdered women. We also are asking for the U.S. Government to support the Parliamentary Assembly's call of the Council of Europe [CoE] for a tribunal on Chechnya.

For the Russian Government, we are urging them to provide a detailed list of investigations into crimes committed by Russian soldiers during the conflict. We would like for there to be a new mandate for the OSCE Assistance Group to Chechnya that includes human rights monitoring. We would like them to facilitate the long overdue visits by the U.N. special representatives to Chechnya. We would like Russia to publish all of its reports for the European Committee for the Prevention of Torture following its visits to the Russian Federation including Chechnya. We are calling on Russia, of course, to end the existing human rights violations.

We also are urging the Chechen forces to end hostage-taking, to stop attacks on municipal authorities, to protect civilians and noncombatants, and to abide by international humanitarian law.

Again we thank the Helsinki Commission so much for their work today to draw attention to this important issue and for their work over the years to keep working on this very much forgotten but very tragic conflict. Thank you.

Mr. McNAMARA. Thank you, Maureen. I would note that as we meet today a representative of the Dutch Chair-in-Office of the OSCE who was in Moscow for high-level discussions regarding a possible future role for the OSCE in Chechnya. As I mentioned earlier the Russian Federation forced the closure of the OSCE Assistance Group at the end of 2002. Frankly one concern our Commission has had is that the OSCE not be used, if you

will, as a ploy or a cover as part of this sort of perpetuation of the mythology of a return to a normal situation in Chechnya. Any OSCE activity must be meaningful in terms of work with the Chechen civilian population and, very importantly, given the policies of the Russian Government that preclude independent media reporting of any significant nature, that such independent reporting be reinstated by the OSCE mission.

I appreciate your comments, Maureen, but I wondered if either of our panelists would have anything to say in terms of the role of OSCE. Do you see that OSCE could have a useful role because again, that is something that we are very concerned about and that it not be sort of a *Potemkin* situation that it is a party to.

Ms. MOUSSAEVA [through interpreter]. Unfortunately, OSCE had to close its office. We had a number of meetings with OSCE. For human rights defenders, as well as for the population of Chechnya, the closure of their office was a tragedy, a blow. We hope very much that they will be able to restart their activity, though we understand that this time they have another mandate. Anyway, the fact that they were a presence in Chechnya made people feel more safe. It relieved people. We hope that they will have the opportunity to open their office in Chechnya again. It will be a great help to us.

We left photos on the table in the hall. On one of them you can see the women at the demonstration in front of OSCE building asking to assist. OSCE has a very positive image in Chechnya after the first war.

Ms. GREENWOOD. This is a photograph of a demonstration of women demonstrating for the OSCE office to reopen.

Mr. McNAMARA. I have a question. It appears in the current dynamic that the Russian Federation may allow the OSCE back to engage for the Office of Democratic Institutions and Human Rights [ODIHR] of OSCE to involve itself in certain project-oriented activities in Chechnya. I wondered if you could suggest some areas where that might be appropriate for such a role for OSCE.

Ms. MOUSSAEVA [through interpreter]. During this war, OSCE was working on humanitarian and social issues and doing monitoring of the situation in the Chechen Republic. It would be very good if they continue to cover these issues and also if they will be involved in the political situation as well.

We understand that under the present mandate they cannot be deeply involved in the political situation but the fact that they will be aware of what is going on will help to inform Europe and the whole world about the real situation in the region.

Mr. McNAMARA. Yes, I would note that the OSCE had played quite a positive role in the first of the modern Chechen wars, if you will, from 1994 to 1996. But despite language contained in the 1999 Istanbul OSCE Summit document, offering the OSCE to play such a role in the more recent and ongoing conflict, the Russian Federation has not availed itself of that opportunity to use the organization.

I wondered, and this will be my last question before we turn it over to the audience's questions, you refer to the pressures on IDPs in neighboring regions including Ingushetia and a number of our Commissioners wrote to President Putin last fall when we started to detect some of this type of activity. We have unfortunately not received a response from the Russian Government to the Members of Congress who wrote on that subject. But I wondered, are there any statistics in terms of the number of people who have returned from camps in Ingushetia and neighboring regions?

Ms. TSUGAEVA. We have this detailed information. It is on the list that can be distributed later. But I will just give you statistics which is prepared by UNHCR together with its implementing partner "Vesta," which is the local organization. I will give you the num-

ber of people who moved back within March and returnees who returned during March and the number is 219 people who arrived back to Ingushetia also, within this March, it is 254. So you can see that people returning, they are, yes.

Mr. McNAMARA. Again, I would open up to questions from the audience. If you could approach and use one of the microphones here, stating your name and the affiliation that you have. As I mentioned at the outset, there will be a full transcript of today's proceedings so we would like to make sure that we have your name correct and any question that you may have for our panelists.

QUESTIONER. Hi, I am Marlene Kaufman with the Commission staff. This may not be a fair question but let me ask it anyway—I guess to the whole panel but particularly Ms. Greenwood. During a meeting of the OSCE Parliamentary Assembly in Vienna back in February they gave a journalism award to Anna Politkovskaya (I am probably murdering her name). In her acceptance speech, she referred to the criminal silence of Europe regarding what was going on in Chechnya. What is your organization or any other organization doing to pressure European governments and the CoE? What is the response?

Ms. GREENWOOD. It is a good question. "The criminal silence of the world" is the way that I would put it. Amnesty International is active because of our structure. Our headquarters is in London, but we have membership bases all across Europe that are trying to lobby their respective governments to try to promote the role of human rights. We have quite an active group in Norway, and the Norwegian group was the one group at the most recent UNCHR session that was most actively lobbying to support the resolution at the U.N. Commission.

So certainly, all around the world, our members are actually in the middle of our Russia campaign. This is a one-year campaign going on in countries all across the world, from Nepal to Japan to Africa to Bangkok, as well as all across Europe. All those Amnesty members are lobbying their delegations to support, for instance, the resolution on Chechnya, the U.N. Commission. But obviously our efforts need to be stronger.

I would also say that the Parliamentary Assembly of the Council of Europe [CoE] did call for an international war crimes tribunal on Chechnya. So they have made that important recommendation, and we consider that a positive step. Clearly there needs to be much more, and the Europeans, like the United States, we think need to pay a lot more attention to this tragedy.

QUESTIONER. Thank you. John Finerty, Helsinki Commission staff. You were rather positive in your assessment of the work of the OSCE. President Putin has had an office of a human rights representative down there. I think there have been two now, and I wondered if you have any commentary on the work and the effectiveness of that office for the human rights representative from the Putin Administration. I forget the official name. Thank you.

