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The human rights situation in the Chechen Republic

Addendum to the report

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Rudolf BINDIG, Germany, Socialist Group

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1. Proposed amendments to the draft texts contained in **Doc. 9732**:

I propose the following amendments to the texts the Committee adopted on 3 March 2003, in view of recent developments and in order to take into account concerns voiced by some parliamentary colleagues and NGOs on some specific aspects of the texts in question.

1.1. to the draft resolution

Amendment A

In paragraph 8, last sentence, and in paragraph 10 and 10.iii., replace the words “guilty of” with “responsible for”.

Amendment B

Replace paragraph 9.ii. with the following paragraph:

“Russian forces be better controlled and discipline enforced: all relevant military and civilian regulations, constitutional guarantees and international law, including humanitarian law and in particular the relevant provisions of 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”;



Amendment C

In paragraph 9, add the following sub-paragraph after sub-paragraph 9.v:

“the Russian Federation authorise the publication of the reports of the CPT without further delay”.Am

Amendment D

In paragraph 10.iii, delete: “modelled on the International Criminal Tribunal for the former Yugoslavia”.

1.2. to the draft recommendation

Amendment E

In paragraph 3, add the following sub-paragraph after sub-paragraph 3.ii:

“take all possible measures to increase the effectiveness of the current mandate of the Council of Europe experts working in the Office of the Special Representative of the President of the Russian Federation on Human Rights and Fundamental Freedoms in the Chechen Republic as regards their possibility of influencing the human rights situation”.Am

Amendment F

In paragraph 3.iv, replace the words “guilty of” with “responsible for”.

Amendment G

In paragraph 3.iv, delete: “modelled on the International Criminal Tribunal for the former Yugoslavia”.

Amendment H

After paragraph 3, add the following new paragraph:

“Furthermore, the Assembly decides to seize the Committee of Ministers by virtue of paragraph 1 of its 1994 Declaration on compliance accepted by member states of the Council of Europe and recommends that the Committee of Ministers instruct the Secretary General to make contacts, collect information and furnish advice on the human rights situation in the Chechen Republic in accordance with paragraph 4 of its 1994 Declaration on compliance with commitments.”

1.3. to the draft order

Amendment I

In paragraph 2, replace “its September 2003 part-session” with: “one of its 2004 part-sessions”.

2. Addendum to the explanatory memorandum by Mr Bindig, Rapporteur

1. In this addendum to my explanatory memorandum, I would like to inform the Committee on developments regarding the human rights situation which have taken place since my report was adopted by the Committee on 3 March 2003.

Letter received from Mr Sultygov

2. On 3 March 2003, the Secretary General of the Assembly, Mr Bruno Haller, received a letter in Russian from Mr Sultygov, the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic, which included a report on the work of the Office of the Special Representative, information concerning the examination of applications sent by the Bureau to the prosecution service, information provided by the Russian Prosecutor General's Office about the current state of the investigation in a number of criminal cases. The letter and its enclosures were translated and are appended (Appendix I). However, I have still not received the list of criminal cases which the Assembly specifically asked for in its Resolution 1315 (2003).

3. I have analysed the contents of this letter, and I must admit that it does not change my general appreciation of the human rights situation in the Chechen Republic. However, some information is noteworthy: Mr Sultygov's Office received 662 applications on missing persons in 2002, more than on any other subject matter. Not of all these missing persons will fit the internationally recognised definition of "enforced disappearances" (which is rather strict), but many of them will. Basically, it means that last year nearly two persons went missing per day in the Chechen Republic – a worryingly high figure, which clearly shows how far removed from normality the situation in the Republic remains.

4. It is encouraging to read that the co-operation between the Office of the Special Representative and the prosecutor's office has recently been improving, in particular as concerns the Military Prosecutor's Office. Nevertheless, the figures remain low: as of 1 January 2003, while Mr Sultygov's Office had received and transmitted 385 complaints to the Military Prosecutor's Office on criminal cases involving offences committed by servicemen against the civilian population, only 31 cases were pending, and 19 had made it to the courts. This means that the "success rate" (measured as the percentage of cases which are referred to military courts for examination on the merits) lies at about 5%, which must be a discouragingly low figure for victims of such crimes.

