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The human rights situation in the Chechen Republic

Report[1]
Committee on Legal Affairs and Human Rights
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Summary

The Committee on Legal Affairs and Human Rights believes that there cannot be peace without justice in the Chechen Republic. The human rights situation in the Republic is the key to an equitable political solution based on national reconciliation.

The human rights situation in the Chechen Republic is characterised by gross human rights abuses, violations of international humanitarian law and war crimes, committed by both sides to the conflict. So far, everyone involved – the Russian government, administration and judicial system, the different Chechen regimes – has failed dismally to provide adequate protection from human rights abuses. Even the influence and co-operation of international organisations and their member states have not managed to ensure that the victims of these abuses were granted redress, nationally or internationally. The result is a climate of impunity which encourages further human rights violations and which denies justice to thousands of victims.

If a meaningful political process is to develop in the Republic, human rights violations must stop and those responsible for past abuses must be brought to justice. The Assembly should thus recommend that a variety of measures be taken by the relevant actors in the Chechen Republic, the Russian Federation and the international community to improve the human rights situation in the Chechen Republic without further delay.

1. Reference to committee: Order 584 (2003)

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A. Draft resolution

1. The Parliamentary Assembly recalls its previous resolutions and recommendations on the conflict in the Chechen Republic. It makes particular reference to Resolution 1315 (2003) on the evaluation of the prospects for a political solution of the conflict in the Chechen Republic, which remains fully valid.

2. The Assembly reiterates its belief that there cannot be peace without justice in the Chechen Republic. The human rights situation in the Republic is the key to an equitable political solution based on national reconciliation. Without a tangible improvement of the human rights situation, all attempts at pacifying the region are doomed to failure.

3. For nearly a decade now, people in the Chechen Republic have lived in constant fear. Their towns and villages have been reduced to rubble, their fields mined, their friends and relatives murdered, illegally detained, "disappeared", kidnapped, raped, tortured and robbed. The Assembly has consistently condemned the gross human rights abuses, the violations of international humanitarian law and the war crimes committed in Chechnya by both sides to the conflict. Since the very beginning of the first conflict in Chechnya in 1994, the Assembly has called for those responsible for these acts to be brought to justice – to little avail.

4. The people of the Chechen Republic have a right not just to our pity but also to our protection. So far, everyone involved – the Russian government, administration and judicial system, the different Chechen regimes – has failed dismally to provide such protection from human rights abuses. International organisations and their member states have not managed to ensure that the victims of these abuses were granted redress, nationally or internationally.

5. The main reason why both Russian soldiers and Chechen fighters go on committing these abuses to this day is that they nearly always get away with them. Due to the restrictive policy of access to the Chechen Republic instituted by the Russian government, both for NGOs and for the press, most violations would never even come to light were it not for the courage and tireless efforts of some brave victims, journalists and human rights activists. Criminal investigations of gross violations by Russian forces and Chechen fighters – even of massacres of innocent Chechen civilians and targeted assassinations of local heads of administrations or their families – are nevertheless few and far between, depressingly ineffective and mostly fail to secure convictions in court (if they reach that stage, which is rare).

6. Non-judicial redress mechanisms set up by the Russian authorities, such as the Office of the Special Representative of the President of the Russian Federation on Human Rights and Freedoms in the Chechen Republic, do little more than catalogue individual complaints. While the Assembly pays tribute to the courage of the Council of Europe experts working within that Office, it asks that all measures be taken to increase the effectiveness of their current mandate as regards their possibility of influencing the human rights situation.

7. The mandate of the OSCE Assistance Group to Chechnya has not been renewed by the Russian government. The Council of Europe's Committee for the Prevention of Torture (CPT) has complained of Russia's lack of co-operation with it. Russia has yet to authorise the publication of its reports. The recommendations of the Council of Europe Commissioner for Human Rights are implemented by Russia with long delays, if at all. The European Court of Human Rights, set up to deal with individual violations of human rights, cannot hope to cope effectively with systematic human rights abuse of the Chechen scale via individual complaints. Lamentably, no member state or group of member states has yet found the courage to lodge an interstate complaint with the Court.

8. The result is a climate of impunity which encourages further human rights violations and which denies justice to the thousands of victims, embittering the population to a point where the Chechen Republic could truly become ungovernable. If a meaningful political process is to develop in the Republic, human rights violations must stop and those guilty of past abuses must be brought to justice.

9. To ensure that human rights are respected in the Chechen Republic in the future, the Assembly recommends that:

i. Chechen fighters should immediately stop their terrorist activities and renounce all forms of crime. Any kind of support for Chechen fighters should cease immediately;

ii. Russian forces be better controlled and discipline enforced: all relevant military and civilian regulations, constitutional guarantees and international and humanitarian law, particularly the Geneva Conventions and the protocols thereto, should be fully respected during all operations, including full co-operation with the *prokuratura* before, during and after such operations;

iii. in so far as the security situation allows, troops should be confined to their barracks or withdrawn from the Chechen Republic altogether;

iv. those members of Russian forces suspected of committing abuses be fully investigated and, if found guilty, severely punished in accordance with the law, regardless of their rank and position;

v. the recommendations of the Council of Europe Commissioner for Human Rights should be implemented immediately by the Russian Federation.

10. To ensure that those guilty of abuses be brought to justice, the Assembly:

i. demands better co-operation from the Russian authorities with national and international mechanisms of redress, both judicial and non-judicial;

ii. calls on member states of the Council of Europe to pursue all avenues of accountability with regard to the Russian Federation without further delay, including interstate complaints before the European Court of Human Rights and the exercise of universal jurisdiction for the most serious crimes committed in the Chechen Republic;

iii. considers that, if the efforts to bring to justice those guilty of human rights abuses are not intensified, and the climate of impunity in the Chechen Republic prevails, the international community should consider setting up an *ad hoc* tribunal to try war crimes and crimes against humanity in the Chechen Republic, modelled on the International Criminal Tribunal for the former Yugoslavia, to be empowered to try all such crimes committed in the Chechen Republic;

iv. urges Russia to ratify the Statute of the International Criminal Court without delay.

B. Draft recommendation

1. The Assembly refers to its Resolution … (2003) on the human rights situation in the Chechen Republic. It reiterates its belief that there will be no peace without justice in Chechnya.

2. The Assembly believes that urgent action is necessary to counteract the climate of impunity which has developed in the Chechen Republic over the last decade. Those guilty of past human rights abuses committed by both sides to the conflict must be brought to justice without further delay, and further human rights violations must be actively prevented.