Ms. TSUGAEVA. You said about two representatives . . .

QUESTIONER. There was one for a while. And now there's a new one.

Mr. McNAMARA. Please speak at the microphone.

[Crosstalk.]

Ms. TSUGAEVA. Okay, the second one, okay.

Ms. MOUSSAEVA [through interpreter]. During the last trip of the Human Rights delegation from the CoE to Grozny, Sultygov, Putin's representative for human rights in Chechnya, visited the office of Memorial with the delegation.

They met with victims of the war, some of whom were former detainees. When CoE representatives addressed Sultygov, asking whether he was aware of their problems, he asked those people to come to his office, and he would do his best to help them.

I would say the activity of those people can be characterized as some kind of curtain. They are not doing anything. They are just doing something for show and nothing else. The former Putin representative for human rights in Chechnya, Kalomanov, stated that they received 29,000 complaints from people who had suffered from federal forces. Only 550 cases were put under investigation. So according to these figures we can say that this office does not have any effect. They exist only for delegations, and they can declare in western countries that they have such offices.

QUESTIONER. Hi, my name is Arkady Orlov, I am with the Russian Information Agency Novosti and my question is to Mr. McNamara. My question is about the timing of this hearing. As the panel mentioned, the Bush Administration has decided not to co-sponsor with the resolution in Geneva and the State Department as I understand, commented that the referendum was a rather positive development in Chechnya. Yet in your opening remarks you mentioned something of the Russian reaction to Iraq. Could it be that this hearing is sort of retaliation, sort of reaction toward has been perceived as one of those consequences that Washington is talking about.

Mr. McNAMARA. Sure, certainly in terms of the timing of the briefing we try to take advantage of the availability of experts when they are in Washington to discuss any number of issues regarding developments in the OSCE region. Certainly if you check the Commission's web site, I would dare say that the Helsinki Commission, of any entity on Capital Hill, has been the most active, most persistent and most consistent regarding developments in Chechnya. So there is no hidden agenda or ulterior motive, other than the promotion and circulation of information regarding developments on the ground in Chechnya.

Ms. GREENWOOD. I want to correct something also. I said that I was disappointed that the U.S. delegation did not co-sponsor the resolution, but in end they did vote for the resolution condemning the human rights violations in Chechnya.

QUESTIONER. David Sands at *The Washington Times*. I know it has only been a month and a day, I guess, but have you seen any change at all, either official policy or on the ground following this referendum, for better or for worse?

Ms. MOUSSAEVA [through interpreter]. I drew already an example of the after-referendum events: the events of one day, April 3, were chosen at random. Unfortunately, we can see that the situation has not changed for the better. We knew in advance that there hardly could be any people who would vote against the referendum. This referendum can be compared with the elections that were conducted in the Scorsese movie, *Gangs of New York*. There is a saying that the result of elections depends not on those who give their votes but on those who count. The phrase was already said by Stalin before. In Chechnya authorities received 120 percent of votes.

QUESTIONER. Cathy Cosman, RFE/RL. Two questions: one is whether the Geneva Conventions are also binding on the non-governmental forces in Chechnya since they obviously do constitute a government that has not signed the convention. That is one question.

The other question has to do with funds—reconstruction funds for Chechnya. I understand that this issue has come up again and the question is—through whom will these funds be channeled? The question of corruption—who is actually benefitting from those funds?

Ms. MOUSSAEVA [through interpreter]. You said non-governmental forces—what did you mean. Do you mean rebels?

So do they—can I put it in another way? Do they follow the Geneva Conventions.

Today the majority of victims are civilians. Civilians suffer from both sides. If rebels launch attacks, or if there are some explosions on roads, more often civilians become victims. During the first war, there were some cease-fire periods when there was a time given to bury the dead—the killed people. But this war? We have not heard about exchange of prisoners or any other cases that fall under the Geneva Conventions.

Now, the answer on the second question—of course, there is a lot of money going for reconstruction and for other needs in the Chechen Republic. Maybe that is why this war in Chechnya has a such long-lasting character. There are some structures where they are interested in the continuation of the war, maybe because a lot of money is going there. Controlling this process would be very difficult.

Your house, for example, can be reconstructed, but after that, it can be blown up. It will be impossible to trace it—to check it .

Ms. GREENWOOD. I just would like to add, Cathy, that Amnesty International does consider that the Chechen armed groups are bound by international humanitarian law. We consider the reports of hostage-taking; attacks on Russian municipal authorities; reports of cases of executed captured Russian soldiers; to be violations of that law. We also consider that on the Russian side—we have already discussed that extrajudicial executions, disappearances, torture and rape rise to a level that they would also be considered violations of international humanitarian law, rising to the level of war crimes on the Russian side.

QUESTIONER. Hi. My name is Matt Johnson. I am a student at the University of Notre Dame.

My question is for Mrs. Greenwood. So anyone can answer if they would like. My question: after September 11, cooperation between Russia and the United States increased dramatically. Bush and Putin became allies on the war on terror. On February 28 of this year, Colin Powell and the State Department designated three Chechen rebel groups as terrorist organizations. Do you think that this is based more on new information gathered by the United States? Or was it just a way for the Bush administration to placate Putin to get him on board for such foreign policy objectives as the war in Iraq?

Second, do you think that this has given Putin and the Russian Army more discretion in handling all of the separatist rebel groups instead of the three designated terrorist organizations? Thank you.

Ms. GREENWOOD. Of course, I cannot state exactly the motives of the U.S. Government. But the timing of when they decided to designate these Chechen groups as terrorists—a long-lasting request of the Russian Government—did look particularly interesting: Right on the eve of when the United States really needed the support of Russia for Iraq.

Yes. We think that there needs to be continuing pressure on the U.S. side to differentiate. I mean, one of our main goals of the presentation today is to show that there really needs to be distinction between the civilian—civil society—the civilian population and the armed groups. In fact, to mischaracterize the entire Chechen population as terrorists, as President Putin said, is a tragedy because, in fact, they are separate and distinct forces.

By and large the violations—the cleansing operations, are often against women, children and the elderly.

So, yes, we think that it is quite likely that this is a response on the U.S. Government's part to some requests in bilateral relations, and that it is very important for the United States not to lose sight of what is actually happening to the Chechen civilian population.

Ms. MOUSSAEVA [through interpreter]. The United States had its tragedy on September 11, and in Russia there was another tragedy—it is the hostage-taking event in Moscow. The victims were the civilians, and we would like you to know the position of Memorial and the attitude of Chechen society as to what had happened.