5. Mr Sultygov also transmitted a detailed reply by the Deputy Prosecutor General of the Russian Federation on some of the most worrying cases of individual human rights violations, i.e.: "murders of civilians in the village of Alkhan-Yurt, mass execution in the Novye Aldy suburb of Grozny, murder of civilians in the Novaya Katayama suburb of Grozny, abduction of Ruslan Shamiyevich Alikhadzhiyev, discovery of a mass grave in the "Zdorovye" dacha estate, violations of civil rights during the special operation in the village of Merker-Yurt, abduction of S-MU Imakayev, and murder of the former head of administration of the village of Alkhan-Kala, M. K. Umazheva". I am grateful to the Deputy Prosecutor General for having taken the trouble to make such detailed information available to me, but I am not impressed by the actions of the prosecutor's office in these cases.

6. In fact, the information provided by the Deputy Prosecutor General is depressingly familiar. Basically, the investigations are continuing in all these cases, but have, so far, not produced any results. In the case of the murders of civilians in the village of Alkhan-Yurt, the prosecutor's office failed "to establish who was liable to prosecution"; in the case of the mass execution in the Novye Aldy suburb of Grozny, the prosecutor's office has sent out rogatory letters, but the instructions contained within "have not been carried out"; in the case of the murder of civilians in the Novaya Katayama suburb of Grozny, the investigation has stalled due to the inability "to track down eyewitnesses"; in the case of the abduction of Ruslan Shamiyevich Alikhadzhiyev, "the identity of those responsible for the crime has still not been established"; in the case of the discovery of a mass grave in the "Zdorovye" dacha estate, "it has still not been established who was responsible for the abduction and murder of the persons found", in the case of the violations of civil rights during the special operation in the village of Merker-Yurt, the investigation is still in the "preliminary phase"; in the case of the abduction of S-MU Imakayev, the case was suspended "owing to failure to establish who was liable to prosecution"; and in the case of the murder of the former head of administration of the village of Alkhan-Kala, M. K. Umazheva, the investigation is continuing.

7. I am glad that the Prosecutor's Office of the Russian Federation "shares the concerns expressed over the progress and outcomes of the investigation into the above-mentioned cases and is taking the relevant statutory measures to solve the crimes in question and to complete the investigations". However, I must repeat that these investigations – some of which have been running for over three years now - cannot be called effective (I refer to the case-law of the European Commission on Human Rights), especially also in view of the wealth of information provided to the prosecutor's office by the victims themselves (or their relatives), and national and international NGOs, on whose testimony I also relied in detailing the cases mentioned in my original report.

8. In addition, it must be realised that these cases are only the most visible, well-documented ones – the tip of the iceberg, so to say. There are literally thousands more cases of this type which are not being properly investigated, be it due to the lack of manpower of the prosecutor's office, their efforts being obstructed, or simply their inability or unwillingness. I think my suggestion that the international community step in to deal with the worst of these crimes cannot be surprising in view of the Russian judicial and prosecutorial failure to bring to justice those responsible for these crimes.

9. I take exception to the Deputy Prosecutor General's accusation that "International governmental and non-governmental human rights organisations are continuing to completely disregard crimes committed by members of illegal armed groups against law enforcement officers, heads and employees of administrations and local self-government bodies in Chechnya and against religious leaders". I refer to paragraphs 46 to 52 of my original explanatory memorandum, in which I detailed the human rights abuses attributed to Chechen

fighters such as known to me. The international community needs to – and to my mind does - treat even-handedly both the human abuses committed by Chechen fighters (in particular the odious terrorist acts and the terrible murders and kidnappings) and the human rights violations committed by Russian servicemen (in particular the war crimes, the mass murders, and the enforced disappearances).

Other developments

10. In the run-up to the referendum on the draft Constitution on 23 March 2003 the human rights situation in the Chechen Republic further deteriorated. In his 26th interim report on the presence of the Council of Europe's experts in Mr Sultygov's Office (SG/Inf (2003) 7 of 4 March 2003), the Secretary General of the Council of Europe, Mr Walter Schwimmer, registered his concern about the human rights situation which had "considerably worsened since the New Year 2003". The number of disappearances had increased: Mr Sultygov's Office had registered 63 such cases in January 2003. According to the prosecutor of the Achkhoy-Martan and Sunzhenskiy Districts, "cases of disappearances are almost impossible to investigate due to lack of evidence". Mr Schwimmer's report also mentioned a very worrying incident concerning an illegal detention centre allegedly located within a military base, in whose vicinity bodies had been found.