3. Considering that the efforts undertaken so far by all actors involved, starting with the Russian government, administration and judicial system, but also by the Council of Europe and its member states, have failed dismally to improve the human rights situation and to ensure that past human rights violations and particularly war crimes are adequately prosecuted, the Assembly recommends that the Committee of Ministers:

i. reorient its assistance programmes in the North Caucasus towards an amelioration of the human rights situation in the Chechen Republic as the priority objective, and allocate sufficient funds to these programmes to make a real difference;

ii. ensure that non-governmental organisations active in preventing and documenting human rights violations in the Chechen Republic, as well as those assisting their victims in different ways, are involved in the said assistance programmes;

iii. urge the Russian government to fully comply with the recommendations addressed to it in paragraphs 9 and 10 of Resolution … (2003) on the human rights situation in the Chechen Republic;

iv. if the efforts to bring to justice those guilty of human rights abuses are not intensified, and the climate of impunity in the Chechen Republic prevails, consider proposing to the international community the setting up of an *ad hoc* tribunal to try war crimes and crimes against humanity in the Chechen Republic, modelled on the International Criminal Tribunal for the former Yugoslavia, to be empowered to try all such crimes committed in the Chechen Republic.

C. Draft order

1. The Assembly refers to its Resolution … (2003) and Recommendation … (2003) on the human rights situation in the Chechen Republic.

2. The Assembly instructs its Committee on Legal Affairs and Human Rights to report back to it at its September 2003 part-session on the implementation of these texts and also on the recommendations of the Council of Europe Commissioner for Human Rights.

D. Explanatory memorandum by Mr Bindig, Rapporteur

1. Introduction

1. This report is based on Order 584 (2003), in which the Assembly instructed this Committee to present to it, at its next part-session, a report on the human rights situation in the Chechen Republic. In accordance with the Order, this report is based on information made available by the competent authorities, international organisations, NGOs and journalists. I would like to thank everyone who shared information with me, but I would like to single out Human Rights Watch, Memorial, the Chechnya Justice Initiative and Amnesty International for their especially valuable assistance.

2. I have had very little time to prepare this report – less than four weeks, in fact. Mr Sultygov, the Special Representative of the President of the Russian Federation, has compiled information for me, which was received in Russian by Mr Haller, Secretary General to the Assembly, on 3 March 2003[2] (and is currently being translated). I have not yet received the list the Assembly requested of the Russian authorities in Resolution 1315 (2003).[3] Needless to say, this information is crucial to a balanced report on the human rights situation in the Chechen Republic. I thus propose that any information of value which has not been received in time be included and evaluated in an addendum to this report, to be considered by the Committee on the first day of the April part-session. Should this information make amendments to the draft resolution and the draft recommendation necessary, the Committee could consider these at the same time, and table them in the name of the Committee.

3. In this report, I will concentrate on the current human rights situation in Chechnya, i.e. I will in principle not deal with violations that predate the current conflict (which started in autumn 1999). This is not to say that the human rights situation in Chechnya was unproblematic beforehand: indeed, grave human rights abuses have been committed by both sides since the first conflict began in winter 1994[43], many say even earlier, since Dzokhar Dudaev came to power in Chechnya in 1991. However, even a "truth and reconciliation commission" – for which the time is not yet ripe - would probably find it difficult to chronicle all that suffering; "just" dealing with three-and-a-half years of human rights violations is daunting enough a task.

4. I will start this report with those human rights violations which are generally attributed to Russian forces, before going into those abuses generally attributed to Chechen fighters. The violations attributed to Russian forces are often better documented (especially by NGOs) than those attributed to Chechen fighters, and are thus examined here in greater detail. This does not mean that the crimes committed by Chechen fighters are any less gruesome than those committed by Russian forces – on the contrary. (In any case, for the victim, the identity of the perpetrator makes no difference to his or her suffering.) However, the scale of the human rights abuses perpetrated by both sides does seem to differ, a fact that could be explained either by numbers – there are over 80.000 Russian troops stationed in the Republic, in contrast to an estimated number of 1.500 Chechen fighters remaining – or by other factors, such as fear of reprisals. Following this in-depth analysis, which will also treat individual cases of particular concern in accordance with my mandate as defined by Order No. 584 (2003), I will then try to draw the appropriate conclusions from the information currently at my disposal, and make a few constructive recommendations.

2. Human rights violations attributed to Russian forces

2.1. General statistical analysis

5. Over the last three years, the Russian authorities have made quite a lot of statistical information available to the Assembly and/or its Joint Working Group on Chechnya about human rights violations in the Chechen Republic, their investigation and prosecution. The information has been of varying quality and detail, and sometimes contradictory, but I will nevertheless attempt to analyse the most important and recent data.

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2. On 17 February 2003, the Secretary General of the Assembly, Mr Haller, wrote letters to MM. Sultygov and Rogozin requesting such information.

3. i.e. "an updated and detailed list of all criminal investigations by military and civilian law enforcement agencies into crimes against the civilian population by servicemen and members of all police and special forces and also into crimes committed by Chechen fighters against the civilian population, the local Chechen administration and the federal forces in the Chechen Republic. In addition to statistical data, this list should contain details of the nature of the crimes committed and the current status of the investigation and/or indictments and convictions".

4. For example, relatives still mourn the dead of the massacre of Samashki perpetrated by Russian forces in April 1995, as well as hundreds of people kidnapped in the last decade by Chechen fighters, never to be seen again.

6. The latest information on criminal cases instigated by the prosecutor's office concerning crimes committed against the civilian population in the Chechen Republic was provided to the Assembly by the Russian authorities on 17 January 2003[5]. According to this document, since the beginning of the "counterterrorist operation" military prosecutors instigated 162 cases, 97 of which were closed (nearly 60%), 57 – referred to military courts (35%). No information on the nature of these cases (which concern military servicemen only) was provided, nor on the number of convictions, the length of sentences, etc[6].

7. The same document also listed the number of cases instigated by the civilian prosecutor's office on crimes committed in 2002 by members of police and special forces against the civilian population (77 cases, of which 37 suspended and 7 referred to court). For military prosecutors, the numbers for 2002 were 44 cases instigated (of which 15 cases closed, 4 suspended and 18 referred to military courts). There does not seem to be much difference in the efficiency of the military and civilian prosecuting authorities in view of these numbers.

8. In January 2001, the Assembly asked to be provided with a detailed list and the current status of all criminal investigations by military and civilian prosecutors into crimes against the civilian population committed by servicemen and members of special police forces in the Chechen Republic before the April 2001 part-session. This list was received in time, and made available to the Bureau and the Joint Working Group on Chechnya (JWG).

9. However, an analysis of the list revealed that most investigations had not led to tangible results. Few cases made it to trial; most were suspended, transferred, or dismissed. The NGO "Human Rights Watch" conducted a detailed analysis of this list[7], concluding that more than 50% of all opened investigations had been suspended (and 79% of all investigations into "disappearances"). 12% of the criminal cases opened by the Military Procuracy concerned driving accidents. At that time, only 3% of all the listed cases had been transferred to the courts.