We understand that civilians are ordinary people—they should not suffer. What happened in the theater is a very terrible thing. What happened in the United States on September 11—it is also terrible. We are not making any distinctions between the civilian population here and there. They should not suffer. This is the only answer to all this.

I remember, as one Chechen man said, on that day not only the audience was taken hostages, it was the entire Chechen population that became hostages. After Nord-Ost, after the hostage-taking, the position of Chechens all over Russia has changed to worse.

Mr. McNAMARA. Just to add a couple of comments, picking up on some points that have been made, I would point out that about a year ago the Commission held a hearing on the human dimension, if you will, of the conflict in Chechnya. At that time, the State Department participated in that hearing. Deputy Assistant Secretary Steve Pifer went out of his way to underscore the point that all Chechens are not terrorists, and that the terrorist elements that might be in Chechnya are of a somewhat limited nature.

Certainly it is also important to be mindful of the fact that the United States has contributed significantly to the OSCE activities in neighboring countries—the Republic of Georgia, where there has been an attempt to try to address concerns, particularly of the Russian Federation, with respect to the Pankisi Gorge and activities that the Russians have alleged have taken place that have—that link terrorist activities to Chechnya.

So the United States has been involved very strongly in those efforts, as well.

I wondered if there are any further questions from the audience. Please come forward.

QUESTIONER [through interpreter]. Earlier, Memorial documented a number of cases where houses were mined after *zachistka* or document checks, mining of gardens, fields, and forests where fuel is gathered. To what extent have statistics on the cases changed? What is happening now? How do children suffer from these unfortunate occurrences? How adequate is medical treatment? Can it be obtained?

Mr. McNAMARA. If you would not mind, could you, for the benefit of the non-Russian speaking members of the audience and me, just give a synopsis of what the question was?

QUESTIONER [through interpreter]. The federal forces—they often put mines in the houses, and they expose the bodies of the people—of the corpses. So the question was, what are the statistics of the mine victims? What about that practice?

It is still going on that any house can be mined. Memorial was known as an organization that was documenting such cases. This was the synopsis of that question.

Ms. MOUSSAEVA [through interpreter]. Since the beginning of the second war, there are places the military left mines behind them when they were re-deployed. Many people, mainly children, women, and elderly, and many animals, became victims of mine explosions on a daily basis. Anybody can become a mine victim.

According to the statistics of 2002, the mine victims are estimated at 5,000 people. The question is also: is there any adequate medical assistance applied in these cases? It is very difficult to render assistance to all mine victims because the local resources and capacity is not enough.

But international organizations do their best, trying to help mine victims. Some percentage of these mine victims are assisted by Handicap International Organization. They are providing prosthetics assistance to them. They refer them to neighboring republics for treatment. WHO finances and funds these NGOs that try to do something to help



those mine victims. The organizations try to do their best but their assistance is not enough. Many people are left without any kind of assistance.

I want to draw for you one example. When I was working in the legal counseling center, a boy was brought by his parents to our office. They carried him in their arms. He was a mine victim. When he was in the field herding his cows, he set off the mine. His wife was 17 years old. He himself was 18 years old. So the result of this explosion was that he lost his one hand, he lost his two legs, he lost his eyes and it was something that could be called a human being, so still I could notice that he was in a deep depression. His parents came to our office asking for assistance. They were asking to be given information of how could he be helped. But we could not do anything, but to give some addresses of hospitals. When he was taken out from the counseling center office, the mother of this boy returned and asked whether her eyeballs can be given to her son? There are many such cases there.

Mr. McNAMARA. If there are no further questions then we will conclude our proceeding. Certainly for our part the Commission will remain engaged as it has since the early 1990s regarding developments in Chechnya. I wonder if our panelists would want to share any thoughts in terms of how this conflict might be resolved. Because we can try to encourage pressure on the international level but I wonder most times change comes from pressure within a particular country.

I wondered what your assessment might be regarding the situation domestically in the Russian Federation. We have heard and met with individuals who are promoting any number of peace plans or resolutions for the conflict. I just wonder what are your observations as people who are actively engaged on the ground, what your assessments would be.

Ms. MOUSSAEVA.[through interpreter]. Thank you for the question. As all know, the first Chechen war came to the end after signing the peace agreement, and the active role in this process was taken by the OSCE office and Mr. Guldemann, who has a very good reputation in Chechnya. The long process of negotiations took place before this peace agreement had been signed.

We have the positive experience of signing a peace agreement but we have a negative experience of not fulfilling this peace agreement. We have some hope maybe we will use our positive experience, and we will somehow change the negative one. It is quite understandable that today without international community support we will not be able to resolve the conflict because there is hatred on both sides. They hate each other. It is impossible to come to some consensus. It is a very bloody war in Chechnya.

Fortunately in Russia there are some people who are interested in finishing the war. There was an anti-war conference, which was conducted in Russia with the participation of different representatives, officials and deputies of human rights organizations of Russia, who took an active part in this anti-war conference. The Russian community is also tired of the war.

It is common knowledge that the only way out is a negotiations process. There is hope that if we have some constructive structures in Russia itself, the initiative from the rebel side and with the support of the international community, we will be able somehow to start that negotiation process that can lead to the end of the war.

Mr. McNAMARA. Thank you very much. Again, I would encourage you to sign in so we keep a track of the interested parties regarding these developments. Please avail yourselves of the materials, including initiatives that have been undertaken by our Commissioners, and we appreciate your taking the time to join us today.

[Whereupon the briefing ended at 11:50 a.m.]

**PREPARED STATEMENT OF  
MAUREEN GREENWOOD,  
ADVOCACY DIRECTOR FOR EUROPE AND EURASIA,  
AMNESTY INTERNATIONAL, USA**

I would like to thank Co-Chairman Christopher Smith, Co-Chairman Ben Nighthorse Campbell, the Commissioners and staff of the CSCE for holding this briefing and for their important contributions to protecting fundamental rights and freedoms worldwide.

Amnesty International (AI) is a worldwide campaigning movement that works to promote internationally recognized human rights. Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Our mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of our work to promote all human rights. Amnesty International has more than a million members and supporters in over 140 countries and territories. Amnesty International is impartial and independent of any government, political persuasion or religious creed. Our work is financed largely by subscriptions and donations from our worldwide membership.