11. I consider the referendum itself to be a political, not a human rights issue. Nevertheless, since some of the Russian members of the Committee raised this issue during the Committee's last meeting in Paris on 3 March 2003, accusing me of ignoring this "positive" development, I feel forced to say just a few words about the referendum at this stage.

12. According to the official results of the referendum held on 23 March 2003, voter turnout stood at nearly 90%, nearly 96% of whom supported the draft constitution. The referendum was not observed by the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE)¹ or the EU, mainly for security reasons. Thus, it is not possible for me to make a judgment of the result and the fairness of the referendum process based on factual, independent observation results. What I can do, however, is register some misgivings about the process and some slight misbelief of the results, based on the conditions that the Parliamentary Assembly had fixed during the January 2003 part-session (which were clearly not met), my own experience of the situation in Chechnya (which makes me doubt that such a high voter turnout is physically possible to achieve in the war-torn Republic) and the critical statements of leading NGOs, such as Memorial (which focused on the high number of soldiers and their families allowed to vote compared with the small number of refugees and IDPs allowed to do so, "additional voter lists", and "deliberate falsification").

1. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) did send a small team of experts on a fact-finding visit to the Russian Federation on the occasion of the referendum in Chechnya, but has not to date made any political declarations on the conduct of the referendum.

Appendix 1 – Letter of 28 February 2003 from Mr A-Kh. Sultygov, Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic to Mr B. Haller, Secretary General of the Parliamentary Assembly of the Council of Europe

Ref. No. A7-13/148

...

Further to your request of 17 February 2003, I enclose herewith:

- a. A report on the work of the Office of the Special Representative, including information concerning the examination of applications sent by the Bureau to the prosecution service.
- b. Information provided by the Russian Prosecutor General's Office about the current state of the investigation in a number of criminal cases.

Full information will be provided in my report on the situation with regard to the protection of human and civil rights and freedoms in the Chechen Republic in 2002.

...

Enclosures:

Report on the work of the Office of the Special Representative, including information concerning the examination of applications sent by the Bureau to the prosecution service

In 2002, the Office of the Special Representative received 2,136 applications from individuals and groups of individuals, including workers' collectives.

The applications cover a whole range of alleged violations of human and civil rights and freedoms.

The Bureau does not keep individual statistics for human rights violations committed by representatives of federal agencies with armed forces at their disposal and by members of illegal armed groups. This is in order to avoid bias, as often the identity of the person who committed the crime cannot be accurately established.

A good example of this is the case of missing persons. In 2002, the Office received more applications on this subject than on any other, 662 to be precise, yet in a great many instances it was extremely difficult to determine the identity of possible suspects.

In 2002, the Office of the Special Representative submitted 618 applications to the Chechen Republic Prosecutor's Office.

At present, the mandate of the joint working group made up of staff from the Office of the Special Representative, the Prosecutor General's Office of the Russian Federation and the Chechen Republic Prosecutor's Office (hereinafter referred to as "the JWG") is, technically speaking, confined to co-ordinating "joint action to examine complaints and claims by citizens of the Russian Federation, resident in the Chechen Republic, regarding illegal actions by servicemen and employees of other law enforcement agencies, and also practical measures to deal with appeals against such actions".

Such is the "format" for co-operation set out in the agreement signed by my predecessor, V.A. Kalamonov, and the former Russian Chief Military Prosecutor, M.K. Kislitsyn.

I can now inform you that an agreement in principle has been reached on a change of mandate for the JWG. Very soon, a new agreement will be signed, under which the JWG will be responsible for "co-ordinating joint action to examine applications by citizens of the Russian Federation, resident in the Chechen Republic, regarding violations of constitutional and other rights and freedoms, and also practical measures to deal with appeals against such actions".

A key aspect of the JWG's work today is monitoring the investigation of crimes committed by servicemen against the civilian population of the Chechen Republic and checking on the progress of applications sent by the Office of the Special Representative to the Military Prosecutor's Office of the Allied Group of (Armed) Forces in the North Caucasus.

It should be pointed out that the success rate for investigating crimes committed by servicemen is higher than for investigating crimes committed by members of illegal armed groups.