10. Updates to the list were provided only on a piece-meal basis; the Assembly is still waiting for a detailed updated list as requested in Resolution 1270 (2002) and again in Resolution 1315 (2003). Until such a list is received, the Assembly will have to assume that the current breakdown of cases is similar to that in April 2001; this means that it is quite possible that even some of the 57 cases investigated by the military prosecutors' office in the last three years which did reach the courts might have been concerned with traffic accidents and the like.

11. One fact stands out in all the prosecution statistics listed above: the small number of criminal cases instigated, and the even smaller number of those transferred to the courts. The numbers provided by the Russian authorities, that only 121 crimes against the civilian population were committed by Russian forces, and only 311 by Chechen fighters, seem very low for an active war-zone during the whole year of 2002. In contrast, the Office of the Special Representative Mr Sultygov has received 1.085 applications on criminal cases, and 1.568 applications on abduction cases for the period of 1 January 2000 to 1 November 2002 alone, with the majority of people disappearing in Grozny, the surrounding district, and the Shali district[8]. The numbers of both criminal and abduction cases have steadily increased in nearly all districts.

12. NGOs have documented even more crimes against the civilian population which, it thus seems, are inefficiently investigated by the prosecuting authorities or not at all. To be fair, the work of prosecutors on the ground is difficult: prosecutors risk being kidnapped or murdered while doing their duty, and their efforts are hampered by the lack of co-operation of the armed forces – for example, Order No. 80 by General Moltenskoi[9] is regularly flouted, and no detailed records of special operations and the location and activities of

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5. Reproduced as Appendix III of Assembly Doc. 9687.

6. An article by AFP of 10 January 2003 does, however, cite the Chief Military Prosecutor, Mr Alexander Savenkov, as giving the following numbers: Since October 1999, 46 federal servicemen have been sentenced by military courts, 11 of them for murder and 13 of them for rape. It is not clear, however, whether these sentences concern exclusively crimes committed against civilians.

7. See "Accountability for violations of human rights committed in Chechnya – Charts and Graphs", Human Rights Watch, 18 January 2002.

8. Appendix I, "Twenty-fifth interim report by the Secretary General on the presence of the Council of Europe's experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic", 24 January 2003, SG/Inf (2003) 2.

9. Decree No. 80 of 27 March 2002 of the Command of the United Group of Forces in the Northern Caucasus Region of the Russian Federation, on Measures to Enhance Efforts by Local Government Authorities and Law Enforcement Agencies of the Russian Federation in the Fight Against Unlawful Actions and Accountability for Officials for Violations of Law and Law and Order in the Conduct of Special Operations and Targeted Operations in Settlements in the Chechen Republic.

military vehicles seem to be kept and/or made available to the prosecuting authorities. No wonder that a climate of impunity reigns in the Chechen Republic. I will now present some brief examples of the types of crimes which go unpunished:

2.2. Mass killings

13. Russian forces are alleged to have committed at least four mass killings of civilians in the course of the current conflict: three of them in the course of the "hot" phase (in Alkhan-Yurt in December 1999, in Staropromyslovsky in December 1999/January 2000, and in Novy Aldy in February 2000) and one of them after large-scale military operations had already ceased: in Mesker-Yurt in late May 2002. I will briefly examine each of these cases.

2.2.1. Alkhan-Yurt

14. On 1 December 1999, after weeks of heavy fighting, Russian forces took control of Alkhan-Yurt, a village located just south of Grozny. According to a report by the NGO "Human Rights Watch" of April 2000[10], "during the two weeks that followed, Russian forces went on a rampage in the village, summarily executing at least 14 civilians. They first expelled, temporarily, hundreds of civilians from Alkhan-Yurt, and then began systematically looting and burning the village, killing anyone in their way".

15. According to the report, the last of the civilians to die, Aindi Altimirov, was killed and beheaded by Russia soldiers on 18 December 1999. On 17 December 1999, Russia's then highest ranking representative for Chechnya, Deputy Prime Minister Nikolai Koshman, and Malik Saidulayev, a prominent pro-Moscow Chechen leader, travelled to Alkhan-Yurt, to investigate allegations of serious abuses by Russian forces in this, Saidulayev's, home village. Much of the visit was filmed, and shows the two walking around the devastated village, discovering several caches of goods looted by Russian soldiers, and even being threatened with being shot themselves by some (apparently intoxicated) soldiers. The subsequent criminal investigation has reportedly been closed "for lack of evidence of a crime". No further information has been made available to the Assembly on this case, despite several requests of the past years.

2.2.2. Staropromyslovsky district of Grozny

16. The mass murder of civilians in the Staropromyslovsky district of Grozny took place over several weeks in the context of the fight over Grozny between late December 1999 and mid-January 2000. On 7 February 2000, the NGO "Human Rights Watch" chronicled the unlawful killing of 38 civilians in total, claiming that most of the victims were women and elderly men, apparently shot by Russian soldiers at close range[11]. According to the same NGO, the body-count has risen to 70 in the meantime.

17. Unfortunately, it is impossible for me to go into all these 70 summary executions within the framework of this report. However, the relatives of several of the deceased have lodged applications with the European Court of Human Rights, two of which were declared admissible on 19 December 2002. The cases in question are those of the applicants M. A. Khashiev and R. A. Akaev, concerning the deaths of five of their relatives. In the words of the Malgobek City Court's decision of 7 April 2000, which was, however, later repealed, "on January 17, 2000, Russian soldiers – the 205th battalion – entered in Staoproyslovskii district of Grozny, where his [Magomed Khashiev's] relatives resided. These troops committed outrages. On January 19, 2000, soldiers of this battalion entered the courtyard of his brother and sister, and brutally murdered his brother, Khamid, his sister, Lida, and her two sons, Anzor and Rizvan."[12]

18. The investigation of these killings, as of the other killings in this district, has been slow, incomplete and confusing. Even though on 10 February 2000, relatives of the deceased brought the mutilated bodies of Magomed Goigov, Khamid Khashiev and Rizvan Taimeskhanov to prosecutors in Ingushetia, and forensic experts examined the bodies, and subsequently Ingush prosecutors interviewed relatives of the families about the circumstances in which the bodies had been found, the Grozny prosecutors' office did not instigate criminal proceedings until 3 May 2000. According to information put at my disposal by the Prosecutor's Office of the Chechen Republic on 16 January 2001[13], the grounds for opening the case "was the publication of the

10. "No happiness remains", Human Rights Watch, April 2000.
11. "Civilian killings in Staropromyslovski district of Grozny", Human Rights Watch, February 2000.
12. Decision cited in the response of Applicants Khashiev M.A. (Applicant 57942/00) and Akaeva R.A. (Applicant 57945/00) to Observations of the Representative of the Russian Federation in the European Court of Human Rights to the European Court of Human Rights, put at my disposal by NGOs.
13. Appendix to Assembly Doc. 8948.

article “Freedom or Death” in the newspaper “Novaya Gazeta” No. 12, dated 27 April 2000”. In accordance with the same document, the bodies of murdered local residents were discovered only in February 2000, and the operational investigation found no eyewitnesses to the murders by members of the Russian armed forces[14].