The world has largely forgotten the conflict in Chechnya. Amnesty International appreciated the important letter from the CSCE Commissioners to Secretary of State Colin Powell urging the US delegation to the United Nations Commission on Human Rights to push for a strong resolution on the conflict in Chechnya. AI thanks signers Co-Chairmen Senator Ben Nighthorse Campbell (R-CO) and Rep. Christopher H. Smith (R-NJ) along with Commissioners Senator Gordon Smith (R-OR), Rep. Steny H. Hoyer (D-MD), Rep. Robert B. Aderholt (R-AL) and Rep. Benjamin L. Cardin (D-MD). Despite this letter, Amnesty International deplored the failure of the 58th session of the United Nations Commission on Human Rights to hold Russia's human rights record in Chechnya to account. While AI was glad to see the US delegation vote for the Chechnya resolution in the end, the US decision not to co-sponsor the resolution was harmful and is an indication that US delegation failed to do the sufficient lobbying to gather support for the resolution.

We also appreciate the CSCE letter from February calling for an "accurate assessment" of the situation in Chechnya following the decision by the Organization for Security and Cooperation in Europe (OSCE) to send a Technical Needs Assessment mission to the war-torn region.

I would like to speak about Amnesty International's efforts to bring awareness to violations in Chechnya, draw your attention to key issues regarding the humanitarian and human rights situation in Chechnya, and then speak about policy recommendations.

Despite the lack of world attention, vital issues in the humanitarian and human rights situation remain to be resolved in Chechnya. Amnesty International is in the middle of a one-year campaign to bring attention to the human rights situation in the Russian Federation. The theme of the campaign is "Justice for All." All Russian citizens should be able to obtain redress if they suffer human rights violations and impunity should not prevail. Ms. Eliza Moussaeva, head of the Nazran office of Memorial, and Ms. Bela Tsugaeva, Information Manager for World Vision of Ingushetia, are Amnesty's guests on a two-week tour to bring public attention to the human rights and humanitarian issues in Chechnya. They have been speaking at high schools and colleges up and down the Northeast coast from Maine to Washington, DC. Last Monday, April 14, Group 133 of Amnesty Interna-

tional USA organized an approximately 800-person rally on violations in Chechnya in front of the Russian Consulate in New York through their “Get on the Bus” initiative. I would like to highlight a few key issues including internally displaced persons, attacks on civilians, impunity, access and discrimination. First, Amnesty International is concerned about the status of the internally displaced persons (IDPs). Approximately 92,000 Chechens are displaced in the neighboring Republic of Ingushetia. In order to return to Chechnya, IDPs need both sufficient infrastructure (water, electricity, housing) as well as security guarantees. Security concerns including the ongoing raids, extra-judicial executions, disappearances, torture and rape. Particularly disturbing is the Russian government’s decision to close the Aki-Yurt camp in Ingushetia in late 2002, in the midst of winter, as most of the people evicted had no alternative housing. AI is very concerned now that in spring-time the Russian government may want to close the camps force the IDPS to temporary relocation centers, which lack sufficient security guarantees.

Second, Amnesty International is very concerned about the targeting of civilians by both sides of the conflict, in violation of international humanitarian law.

Chechen forces have reportedly committed abuses of international humanitarian law, including hostage-taking, targeting civilian members of the pro-Moscow administration, and executing captured members of Russian armed forces. In the December 2002 bomb attack on a government building in Grozny, 83 people were killed; Chechen rebel forces are also believed to have unlawfully killed seven civil servants, and abducted another nine people, since mid-November 2002.

Russian security forces have reportedly subjected the civilian population to beatings, arbitrary detention, “disappearance,” torture, rape and extra-judicial executions. These violations, serious violations of the Geneva Conventions, constitute war crimes. The human rights situation in Chechnya has failed to improve over the past year. During raids by Russian troops on villages, hundreds of Chechen civilians have “disappeared” and many have later been found in mass graves. While such operations now seem to be targeting individuals rather than whole villages, the violations continue. Two measures by the authorities, Decree No. 46 of the Prosecutor General and Order No. 80 of the Commander of the federal forces in Chechnya, were introduced in 2001 and 2002 to provide greater transparency and protection for civilians during raids. However, they are routinely ignored and Chechen civilians appear to be as unprotected as ever.

For example, two Chechen women, Aset Yakhiaeva and Milana Betirgirieva, were visiting relatives preparing for a wedding when Russian security forces came to the house where they were staying and detained them on Nov. 9, 2001. Their clothes were found in the street. Their families have never found out what happened to them.

Third, Amnesty International is very concerned about the impunity for violations of humanitarian and human rights law. The continuing lack of a meaningful accountability process to bring to justice those responsible for abuses on both sides of the conflict is a major problem. Failure to investigate adequately allegations of violations by Russian forces, and bring those responsible to justice, has created a climate in which Russian security forces believe that they can continue to violate the fundamental rights of the civilian population in Chechnya with impunity. Hundreds of investigations into allegations of abuse have led to very few prosecutions, and recent official figures show that only 46 military servicemen have been convicted for abuses against civilians in Chechnya during the three-year-long conflict out of more than 27,000 complaints made to the Russian authorities.

Amnesty International’s continuing concerns about the failure of accountability come against a background of recent developments in the most famous case of Colonel Yuri

Budanov, charged with the murder of a Chechen woman, which is one of the only cases that actually proceeded to prosecution. On the night of March 26, 2000, 18-year-old Kheda Kungaeva was abducted from her home. It has been widely reported that in the course of the investigation Colonel Budanov had admitted killing Kheda Kungaeva, but had stated that he strangled her during interrogation in a state of “temporary insanity”. An official post mortem concluded that Kheda Kungaeva had been raped before her death. On Dec. 31, 2002, Colonel Budanov was relieved of criminal responsibility for the abduction and murder of Kungaeva on grounds of “temporary insanity.” The re-trial is supposed to begin this week.

Fourth, Amnesty International is concerned about the lack of access to Chechnya for international observers, and lack of transparency about available information on abuses, in particular the Russian government’s continued failure to authorize the publication of the reports by the European Committee for the Prevention of Torture on its visits to the Russian Federation. Russia closed the OSCE Assistance Group to Chechnya on Dec. 31, 2002, after refusing to agree to a new mandate that included a human rights monitoring component. Russia has also failed to invite the United Nations Special Rapporteurs on Torture and Extrajudicial Executions.

Fifth, Amnesty International is concerned that Chechens in other parts of the Russian Federation have been subjected to discrimination, harassment and arbitrary detention. Amnesty’s new report, “Dokument! Discrimination on the Grounds of Race in the Russian Federation,” discusses a pattern of harassment of certain ethnic groups including Chechens.