The main performance indicators for the Military Prosecutor's Office of the Allied Group of (Armed) Forces are as follows:

	number of applications	number of criminal cases instituted	number of criminal cases referred to the military courts	number of criminal cases in which the military courts have convicted):
2000	24	37	8	4
2001	251	81	31	14
2002	145	44	18	21
In total (as at 01/01/2003)	420	162	57	39

Since the start of the counter-terrorist operation, the Military Prosecutor's Office has registered 162 criminal cases.

The investigation has been completed in 97 cases.

57 criminal cases against 73 servicemen have been referred to the military courts. Of these:

- 14 concern murder (Art. 105 of the RF Criminal Code);
- 1 concerns injury to health through negligence (Art. 118 of the RF Criminal Code);
- 18 concern theft (Arts. 158-162 of the RF Criminal Code);
- 8 concern a violation of the rules for driving military vehicles (Art. 350 of the RF Criminal Code);
- 3 concern violations of the rules for handling arms (Art. 349 of the RF Criminal Code);
- 5 concern hooliganism (Art. 213 of the RF Criminal Code);
- 2 concern rape (Art. 131 of the RF Criminal Code);
- 6 concern other offences.

To date, 47 servicemen have been convicted, including 7 officers.

Over the course of 2002:

- 44 criminal cases were registered;
- the investigation into 33 criminal cases was completed;
- 18 criminal cases against 18 servicemen, including 4 officers, were referred to the military courts. Of these:
 - 3 concern murder (Art. 105 of the RF Criminal Code);
 - 5 concern theft (Arts. 158-162 of the RF Criminal Code);
 - 3 concern a violation of the rules for driving military vehicles (Art. 350 of the RF Criminal Code);
 - 2 concern a violation of the rules for handling arms (Art. 349 of the RF Criminal Code);
 - 2 concern hooliganism (Art. 213 of the RF Criminal Code);
 - 3 concern other offences.

The military courts convicted 24 servicemen, including 5 officers.

18 criminal cases, involving 26 servicemen, are currently at the stage of being examined on the merits.

There was a sharp drop in the number of complaints received by the Military Prosecutor's Office in 2002, compared with 2001: 145 as against 251.

Below is a table showing the results achieved by the Military Prosecutor's Office in the Chechen Republic and the military courts in criminal proceedings instituted on the basis of applications received from the Office of the Special Representative.

Performance figures for the Military Prosecutor's Office in the Chechen Republic and the military courts in criminal cases involving offences committed by servicemen against the civilian population, and which were instituted on the basis of applications received from the Office of the Special Representative

No.	As at:	Indicators		
		[1]	[2]	[3]
		Number of applications received	Number of criminal cases pending /accused persons /offences	Number of criminal cases referred to the military courts for examination on the merits/accused persons/ offences
		<i>Figures given as running totals</i>		
1.	01.01.2000			
2.	01.01.2001	187	8/6/10	1/1/2
3.	01.01.2002	270	12/14/16	9/12/13
4.	01.07.2002	318	26/21/30	17/20/21
5.	01.10.2002	346	30/26/34	19/22/23
6.	01.01.2003	385	31/27/35	19/22/23

It is important to emphasise that the figures in the second column refer to criminal proceedings instituted by the Military Prosecutor's Office purely on the basis of applications made by the Office of the Special Representative.

In 2002, the Office of the Special Representative submitted more applications to the Military Prosecutor's Office than in 2001: 115 as against 83. And whereas in 2001, only 4 criminal cases were brought in response to these applications, in 2002 the figure was 19.

The total number of criminal cases brought on the basis of applications made by the Office of the Special Representative which duplicated reports received by the Military Prosecutor's Office from other sources is much higher.

Appendix 2 – Letter of 28 February 2003 from Mr S.N. Fridinskiy, Deputy Prosecutor General of the Russian Federation, 1st class State Justice Adviser, to Mr A-Kh. Sultygov, Special Representative of the President of the Russian Federation for Ensuring Human and Civil Rights and Freedoms in the Chechen Republic

Ref. No. 46-1879-03

...

The Prosecutor General's Office of the Russian Federation has considered your request for information on the current status and outcome of a number of criminal cases.

It has to be said that so far, the preliminary investigation has not been completed in any of the cases which you mention. In most instances, however, investigative actions and operative-and-search measures are being carried out in an effort to establish the identity of those responsible and bring them to justice.