19. On 17 January 2003, the Russian authorities provided the following information on the “current results of the investigations concerning the alleged massacres of civilians”: “On May 3, 2000, a criminal case (No. 12038) was instigated on the fact of discovery of corpses of the civilians in Novy Katayama of the Staropromyslovsky district of Grozny. 28 witness were interrogated. On November 10, 2002 preliminary investigation was suspended because the persons who had committed the crime were not identified. At present the investigation of the case was resumed and is under investigation.”

2.2.3. Novye Aldi

20. On 5 February 2000, in the course of a large-scale “sweep operation”, Russian forces summarily executed at least sixty civilians in Aldi and Chernorechie, suburbs of Grozny. The NGO “Human Rights Watch” published a report on the incident in June 2000[15], which very clearly chronicles the killings by Russian riot police (OMON) and contract soldiers – they included a one-year-old boy and an eight-month pregnant woman. According to information put at my disposal by the Prosecutor’s Office of the Chechen Republic on 16 January 2001[16], a criminal case was instigated by the Grozny Prosecutor’s Office on 5 March 2000. “In the course of investigations it was established that during the day of 5 February 2000, unknown persons, using firearms and dressed in camouflage clothing, murdered more than 50 residents of these settlements. … The investigation could find no confirmation of participation by the armed forces in the aforementioned events. “

21. On 17 January 2003, the Russian authorities provided the following information on the “current results of the investigations concerning the alleged massacres of civilians”: “On March 5, 2000 criminal case (No. 12011) was instigated on the fact of execution (shooting) of the civilians in Novy Aldy in Grozny. More than 100 witnesses were interrogated. Medical expertise was carried out. On April 15, 2002 preliminary investigation was suspended because the persons who had committed the crime were not identified. At present the investigation of the case was resumed and is under investigation.” However, I have at my disposal a letter from the military prosecutor’s office in which it states that Russian riot troops conducted a sweep operation in Novye Aldi on the day of the massacre.

22. Five members of the Estamirov family were among those killed that day. With the help of the NGO “Chechnya Justice Initiative” (CJI), their relatives have filed an application with the European Court of Human Rights. The case is currently awaiting communication. According to this application, the investigation of the Estamirov case was badly flawed. Russian law enforcement agencies did not take any investigative steps immediately after receiving the complaint (dated 22 February 2000), and first visited the crime scene on 8 April 2000. Although the bodies were exhumed, no full forensic examinations were carried out, and no physical evidence collected at the scene of the crime.

2.2.4. Mesker-Yurt

23. From 21 May to 11 June 2002, long after the large-scale military operations in the Chechen Republic were meant to have ended, a “sweep” was organised by Russian forces the village of Mesker-Yurt. The Russian NGO “Memorial” has written a report about this incident[17], according to which at least 12 residents of the village were killed by the Russian forces, with another 10 having “disappeared” after being taken into custody on 30 May 2002, and another 10 suffering the same fate in the first days of June 2002.

24. Russian Duma Deputy Aslanbek Aslakhanov managed to visit the village on 8 June 2002, and is credited by the NGO with saving a number of persons from illegal detention and torture. I have no information at my disposal concerning a possible prosecutorial investigation into these events.

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14. This response is puzzling for two reasons. First, why did the prosecutor’s office not open an investigation when the victims reported the killings to them, two months before the article appeared in the newspaper? Second, why did the prosecutor’s office claim that there were no eyewitnesses to the murders, when, in its report, Human Rights Watch cites the testimony of two women who were themselves shot during the killings but survived?
15. “February 5: A day of slaughter in Novye Aldi”, Human Rights Watch, June 2000.
16. Appendix to Assembly Doc. 8948.
17. “Zachistka v selye Meker-Yurt”, Memorial, 18 July 2002.

2.3. Mass graves

25. Several mass graves have been uncovered in the Chechen Republic in the last three years. The biggest was found in Zdorovye/Dachny, an area just outside the Russian military base in Khankala on 24 February 2002, which contained 51 corpses. But smaller mass graves have been found regularly, such as a mass grave of 15 corpses near the border to Ingushetia found on 9 September 2002, and another mass grave of 10 corpses discovered early January 2003 on the outskirts of Grozny. Individual corpses have also often been found simply dumped by the roadside, or buried in shallow graves in fields, such as that of Shamil Akhmadov, who was detained in 12 March 2001 during a sweep operation in Argun, "diappeared", and whose body, bearing signs of ill-treatment and summary execution, was found in May 2002 in a vacant lot on the outskirts of the village[18].

26. The treatment of the mass grave in Zdorovye/Dachny, however, became a sort of test case for the ability and willingness of the Russian authorities to deal with the most serious human rights abuses. In the view of all the NGOs who provided me with information on this issue, the Russian authorities botched the investigation. In March 2001, the then Special Representative of the President, Mr V. Kalamanov, carried out a fact-finding mission to the site, after which technical and expert assistance was offered through the Council of Europe experts working in his office, notably by involving forensic experts. Mr Kalamanov refused. At about the same time, the Prosecutor-General indicated that the Russian prosecuting bodies did not need assistance.

27. According to a report by the NGO "Human Rights Watch" of May 2001[19], "the Russian government's investigation into the circumstances surrounding the deaths of those found at the site has been wholly inadequate". Russian authorities failed to provide adequate time or information for identifying the bodies (34 bodies that had not yet been identified were buried by the Russian authorities without prior announcement on 10 March 2001), and failed to preserve crucial evidence that might have led to the identification of those responsible for the torture and execution-style killings of the more than fifty persons found at the site.

28. The NGO "Memorial" has gathered details on the detention by federal forces and subsequent "disappearance" of sixteen of the identified bodies. Nevertheless, federal and local Russian authorities deny responsibility for the deaths of those found at the site and instead blame the deaths on Chechen fighters and criminal gangs – despite the fact that the mass dumping ground is adjacent to the Khankala Russian military base and has been under Russian military control since December 1999, long before the vast majority of the bodies were deposited there. I have not been provided with any information on the current stage of the investigation by the prosecuting authorities.

29. The NGO "Chechnya Justice Initiative" (CJI) has filed applications with the European Court of Human Rights on behalf of the relatives of several of the people whose bodies were identified from this mass grave. For example, on 3 June 2000, armed masked men on an armoured personnel carrier detained Nura Lulueva, her cousins and several other people at the Northern market of Grozny, where they had been selling strawberries. Lulueva's body and those of her cousins were among those retrieved from the mass grave in question. No full forensic examination was conducted on Lulueva's body, and physical evidence, including clothing and blindfolds, was not saved for forensic examination. Almost two years after the discovery of the body, the investigation has led to no results. The case currently awaits communication[20].

2.4. Unlawful killings

30. A high number of individual unlawful killings have been reported by both human rights organisations and the press over the last three years. However, it is often difficult to determine whether Russian forces or Chechen fighters were responsible. I am thus only going to briefly outline three cases of particular concern here, where I can be reasonably sure that Russian forces are responsible.