## **RECOMMENDATIONS**

Amnesty International USA is urging the Administration and Congress to:

- Continue to urge the Russian authorities not to close the camps for displaced persons in Ingushetia until adequate security and humanitarian protections are in place in Chechnya. On this issue, a congressional letter highlighting the importance of security issues for the displaced might be useful right now.
- Maintain the current levels of US assistance for Russian human rights and democracy non-governmental organizations through the Freedom Support Act (FSA). According to the Administration’s budget request, Russia is “slated for graduation from FSA assistance over the next several years.” The budget request document continues, “Graduation strategies will seek to leave behind a legacy of sustainable institutions that will continue to promote civil society and economic growth.” The strategies may indeed SEEK a legacy of sustainable institutions, but at this point in time in the human rights sphere this is an aspiration more than an actuality.

One of the successes in Russia over the past 10 years is the development of human rights non-governmental organizations, ranging from anti-domestic violence activities in Barnaul to promoting racial tolerance in Krasnodar. Many of the young leaders of these Russian NGOs, aged 25 to 40, benefited from FSA through their high school or college education as well as through US NGO grants. Cutting funding for these key human rights NGOs puts their survival at risk, since they do not have indigenous sources of support yet. It is also irresponsible, because the US leadership funding has encouraged them to take on tough and controversial issues and they are now losing US support.

- Press Russia for access for international journalists, non-governmental organizations and international organizations to Chechnya.
- Press Russia to investigate the case of Aset Yakhiaeva and Milana Betirgirieva, who disappeared on Nov. 9, 2001, and the publish the status of the other “disappearance cases.”
- Support the Parliamentary Assembly of the Council of Europe’s call for a Tribunal on Chechnya.
- Urge the Russian Government to:
  - Provide the detailed list of investigations into crimes committed by Russian soldiers during the Chechnya conflict.
  - Agree to a new mandate for the OSCE Assistance Group to Chechnya that includes human rights monitoring.
  - Facilitate the long overdue visits by UN special representatives to Chechnya.
  - Publish all reports prepared by the European Committee for the Prevention of Torture following its visits to the Russian Federation, including Chechnya.
  - End extra-judicial executions, “disappearances,” torture, beatings and rape of civilians.
- Urge the Chechen forces to:
  - End hostage-taking
  - stop attacks on municipal authorities
  - protect civilians and non-combatants
  - abide by international humanitarian law.

Thank you very much for this opportunity to discuss Chechnya. I am happy to take your questions.

**UNITED NATIONS COMMISSION ON HUMAN RIGHTS  
FIFTY-NINTH SESSION  
AGENDA ITEM 9**

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD**

**Austria, Belgium, Denmark\*, Estonia\*, Finland\*, France,  
Germany, Greece\*, Hungary\*, Iceland\*, Ireland, Italy\*, Latvia\*,  
Liechtenstein\*, Luxembourg\*, Netherlands\*, Poland,  
Portugal\*, Slovakia\*, Slovenia\*, Spain\*, Sweden, Switzerland\*, and  
United Kingdom of Great Britain and Northern Ireland:**

**Draft Resolution 2003/...Situation of Human Rights  
in the Republic of Chechnya of the Russian Federation**

*The Commission on Human Rights,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,*

*Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,*

*Mindful that the Russian Federation is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of armed conflict,*

*Acknowledging the right of the Government of the Russian Federation to defend its territorial integrity, to fight against terrorism and crime and to protect its population, including the population of the Republic of Chechnya and neighbouring republics and regions, from terrorist attacks,*

*Recalling that military actions and the fight against terrorism must be conducted in accordance with the rule of law and with the utmost respect for human rights and international humanitarian law,*

*Deeply concerned about the human rights situation and the security situation in the Republic of Chechnya, which is still unstable and aggravates the suffering of the civilian population, as a consequence of the conflict,*

*Stressing the need to seek, as a matter of urgency, a political solution, with the aim of achieving a peaceful outcome to the crisis which fully respects the sovereignty and territorial integrity of the Russian Federation and recognizing, at the same time, that a successful political process needs to be based on broad participation by the population,*

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1. *Welcomes:*

(a) The efforts by the Government of the Russian Federation to ensure normal conditions of life for the civilian population and to re-establish infrastructure, aimed at facilitating the return of displaced persons to the Chechen Republic;

(b) The recent recommendations made by President Putin to security forces and law enforcement agencies to reduce checkpoints and reinforce the role of the Prosecutor's Office in operations conducted by the federal forces in Chechnya;

(c) The work of the Office of the Special Representative of the President of the Russian Federation for the Promotion of Human and Civil Rights and Freedoms in the Republic of Chechnya, which initiated meetings with law enforcement agencies, district administrations and religious authorities, as well as the continuing contribution of experts of the Council of Europe to this Office;

(d) The commitment of the Presidential Commission on Human Rights to contribute to the protection of human rights in the area;

2. *Notes* that the referendum which took place on 23 March 2003, without major incidence of violence, during which a considerable part of the population of Chechnya cast a vote, inside Chechnya and at a limited number of polling stations in neighbouring republics, could be a first step towards a political solution to the conflict, as well as towards a process of lasting reconciliation in the area, and expresses the hope that it will enhance the promotion and protection of human rights in the Chechen Republic;

3. *Expresses its deep concern* at the reported ongoing violations of international human rights law in the Republic of Chechnya of the Russian Federation, including forced disappearances, extrajudicial, summary or arbitrary executions, torture, ill-treatment, arbitrary detentions and continued abuses and harassment at checkpoints and during sweep operations, as well as at alleged violations of international humanitarian law;

4. *Also expresses its concern* at the closure of the Assistance Group in Chechnya of the Organization for Security and Cooperation in Europe;

5. *Strongly condemns* all terrorist acts and assassinations of local administration officials, religious leaders and other Chechens, as well as the two major terrorist attacks in Russia in the course of 2002 - the hostage-taking at a Moscow theatre and the suicide bomb attack on the main government building in Grozny;

6. *Urges* the Government of the Russian Federation:

(a) To remain committed to the principle of voluntary return for internally displaced persons; to Chechnya, to provide the necessary conditions to facilitate a process of voluntary return and to grant aid workers freedom of access to camps for internally displaced persons;

(b) To step up its efforts to implement fully its rehabilitation programme for Chechnya and to offer all proper living conditions to the civilian population and to internally displaced persons;

(c) To continue to cooperate with human rights mechanisms, including the special procedures of the United Nations;

(d) To cooperate constructively with the Chairman-in-Office of the Organization for Security and Cooperation in Europe in order to reach agreement on an outline and modalities for a longer-term engagement by the Organization for Security and Cooperation in Europe with Chechnya, on the basis of the agreement between the Minister for Foreign Affairs of the Russian Federation and the Chairman-in-Office during their meeting on 4 February 2003;

7. *Calls upon* the Government of the Russian Federation:

(a) To take urgently all necessary steps to stop and prevent violations of human rights and international humanitarian law and to ensure that all alleged violations perpetrated by, inter alia, members of the federal forces, federal servicemen and personnel of law enforcement agencies are investigated systematically, fully and promptly and are punished;

(b) To implement the rule of law in Chechnya and to secure transparency with regard to any information concerning the above abuses;

(c) To adopt all necessary measures to ensure free, unimpeded and secure access to Chechnya for international organizations, non-governmental organizations and the media;

8. Requests the United Nations High Commissioner for Human Rights to keep the Commission and the General Assembly informed about the human rights situation in the Republic of Chechnya of the Russian Federation and to report to the Commission thereon at its sixtieth session.

### VOTE ON CHECHNYA RESOLUTION AT U.N. HUMAN RIGHTS COMMISSION AGENDA ITEM 9

E/CN. 4/2003/L.13/Rev. 1 Chechnya, Russian Fedn					
Algeria	No	Guatemala	Abstain	Sudan	No
Argentina	Abstain	India	No	Swaziland	No
Armenia	No	Ireland	Yes	Sweden	Yes
Australia	Yes	Japan	Abstain	Syrian Arab Republic	No
Bahrain	Abstain	Kenya	Abstain	Thailand	Abstain
Belgium	Yes	Libyan Arab Jamahiriya	No	Togo	No
Brazil	No	Malaysia	Abstain	Uganda	No
Burkina Faso	Abstain	Mexico	Yes	Ukraine	No
Cameroon	Abstain	Pakistan	Abstain	United Kingdom	Yes
Canada	Yes	Paraguay	Abstain	United States of America	Yes
Chile	Yes	Peru	Abstain	Uruguay	Abstain
China	No	Poland	Yes	Venezuela	No
Costa Rica	Yes	Republic of Korea	Abstain	Viet Nam	No
Croatia	Yes	Russian Federation	No	Zimbabwe	No
Cuba	No	Saudi Arabia	Abstain		
Democratic Republic of the Congo	No	Senegal	Abstain		
France	Yes	Sierra Leone	Abstain		
Gabon	No	South Africa	No		
Germany	Yes	Sri Lanka	No		

1 – Yes

15

2 – No

21

3 – Abstention

17



**LETTER OF SEPTEMBER 16, 2002 TO VLADIMIR PUTIN,  
PRESIDENT OF THE RUSSIAN FEDERATION,  
FROM MEMBERS OF THE COMMISSION  
ON SECURITY AND COOPERATION IN EUROPE**

**COMMISSION ON  
SECURITY AND COOPERATION  
IN EUROPE**

234 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6460  
(202) 225-1901  
Fax: (202) 225-4199  
[www.osce.gov](http://www.osce.gov)

September 16, 2002

His Excellency Vladimir V. Putin  
President of the Russian Federation  
The Kremlin  
Moscow, Russian Federation

Dear Mr. President:

We wish to express our deep concerns about the terrible conflict in Chechnya and respectfully ask that the Russian Government take all possible actions to alleviate the situation for the many innocent victims of the brutal violence that continues in that unfortunate region. In our view, Chechnya has been one of the greatest tragedies that has taken place within the Organization for Security and Cooperation in Europe (OSCE) during the past decade. In addition to the thousands of combatants who have lost their lives, countless more civilians have been killed, seriously injured or driven from their homes. Sadly, many attempts to bring peace to the region have failed to bear fruit.

We fully recognize and respect the territorial integrity of the Russian Federation and greatly appreciate Russia's and your personal contribution to the war against terrorism. At the same time, we urge you to make a renewed effort to find a political solution to the conflict in Chechnya, as was called for in the final communique of the OSCE's 1999 Istanbul summit. We ask that all possible steps be taken to reduce the terrible toll of suffering in Chechnya and in surrounding areas. Reports of a high number of civilian casualties suffered during clean up operations ("zachistki") are particularly disturbing.

In addition, information received from the OSCE's Assistance Group to Chechnya, as well as other non-governmental organizations, indicate that Russian authorities plan to forcibly return internally displaced persons to Chechnya, and Grozny, in particular. We urge you to ensure that the internally displaced persons seeking refuge in Ingushetia, and elsewhere in the Russian Federation, are not forcibly returned to any location, particularly where the security situation is unstable and proper housing unavailable.

The unstable security situation in Chechnya is widely recognized. In addition, descriptions regarding the physical condition of the Temporary Accommodation Centers in Grozny, where authorities recently relocated individuals from the Znamenskoye camp, are indicative of substandard structures. According to the OSCE Assistance Group, the situation in the Centers is characterized by "overcrowding, not enough beds, no sewers working, no medicine and inadequate medical services." While individuals from the Znamenskoye camp were not technically forced to leave, the deconstruction of facilities left them with no viable alternative. We would hope that the unhappy fate of the former inhabitants of the Znamenskoye facility not be experienced by the much larger population of internally displaced persons in Ingushetia.

His Excellency Vladimir V. Putin

September 16, 2002

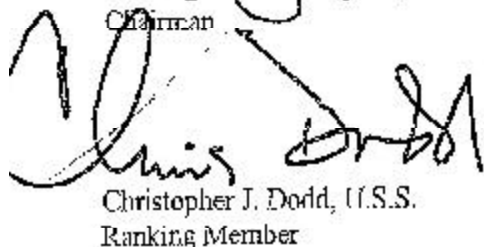
Page 2

In keeping with the OSCE 1999 Charter for European Security, the Russian Federation agreed to "facilitate the voluntary return of refugees and internally displaced persons in dignity and safety." We respectfully ask that you and the Government of Russia take the difficult but needed steps to attain this humanitarian goal.