31. On 27 October 2001, Madina Mezhieva was being driven home from a turnip field in Komsomolskoe by Amkhad Gekaev to breastfeed her child. Russian military helicopters opened fire on their car. Soldiers took them away alive, although injured, and then damaged the car in an attempt to make it appear as if it had hit a landmine. Several days later, the military commander's office in Gudermes returned their dead bodies (both

18. The NGO "Chechnya Justice Initiative" (CJI) filed a preliminary application with the European Court of Human Rights on behalf of Tamusa Akhmadova, Akhmadov's mother, in October 2002.

19. "Burying the Evidence: the botched investigation into a mass grave in Chechnya", Human Rights Watch, May 2001.

20. CJI also filed applications with the European Court on behalf of relatives of three other men, Magomed Magomadov, Said-Rakhman Musaev, and Odes Mitaev, whose bodies were found in the mass grave. In these cases as well, physical evidence was not preserved for forensic examination.

missing limbs) to their families. Authorities failed to conduct full forensic examinations of the bodies. Although the criminal investigation into the killing was transferred to the military prosecutors' office, indicating that the preliminary investigation implicated servicemen, no suspects have been named in the case, and the families were informed that no wrongdoing has been found in the 27 October 2001 operation. The NGO "CJI" filed a preliminary application with the European Court of Human Rights in April 2002 and will submit the full application shortly.

32. The NGO "Human Rights Watch" calls the killing of Malika Umazheva on 29 November 2002 "the first clearly retaliatory murder of its kind in Chechnya"[21]. Mrs Umazheva served as head of administration for Alkhan-Kala, a village on the outskirts of Grozny. Unlike many other village administrators, she had been very outspoken about abuses by Russian forces in her village, worked with human rights organisations, and repeatedly confronted the Russian military about them. According to eyewitnesses, soldiers in masks came to the Umazhev home late in the evening and took Mrs Umazheva to the shed, where she was shot in the back, in the heart, and in the head. Her family is convinced that Russian forces are to blame, due to the fact she had received death threats from Russian soldiers before, and that the soldiers who came to her house spoke unaccented Russian, and fled in Russian military vehicles. The official investigation into the case is reportedly continuing.

33. Another shocking case is that of Khadzhimurat Yandiev. Televison cameras shot footage of him after he was detained (wounded) on 2 February 2000 at a hospital in Alkhan-Kala. On camera, a Russian officer gives an order to his subordinates to shoot him. He was never seen again. The television footage has been submitted to the prosecutor's office, which refused to open a criminal investigation into Yandiev's disappearance and has not identified the officer clearly visible on the footage. Mrs Fatima Bazorkina, his mother, has filed an application with the European Court of Human Rights with the help of the NGO "CJI". The case is currently awaiting communication.

2.5. Disappearances

34. No-one really knows how many people have "disappeared" in the Chechen Republic since the beginning of the current conflict[22], even less so how many have disappeared since the first conflict began in December 1994. The numbers depend on how one defines a "disappearance" – thus, for example, the Office of the Special Representative of the President of the Russian Federation reportedly includes all missing persons (also those who have, for example, left the Chechen Republic without informing their relatives, or those who left home to gather firewood but stepped on a mine and whose bodies were never found).

35. In this report, I will use the definition of the International Criminal Court, whose statute defines "enforced disappearance of persons" as: "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time".

36. For the year 2002, the Russian NGO "Memorial" has sent me a detailed list of 173 persons who were detained by representatives of the Federal law-enforcement bodies and subsequently "disappeared"; some of them were later found dead[23]. The list makes terrifying reading: people are detained during "sweep"-operations, at checkpoints, or in their own homes, taken away by Russian law-enforcement officials (often with armoured personnel carriers), never to be seen again alive. Many have been subsequently found dead in mass graves or simply dumped by the roadside. In response to a request by the OSCE Assistance Group in Chechnya, the Prosecutor's Office of the Chechen Republic sent a list to the group, detailing the investigative steps taken in a number of disappearances. Regrettably, most cases were suspended within two months of being opened (the minimum length of an investigation as required by law).

37. Unfortunately, it is impossible to detail each of these cases in the framework of this report[24], so I will have to limit myself to two of the worst examples: From the very beginning, the Assembly has been worried by the disappearance of the former Speaker of the Chechen Parliament, Mr Alikhodzhiyev, on 17 May 2000. According to information put at my disposal by the Prosecutor's Office of the Chechen Republic on 16 January 2001[25], "investigations in the case have established that on 17 May 2000 in the town of Shali, unidentified

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21. "Into harm's way": Forced return of displaced people to Chechnya", Human Rights Watch, January 2003.
22. The French newspaper "Le Figaro" put the number of disappeared persons since October 1999 at 2.800 in an article of 21 February 2003.
23. List available upon request from the Secretariat of the Committee (Russian only).
24. For more examples, see *inter alia* "Last seen: continued "disappearances" in Chechnya", Human Rights Watch, April 2002.

persons, dressed in camouflage clothing and travelling in an armoured troop carrier, burst into R. Sh. Alikhadzhiyev's residence at No. 97, Suvorova Street, Shali, and took him away to an unidentified destination. … According to information from the head of the Shalinskiy VOVD, Alikhadzhiyev was not arrested by employees of this service, nor has he been held in the Shalinsky VOVD's remand prison." I have received no update on the criminal investigation into this case since then.

38. Another terrible case is that of Mr Said Magomed Imakaev, an applicant to the European Court of Human Rights, and his son. On 1 December 2000, Said-Khusein Imakayev was driving home from the market when a group of armed men stopped his car and detained him. He subsequently disappeared. The procuracy's investigation into his disappearance consisted of questioning two individuals and writing four letters to law-enforcement authorities inquiring about his whereabouts. When the letters failed to establish his whereabouts, the procuracy suspended the investigation. Marzet Imakaeva and Said-Magomed Imakaev, Said-Khusein's parents, convinced that there was no commitment inside Russia to prosecuting the guilty parties, filed an application with the European Court of Human Rights in February 2002.

39. Four months later, on 2 June 2002, during a sweep operation in the Imakaev's village of Novye Atagi, Russian federal forces detained Said-Magomed Imakaev in his home. Despite concrete evidence that could lead to the identity of the officer who detained Imakaev (his wife was given a signed receipt for the confiscation of computer discs), Russian authorities have denied detaining him and Marzet Imakaeva's repeated attempts to gain information about his whereabouts have been unsuccessful. The "Chechnya Justice Initiative" filed an application on behalf of Marzet Imakaeva in June 2002. The European Court entered into preliminary correspondence with the Russian government about this case in June 2002, and in September 2002 the Chechnya Justice Project filed a response to the government's first memorandum, which had asserted that the likely version of events was that rebel fighters disguised as federal forces had detained Said-Magomed Imakaev. The case currently awaits communication.