Sincerely,



Ben Nighthorse Campbell, U.S.S.  
Chairman



Christopher J. Dodd, U.S.S.  
Ranking Member



Gordon H. Smith, U.S.S.  
Commissioner



Frank R. Wolf, M.C.  
Commissioner



Benjamin L. Cardin, M. C.  
Commissioner



Christopher H. Smith, M.C.  
Co-Chairman



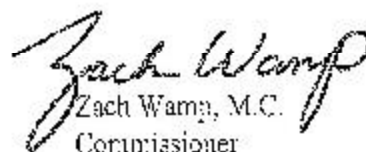
Steny H. Hoyer, M.C.  
Ranking Member



Sam Brownback, U.S.S.  
Commissioner



Joseph R. Pitts, M.C.  
Commissioner



Zach Wamp, M.C.  
Commissioner

His Excellency Vladimir V. Putin  
September 16, 2002  
Page 3

  
Alcee L. Hastings, M.C.  
Commissioner

cc: Dr. Condoleezza Rice, Assistant to the President for National Security Affairs  
Alexander Vershbow, U.S. Ambassador to Russian Federation  
Stephan M. Minikes, U.S. Ambassador to OSCE  
Yuri V. Ushakov, Russian Federation Ambassador to the United States  
Jorma Inki, Ambassador, Head of OSCE Assistance Group to Chechnya

COMMISSION ON  
SECURITY AND COOPERATION  
IN EUROPE

234 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6460  
(202) 225-1901  
FAX: (202) 226-4199  
www.csce.gov

16 сентября 2002 г.

Господину Владимиру Владимировичу Путину  
Президенту Российской Федерации  
Москва, Кремль  
РОССИЙСКАЯ ФЕДЕРАЦИЯ

через факс

Уважаемый Господин Президент!

Мы хотели бы выразить нашу глубочайшую озабоченность по поводу ужасного конфликта в Чечне и обращаемся к Правительству с просьбой принять все необходимые меры для улучшения условий, в которых оказалось множество невинных жертв продолжающегося в этом регионе жестокого насилия. На наш взгляд, Чечня обернулась одной из величайших трагедий в странах-членах Организации по безопасности и сотрудничеству в Европе (ОБСЕ) за последнее десятилетие. Помимо тысяч погибших в бою, несчётное число гражданских лиц было убито, тяжело ранено, а то и выгнано из своих родных домов. К сожалению, различные инициативы по установлению мира в регионе не увенчались успехом.

Мы полностью признаем и уважаем принцип территориальной целостности Российской Федерации, и мы очень благодарны за усилия, предпринятые Россией и Вами лично в борьбе против терроризма. В то же время, мы настоятельно призываем Вас возобновить усилия по поиску политического разрешения конфликта в Чечне, как было отмечено в заключительном коммюнике Стамбульской встречи в верхах ОБСЕ 1999-го года. Мы также просим, чтобы было сделано всё возможное для облегчения ужасных страданий людей в Чечне и близлежащих районах. Особую тревогу вызывают сообщения о высоком числе человеческих потерь, понесенных гражданскими лицами во время проводимых российскими военнослужащими так называемых "зачисток."

К тому же, сведения, поступающие как от Группы содействия ОБСЕ в Чечне, так и от иных неправительственных организаций, указывают на то, что власти России планируют принудительное возвращение внутренне перемещенных лиц в Чечню, и в Грозный в частности. Мы просим Вас проследить за тем, чтобы возвращение внутренне перемещенных лиц, ищущих убежище в Ингушетии и в других регионах Российской Федерации, не осуществлялось против их воли, особенно в тех местах, где уровень безопасности вызывает сомнение и отсутствует подходящее жилье.

Господину Владимиру Владимировичу Путину  
16 сентября 2002 г.  
2-ая страница

Тревожная ситуация, которая складывается с безопасностью в Чечне, общезвестна. Вдобавок к этому, свидетельства о состоянии "пунктов временного размещения" (ПВР) в Грозном, куда власти недавно поместили людей из лагеря под Знаменским, показывают, что эти структуры не отвечают надлежащим нормам. Согласно докладу Группы содействия ОБСЕ, обстановка в этих центрах отличается "скученностью, нехваткой спальных мест, неработающей канализацией, отсутствием лекарств, и недостаточностью медицинского обслуживания". Хотя, формально людей в лагере под Знаменским не заставили покинуть его поневоле, у них не было иного выхода, кроме как переехать в Грозный, из-за ликвидации жилых объектов. Мы надеемся, что печальная участь бывших жителей лагеря под Знаменским не постигнет гораздо большее число внутренне перемещенных лиц, находящихся в Ингушетии.

В соответствии с Хартией Европейской Безопасности ОБСЕ 1999-го года, Российская Федерация обязалась "содействовать добровольному, достойному и безопасному возвращению беженцев и внутренне перемещенных лиц". Мы с уважением Просим Вас и Ваше правительство принять трудные, но необходимые меры для достижения этой гуманной цели.

Искренне

(подпись)  
БЕН НАЙТХОРС КЕМБЭЛЛИ  
Сенатор  
Председатель

(подпись)  
ХРИСТОФЕР СМИТ  
Депутат  
Соопредседатель

(подпись)  
ХРИСТОФЕР ДОЛД  
Сенатор  
Старший член  
от меньшества

(подпись)  
СТЕФИ ХОЙЕР  
Депутат  
Старший член  
от меньшества

(подпись)  
ГОРДОН СМИТ  
Сенатор  
Член комиссии

(подпись)  
СЕМ БРАУНБЭК  
Сенатор  
Член комиссии

Господину Владимиру Владимировичу Путину  
16 сентября 2002 г.  
3-ая страница

(подпись)  
ФРЭНК ВУЛЬФ  
Депутат  
Член комиссии

(подпись)  
ДЖОСЕФ ПИТТС  
Депутат  
Член комиссии

(подпись)  
БЕНДЖАМИН КАРДИН  
Депутат  
Член комиссии

(подпись)  
ЗАК УАМР  
Депутат  
Член комиссии

(подпись)  
АЛСИ ХЕЙСТИНГЗ  
Депутат  
Член комиссии

копии: Др. К. Раис, Помощнице Президента по Вопросам Национальной Безопасности  
Госп. А. Вершбоу, Послу Соединенных Штатов Америки в Российской  
Федерации  
Госп. Юрию Ушакову, Послу Российской Федерации в США  
Госп. С. Миникес, Главе делегации США при Постоянном Совете ОБСЕ  
Госп. Юрма Инки, Главе Группы содействия ОБСЕ в Чечне

**LETTER OF APRIL 11, 2003  
SECRETARY OF STATE COLIN POWELL  
FROM MEMBERS OF THE COMMISSION ON SECURITY AND COOPERATION  
IN EUROPE; AND THE DEPARTMENT OF STATE'S RESPONSE**

**COMMISSION ON  
SECURITY AND COOPERATION  
IN EUROPE**

234 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6460  
202-226-1901  
FAX: 202-226-4199  
www.osce.gov

April 11, 2003

The Honorable Colin L. Powell  
Secretary of State  
Department of State  
2200 C Street, NW  
Washington, DC 20520

Dear Mr. Secretary:

We respectfully urge the United States to press for the adoption of a strong resolution on the conflict in Chechnya at the current session of the United Nations Commission on Human Rights in Geneva. This conflict has resulted in egregious violations of international humanitarian law. Despite concerted efforts by the Russian leadership to portray the situation in Chechnya as approaching normal, the pattern of clear, gross and uncorrected violations of OSCE commitments by Russian forces continues. Of particular concern are so-called "special operations" undertaken by these forces often resulting in disappearances, torture and reported summary executions.

Any resolution in Geneva must take account of these egregious human rights violations while recognizing the sovereign right of the Russian Federation to combat terrorism on its territory. The latter, however, does not justify the kinds of human rights violations detailed in the State Department's recently released *Country Reports on Human Rights Practices for 2002*. Measures such as the recent referendum on Chechnya's political future will prove meaningless unless there is a serious initiative by Moscow to end the pattern of abuse in that region. It is essential that the Russian leadership undertake meaningful efforts to uphold the rule of law and protect human rights in Chechnya if it ever hopes to return life in that war-torn region of Russia to normal.

Mr. Secretary, a strong resolution addressing these concerns would be fully in keeping with the principles declared by the President in his National Security Strategy to champion aspirations for human dignity while strengthening alliances to defeat global terrorism.

We urge strong U.S. leadership in Geneva to accomplish this important objective.

Sincerely,

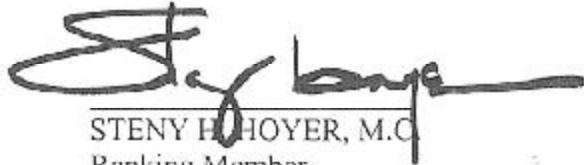
  
BEN NIGHTHORSE CAMPBELL, U.S.S.  
Co-Chairman

  
CHRISTOPHER H. SMITH, M.C.  
Co-Chairman


The Honorable Colin L. Powell  
Secretary of State  
April 11, 2003  
Page 2



GORDON SMITH, U.S.S.  
Commission Member



STENY H. HOYER, M.C.  
Ranking Member



BENJAMIN L. CARDIN, M.C.  
Commission Member



ROBERT B. ADERHOLT, M.C.  
Commission Member

cc: Lorne W. Craner, Assistant Secretary, Bureau of Democracy, Human Rights and Labor  
Kim R. Holmes, Assistant Secretary, Bureau of International Organization Affairs  
Thomas Graham, Director for Russian Affairs, National Security Council  
The Honorable Jeane J. Kirkpatrick, Head of U.S. Delegation, UNCHR Geneva





United States Department of State

Washington, D.C. 20520

APR 25 2003

Dear Mr. Chairman:

This is in response to your letter of April 11 concerning the Chechnya resolution in the UN Commission on Human Rights. Despite the vote of the United States delegation in favor of it, that resolution was defeated in Geneva 15-21-17 on April 16.

The United States supported this resolution because of our deep concern over continuing human rights violations by Russian armed forces and security services in Chechnya. The resolution lays out the types of violations of international human rights law and humanitarian law observed in Chechnya. As you state in your letter, these are very serious violations and must be addressed by the Government of Russia if a political resolution of this long and painful conflict is ever to come about. The people of Chechnya have been subjected to tragic suffering as a consequence of this war.

Other aspects of the resolution also merit attention. The resolution strongly condemns terrorist acts and assassinations of local officials in Chechnya carried out by certain Chechen groups, as well as the hostage-taking in a Moscow theater and the suicide truck bombing of Grozny's main government building last year. The United States condemns these acts in the strongest possible terms. We are equally disturbed by the links between these Chechen groups and international terrorism. The Secretary in late February designated three Chechen combatant organizations as terrorist organizations and sought to block their assets. Similarly, the UN 1267 Committee has designated them as terrorist groups for their ties to the Taliban and al-Qa'ida. We have called on the Chechen authorities and insurgents to renounce terrorist acts. We have also demanded that the leadership of the Chechen separatist movement repudiate, in word and in deed, all ties to Chechen and international terrorists, but the Chechen separatist leadership has much more to do in this area.

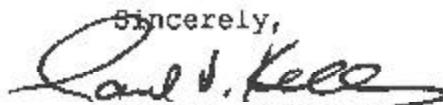
The Honorable

Christopher H. Smith, Co-Chair,

Commission for Security and Cooperation in Europe,  
House of Representatives.

We hope that -- as the resolution also states -- the constitutional referendum held March 23 in Chechnya will contribute to a political process that brings lasting reconciliation in the area. We hope that, as provided for in the constitution voted on March 23, democratic elections will be held for institutions of self-government acceptable to the people of Chechnya. We note several very encouraging promises made publicly by senior Russian Government officials to alleviate the situation in Chechnya. These include the promise of an amnesty, enforcement of observance of human rights, reduction in the number of checkpoints, an agreement delimiting competencies between local authorities and Moscow, an increased flow of reconstruction funds into Chechnya, compensation to families whose homes have been destroyed, and efforts to facilitate the voluntary return of Internally Displaced Persons to Chechnya. Follow-through on these promises, combined with accountability for abuses, will, as you write in your letter, be critical to a political resolution of this tragic conflict, and also bring an end to the violation of human rights in that troubled region of the Russian Federation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul V. Kelly", with a stylized flourish at the end.

Paul V. Kelly  
Assistant Secretary  
Legislative Affairs

**EXCERPTED FROM MEMORIAL HUMAN RIGHTS CENTER WEB SITE,  
“EVENTS IN THE NORTH CAUCASUS—INTERNALLY DISPLACED  
PERSONS AND REFUGEES”**

**Regarding the Return of IDPs  
from Camps in Ingushetia to Chechnya  
(from Material of the Lawyer’s Network “Migration and Law”)  
August 2002**

As of today, there are operational PTR [Points of Temporary Residence] in the following population centers:

- Grozny—7 temporary residence points for 6030 persons; only 5455 have returned thereto.
- Argun—2 points for 1150; currently there are 917 residents
- Gudermes—2 points for 1220 persons; currently there are 729 residents
- Sernvodsk—3 points for 4500 persons; here there are 5324 residents
- Assinovskaya—1 point for 1500 persons; in reality, 1803 persons are living there.

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in Europe (CSCE)**.



This publication is intended to inform interested  
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within and among the participating States of the  
Organization for Security and Cooperation in Europe  
(OSCE).



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