2.6. Torture and rape

40. Torture and rape are two very serious human rights violations which, NGOs allege, are common in the Chechen Republic. However, it is extremely difficult to document them. Survivors of torture are usually so frightened of reprisals that they do not complain about their treatment in custody, especially not to the official authorities. Many bodies found in Chechnya, do however, bear unmistakable signs of some of the worst forms of torture, including the cutting off of ears, fingers and even limbs. The Council of Europe's own Committee for the Prevention of Torture (CPT) has complained of Russia's lack of co-operation with it. Russia has yet to authorise the publication of its reports, which might be due to the CPT having documented cases of torture during its numerous visits to the region.

41. The case of Alaudin Sadykov is one of the few cases of torture where the victim has had the courage to lodge an official complaint. Police detained Alaudin Sadykov on March 5, 2000, and kept him in the October district temporary police precinct in Grozny for over two months. During those months, police cut off one of his ears, broke several ribs and caused numerous other physical injuries. Mr Sadykov was eventually released in May 2000.

42. He reported the ill-treatment in June 2000 and actively corresponded with authorities, but the procuracy informed him of launching a criminal investigation only in January of 2002. Despite the fact that he knows the name and can recognise at least one of the police officers who tortured him, and the fact that many fellow detainees and guards were witness to the abuses, the investigation has failed to identify suspects. The "Chechnya Justice Initiative" team filed an application to the European Court of Human Rights on behalf of Mr Sadykov in July 2002. The case is currently awaiting communication. Mr Sadykov described to Amnesty International in detail instruments used to torture detainees, including ice picks, hammers, surgical and dental instruments, instruments for removing fingernails, spades and saws.

43. Victims of rape are equally unlikely to make official complaints, because Chechen society has strong taboos against revealing instances of sexual assault. NGOs such as "Memorial" and "Human Rights Watch" have nevertheless managed to document rapes, including gang rapes, by Russian forces, for example during the "sweep" operation of 5 February 2000 in Novye Aldi (see above), of 3-4 July 2001 in Sernovodsk and of 4-5 July 2001 in Assinovskaia[26].

25. Appendix to Assembly Doc. 8948.
26. "Swept under", Human Rights Watch, February 2002.

44. One of the few rape (and murder) cases to reach trial was that of Colonel Budanov. On 31 December 2002 he was acquitted of murdering the young Chechen woman Elza Kungaeva on 26 March 2000 on the grounds of "temporary insanity", although the prosecutor's office is reportedly appealing the verdict. The rape charge, however, was dropped by the prosecution before the trial, although the forensic examination had found that Kungaeva had endured anal and vaginal penetration just before her death. Instead, one of Colonel Budanov's subordinates was charged with "desecration of a corpse", but the investigation was closed under the 2000 amnesty.

2.7. Other human rights violations

45. Other human rights violations deserve a quick mention here[27], although they are too numerous to be described in detail – robbery, looting and harassment are common allegations. Checkpoints remain notorious: not only are bribes commonly necessary to pass them, but the Russian forces manning them often harass passing civilians in addition, sometimes even detaining them for no apparent reason. The Council of Europe experts working in the Office of the Special Representative have reported that they were informed "that an order issued by the military headquarters in Khankala requires that the security clearance at a checkpoint should last between 15 and 30 minutes"[28]. Since checkpoints are so numerous in Chechnya (I counted 28 on a 40 km stretch of road from Grozny to the Ingush border), travelling in Chechnya is thus not only a hazardous, but also a very long procedure.

3. Human rights abuses attributed to Chechen fighters

46. Human rights abuses perpetrated by Chechen fighters are notoriously hard to document. NGOs testify that it is already difficult to persuade witnesses to testify when Russian forces are the culprits, but that it is practically impossible to persuade those who witnessed atrocities committed by Chechen fighters – the fear of reprisals is too high. Thus, what I am presenting here might well be only the "tip of the iceberg".

47. The latest information on criminal cases instigated by the prosecutor's office concerning crimes committed against the civilian population in the Chechen Republic provided to the Assembly by the Russian authorities on 17 January 2003 also contained information on the crimes committed by "members of illegal armed formations". In 2002, the prosecutor's office of the Chechen Republic instigated 311 criminal cases, including 120 cases of crimes against law-enforcement officers, 81 cases of crimes against heads of administrations, and 12 cases of crimes against the clergy. Of these cases, 213 were suspended and 29 referred to court. These numbers are very low, in particular if one takes into account that they are most probably inflated by crimes which the prosecuting authorities attribute to "unknown persons in camouflage uniform" who could just as well be Russian servicemen as Chechen fighters.

3.1. Acts of mass terrorism

48. The Assembly has always, and will always condemn all terrorist acts in the harshest possible terms. While not on Chechen territory, the hostage-taking in the Moscow theatre in the last days of October 2002 by Chechen fighters was a terrible terrorist act that deserves to be condemned in just such a way. Of course, the liberation of the hostages by Russian special forces was not without its own problems: Over 117 hostages died because of the first unspecified gas used in the operation, some of whom might have been saved if they had been given more adequate medical attention.

49. On 27 December 2002 a suicide bomb attack targeted the building of the Chechen Administration and Government in Grozny, claiming the lives of 82 persons and wounding 210 others. While, according to the Russian Defence Minister, Mr Sergei Ivanov, those who masterminded the attack have been identified, I have no other information on the state of the investigation into this gruesome terrorist act.

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27. I will, however, not deal with the question of forcible return of IDPs here, since this is within the mandate of the Committee on Migration, Refugees and Demography.

28. "Twenty-fifth interim report by the Secretary General on the presence of the Council of Europe's experts in the Office of the Special Representative of the President of the Russian Federation for ensuring Human Rights and Civil Rights and Freedoms in the Chechen Republic", 24 January 2003, SG/Inf (2003) 2.

3.2. Unlawful killings and kidnappings

50. Heads of local administration and members of the prosecuting bodies continue to be the target of violent actions carried out by Chechen fighters. Many pro-Moscow Chechens (and members of their families) have been brutally murdered, others kidnapped, never to be seen again. Recently, the heads of administration of the Tsotsin-Yurt village (Kurchaloy district) and of the Sharoy district were killed by unknown assailants, while the deputy prosecutors of the Shali and Shatoy districts were abducted. According to the latest figures from the Chechen Prosecutor's Office, 94 officials from local administrations died since October 1999, 139 were injured and 34 kidnapped. 139 Chechen policemen were killed, 149 were wounded and 29 are registered as missing. In the last months of 2002, Chechen fighters are believed to be responsible for seven assassinations, several assassination attempts, and nine abductions since 15 November 2002[29].

51. It is often very difficult to determine whether renegade Russian forces or Chechen fighters, or even criminal gangs are responsible for the myriad kidnappings in Chechnya and neighbouring Republics. In cases where heads of administrations and prosecutors are the victims, however, a pattern is discernible that points in the direction of Chechen fighters.

52. One case of particular concern is that of Mr Arjan Erkel, the 32-year-old Head of Mission for the Swiss section of the NGO “Médecins Sans Frontières (MSF)” in the Northern Caucasus. He was abducted by three unknown gunmen on 12 August 2002 in Makhatchkala, the capital of the Federal Republic of Dagestan. After more than five months of focused efforts at many levels, MSF has not yet received any concrete information about Mr Erkel’s fate, his whereabouts, or as to why and by whom he was abducted. This has led MSF to conclude that his abduction might be politically motivated. The relevant authorities in the Russian Federation should give a higher political priority to assuring the safe release of Mr Erkel, since such kidnappings further hamper the humanitarian aid effort in the North Caucasus to the detriment of the suffering population.

4. Conclusions

53. The conclusions to be drawn from the above-mentioned cases are depressingly clear: For nearly a decade now, people in the Chechen Republic have lived in constant fear. Fear of the Russian forces, fear of the Chechen fighters. A brief chronology of the events since 1 December 1994 can be described as follows: First, the population of the Chechen Republic (especially in Grozny) had to endure carpet-bombing by Russian forces, which cost upward from 20.000 lives[30]. Hot on the heels of the indiscriminate bombardment came a campaign of mindless terror perpetrated by some of these Russian forces, with murder, rape, torture, looting, pillaging and extortion being the order of the day[31].

54. Then the Chechens must have felt betrayed by their own people, losing confidence in a government that could not or would not protect them from bands of religious extremists and criminal gangs, who in turn held the Republic hostage by means of kidnapping, drug smuggling and other violent acts. Vicious punishments were meted out in a perversion of justice under Sharia-law. But the “liberation” of Chechnya in the form of the second Russian campaign brought no relief: ruthless Russian forces, more often than not, seem to make no difference between fighters and civilians[32]. To this day, the civilian population in the Republic risks illegal detention, unlawful “disappearance”, even rape, torture and murder at the hands of some Russian forces, while not being protected from kidnapping, murder and terrorist acts perpetrated by some Chechen fighters.

55. The reaction of the Russian authorities has not been very constructive. One does get the feeling that the Russian authorities are doing everything to hide the real situation in Chechnya from public view. The Chechen Republic has practically been closed off – there is nearly no access for journalists and NGOs.

56. As I already clearly stated in my last report of January 2003 (Doc. No. 9688), after a certain number of years, to be told that a criminal case is still under investigation with no tangible results, leads me to the following conclusion: The prosecuting bodies are either unwilling or unable (or are being systematically obstructed in their efforts) to find and bring to justice the responsible parties. Personally, by now, I suspect that all three factors play a role in the ineffectiveness of the prosecution when the crimes in question are those

29. “Into Harm’s Way”, Human Rights Watch, January 2003.

30. A team led by our colleague, Duma Deputy Sergei Kovalev, puts the number of civilian casualties in the first conflict at more than 50.000.

31. See the resolutions, recommendations, reports and opinions discussed in the Assembly from 1995 to 1996.

32. For example, in an interview published in the Russian newspaper *Novaya gazata* on June 19, 2000, General Shamanov stated that his image as a “cruel general” is a compliment for him. In the same interview he stated that the wives and children of rebel fighters in his opinion are also “bandits” that need to be destroyed.

committed against Chechen civilians. Thus, the recommendation of the Commissioner for Human Rights, Mr Gil-Robles, following his recent visit to Chechnya, that more means have to be put at the disposal of the prosecutor's office, can only be a partial solution, if at all.

57. I would also like to refer to the case-law of the European Commission of Human Rights in this respect, which has ruled in the past that inquiries into a violation of a fundamental right (such as the right to life or the prohibition of torture) that had not concluded for two years after the alleged crime occurred and for which the authorities had not provided an explanation as to the cause for the delay, could not be considered as effective[33].

58. Non-judicial redress mechanisms set up by the Russian authorities, such as the Office of the Special Representative of the President of the Russian Federation on Human Rights and Freedoms in the Chechen Republic, do little more than catalogue individual complaints. While the Assembly should pay tribute to the courage of the Council of Europe experts working within that Office, there are questions regarding the effectiveness of their current mandate. Measures should be taken to increase their possibility of influencing the human rights situation in the Chechen Republic.

59. The mandate of the OSCE Assistance Group to Chechnya has not been renewed by the Russian government. The recommendations of the Council of Europe's Commissioner for Human Rights are implemented by Russia with long delays, if at all. For example, his excellent and necessary recommendations made in May 2002 "on certain rights that must be guaranteed during the arrest and detention of persons following "cleansing" operations in the Chechen Republic of the Russian Federation" were only beginning to be implemented during his visit to the region in February 2003.

60. The Council of Europe's Committee for the Prevention of Torture (CPT) has complained of Russia's lack of co-operation with it. It issued a public statement on 10 July 2001 (available from the Secretariat), prompted by the Russian authorities' failure to cooperate with the CPT in relation to two issues: i) the carrying out of a thorough and independent inquiry into events in a detention facility at Chernokozovo during the period December 1999 to early February 2000; ii) action taken to uncover and prosecute cases of ill-treatment of persons deprived of their liberty in the Chechen Republic in the course of the current conflict. The reports of its visits are still confidential, as the Russian authorities have not authorised their publication.

61. The European Court of Human Rights, set up to deal with individual violations of human rights, cannot hope to cope effectively with systematic human rights abuse of the Chechen scale via individual complaints. Lamentably, no member state or group of member states has yet found the courage to lodge an interstate complaint with the Court.

62. The result is a climate of impunity which encourages further human rights violations by both sides, and which denies justice to the thousands of victims, embittering the population to a point where the Chechen Republic could truly become ungovernable. The current human rights situation in the Chechen Republic is unacceptable. If a meaningful political process is to develop in the Republic, human rights violations must stop, and those guilty of past abuses must be brought to justice. The people of the Chechen Republic have a right not just to our pity, but also to our protection.

63. Of course, this will not be possible without the active co-operation of the Russian authorities. Our Russian Duma colleague and respected human rights activist Sergei Kovalev alleged last week that Russian "death squads" operated in Chechnya[34]. He suggested that these "death squads" responsible for the kidnappings and murders of Chechen civilians must be centrally organised by the federal forces as a "coordinated general policy". He based his assertion on the fact that mass graves contained bodies of people detained at different times and places in different parts of Chechnya – if these atrocities were committed by soldiers who got out of hand, the corpses would be from one area and near those troops.

64. I cannot dismiss Mr Kovalev's allegations out of hand, but I do hope that he is wrong. However, he is right in that the protection of the civilian population in the Chechen Republic, and the prosecution of human rights abuses committed there, can no longer be left to Russia alone, in view of its past failures. If Russia is not willing or able to fulfil its obligations, the international community must step in.

65. The international community can act in two mutually reinforcing ways. First, member states of the Council of Europe could pursue all avenues of accountability with regard to the Russian Federation, including interstate complaints before the European Court of Human Rights and the exercise of universal jurisdiction for the most serious crimes committed in the Chechen Republic. Second, if the efforts to bring to justice those

33. See, for example, Timurtas v. Turkey, Sarli v. Turkey, and Tanli v. Turkey.
34. The Jamestown Foundation, Chechnya Weekly, 20 February 2003.

responsible for human rights abuses are not intensified, and the climate of impunity in the Chechen Republic prevails, the international community could consider setting up an *ad hoc* tribunal to try war crimes and crimes against humanity in the Chechen Republic, to be empowered to try all such crimes committed in the Chechen Republic. It is unrealistic to believe, of course, that such a tribunal could be set up without the consent of the Russian Federation, either by the UN Security Council or by the Committee of Ministers of the Council of Europe. Without Russia's active co-operation, crimes in the Chechen Republic will continue to go unpunished.

5. Recommendations

66. I have decided to only make recommendations which are precise, detailed and constructive. I think the Assembly should make the following recommendations:

67. To ensure that human rights are respected in the Chechen Republic in the future, the Assembly should recommend that:

i. Chechen fighters should immediately stop their terrorist activities and renounce all forms of crime. Any kind of support for Chechen fighters should cease immediately;

ii. Russian forces be better controlled, and discipline enforced: all relevant military and civilian regulations, constitutional guarantees and international and humanitarian law, particularly the Geneva Conventions and the protocols thereto, should be fully respected during all operations, including full co-operation with the *prokuratura* before, during and after such operations;

iii. in so far as the security situation allows, troops should be confined to their barracks or withdrawn from the Chechen Republic altogether;

iv. those members of Russian forces suspected of committing abuses be fully investigated and, if found guilty, severely punished in accordance with the law, regardless of their rank and position;

v. the recommendations of the Council of Europe Commissioner for Human Rights should be implemented immediately by the Russian Federation.

68. To ensure that those responsible for abuses be brought to justice, the Assembly should:

i. demand better co-operation from the Russian authorities with national and international mechanisms of redress, both judicial and non-judicial;

ii. call on member states of the Council of Europe to pursue all avenues of accountability with regard to the Russian Federation without further delay, including interstate complaints before the European Court of Human Rights and the exercise of universal jurisdiction for the most serious crimes committed in the Chechen Republic;

iii. consider that, if the efforts to bring to justice those responsible for human rights abuses are not intensified, and the climate of impunity in the Chechen Republic prevails, the international community should consider setting up an *ad hoc* tribunal to try war crimes and crimes against humanity in the Chechen Republic, to be empowered to try all such crimes committed in the Chechen Republic;

iv. urge Russia to ratify the Statute of the International Criminal Court without delay.

69. In addition, the Assembly should make the following recommendations to the Committee of Ministers:

i. reorient its assistance programmes in the North Caucasus towards an amelioration of the human rights situation in the Chechen Republic as the priority objective, and allocate sufficient funds to these programmes to make a real difference;

ii. ensure that non-governmental organisations active in preventing and documenting human rights violations in the Chechen Republic, as well as those assisting their victims in different ways, are involved in said assistance programmes;

iii. urge the Russian government to fully comply with the recommendations addressed to it in paragraphs 9 and 10 of Resolution No. … (2003) on the human rights situation in the Chechen Republic;

iv. if the efforts to bring to justice those guilty of human rights abuses are not intensified, and the climate of impunity in the Chechen Republic prevails, consider proposing to the international community the setting up of an *ad hoc* tribunal to try war crimes and crimes against humanity in the Chechen Republic, to be empowered to try all such crimes committed in the Chechen Republic.

Reporting committee: Committee on Legal Affairs and Human Rights

Reference to committee: Order 584 (2003)

Draft resolution adopted with 30 votes in favour, 1 vote againstand 2 abstentions, *draft recommendation* adopted with 31 votes in favour, 1 vote against and 2 abstentions and *draft order* adopted unanimously, by the Committee on 3 March 2003

Members of the Committee: Mr Lintner (*Chairperson*), Mr *Marty*, Mr *Jaskiernia*, Mr *Jurgens* (*Vice-Chairpersons*), Mrs Ahlqvist, Mr Akçam, Mr G. Aliyev (alternate: Mr R. *Huseynov*), Mrs Arifi, Mr Arzilli, Mr Attard Montalto, Mr *Barquero Vázquez*, Mr Berisha, Mr *Bindig*, Mr Brecj, Mr *Bruce*, Mr *Chaklein*, Mrs Christmas-Møller (alternate: Mrs *Auken*), Mr *Cilevics*, *Clerfayt*, Mr *Contestabile*, Mr *Daly*, Mr *Davis*, Mr Dees (alternate: Mr *Janssen van Raaij*), Mr *Dimas*, Mrs Domingues, Mr Engeset, Mrs *Err*, Mr Fedorov, Mr *Fico*, Mrs Frimansdóttir, Mr *Frunda*, Mr Galchenko (alternate: Mr *Shishlov*), Mr *Guardans*, Mr Gündüz, Mrs *Hajiyeva*, Mrs Hakl, Mr Holovaty (alternate: Mr *Shybko*), Mr Jansson, Mr Kelber, Mr Kelemen (alternate: Mr *Németh*), Mr *Kontogiannopoulos*, Mr S. Kovalev, Mr *Kroll*, Mr Kroupa, Mr Kucheida, Mrs Leutheusser-Schnarrenberger, Mr Livaneli, Mr *Manzella*, Mr Martins, Mr Mas Torres, Mr Masson (alternate: Mr *Hunault*), Mr *McNamara*, Mr Meelak, Mrs *Nabholz-Haidegger*, Mr Nachbar, Mr *Olteanu*, Mrs Pasternak, Mr Pehrson, Mr Pellicini (alternate: Mr *Ianuzzi*), Mr Pentchev (alternate: Mr *Arabajdiev*), Mr *Piscitello*, Mr Poroshenko, Mrs Postoica, Mr *Pourgourides*, Mr Raguz, Mr *Ransdorf*, Mr Rochebloine, Mr Rustamyan, Mr *Skrabalo*, Mr Solé Tura (alternate: Mrs *Lopez Gonzales*), Mr Spindelegger, Mr Stankevic (alternate: Mr *Lydeka*), Mr Stoica (alternate: Mr *Coifan*) Mr Symonenko, Mr *Tabajdi*, Mrs Tevdoradze, Mr *Toshev*, Mr *Vanoost*, Mr Wilkinson, Mrs *Wohlwend*

N.B. The names of those members who were present at the meeting are printed in *italics*.

See 13th Sitting. 2 April 2003 (adoption of the draft resolution, the draft recommendation and the draft order, as amended); and Resolution 1323; Recommendation 1600; and Order No. 586.