Murder of civilians in the village of Alkhan-Yurt in December 1999

Following the murder of civilians in the village of Alkhan-Yurt in the Urus-Martan district of Chechnya, criminal case No. 49152 was instituted on 18 December 1999 by the head of the department responsible for overseeing law enforcement within the territory of the Chechen Republic, Chief Directorate in the North Caucasus, under Article 105, part 2, paragraph (a) of the RF Criminal Code.

In the course of the preliminary investigation, it was established that sometime between 1 and 4 December 1999, at night, a group of unidentified armed men shot and killed five villagers: A. Saidulayev, M.S. Gylkhoyev, A.R. Dudayev, Kh. Nunayev and Kh.A. Khazuyev. In addition, on the night of 8 to 9 December 1999, unidentified armed men burst into a number of homes in Alkhan-Yurt, demanding that the residents hand over gold, foreign currency and alcohol. The same men then shot and killed S.Kh. Asuyev, I.Sh. Usmanov, I.T. Muradov and M.A. Sultanov and injured another man, A.Y. Golubin, when the individuals in question refused to obey their instructions.

A number of witnesses and victims have been questioned in connection with the case, and rogatory letters sent to the Prosecutor and head of the Temporary Department of Internal Affairs, Groznenskiy (rural) District, asking them to carry out the necessary investigative actions and operative-and-search measures with a view to establishing the identity of those responsible for the crime. Efforts have been made to identify all the military units and subdivisions which took part in the liberation of Alkhan-Yurt in order to check out allegations that members of the federal forces were involved in the shootings. The investigation, however, has failed to produce sufficient evidence of this. On 18 March 2000, the preliminary investigation into the case was suspended under Article 195, paragraph 3 of the RSFSR Code of Criminal Procedure owing to failure to establish who was liable to prosecution. The preliminary investigation into the case was later reopened on several occasions, most recently on 26 February 2003. Operative-and-search measures are being conducted in an effort to establish who committed the crime.

Mass execution in the Novye Aldy suburb of Grozny

Following the mass execution of civilians in the Novye Aldy suburb of Grozny, criminal case No. 12011 was brought on 5 March 2000 under Article 105, part 2 of the RF Criminal Code.

In the course of the preliminary investigation, a number of crime scene inspections were carried out. Over 100 witnesses were questioned and 23 bodies exhumed. The victims' relatives have been formally recognised as injured parties. 30 forensic examinations and 7 criminalistics examinations have been ordered and carried out. The bullets and cartridges discovered at the crime scene have been inspected and included in the case file.

On 15 April 2002, the preliminary investigation was suspended owing to failure to establish who was liable to prosecution. On 27 December 2002, the investigation into the case was reopened and the time-limit for the investigation extended to 11 months, ie until 27 March 2003.

Instructions were sent to the Military Prosecutor's Office of the Allied Group of (Armed) Forces, asking it to establish the whereabouts and question as a witness the person in charge of the special operation in Novye Aldy at the time when the murder took place. A reply was received, in which it was stated that the military command bodies of the Internal Troops of the RF Ministry of Internal affairs in the North Caucasus region had no knowledge of the whereabouts of the individual concerned. In the same instructions, a request was made for information about the state registration number of a vehicle and two radio call signs mentioned by persons who had witnessed the events. Replies were received from a number of units, stating that they had no

information to this effect. The commander of the Allied Group of (Armed) Forces said that the records for the period in question had been sent to the archives of the North Caucasus Military District headquarters. Similar rogatory letters were sent to the Prosecutor's Office of the North Caucasus Military District but so far there has been no reply.

It has been established that the special operation in Novye Aldy was conducted by troops from the 245th infantry regiment of the RF Ministry of Defence. Details have also been obtained of three servicemen who took part in the operation. Rogatory letters have been sent to the Military Prosecutor for the Mulinskiy garrison, where the soldiers are currently serving, asking the prosecutor to question them, to obtain further information about the subdivisions which carried out the said operation and to conduct other investigative actions aimed at solving the crime. So far, the instructions contained in the rogatory letters have not been carried out. The investigation into the case is continuing.

Murder of civilians in the Novaya Katayama suburb of Grozny

This criminal case was brought on 3 May 2000 by the official investigator in Grozny Prosecutor's Office under Article 105, part 2, paragraphs (a), (д), (e) and (ж) of the RF Criminal Code. The proceedings were instituted on the basis of a report which appeared in an article by A. Politkovskaya entitled "Freedom or Death", published in Novaya Gazeta on 27 April 2000 (Issue No. 12(583)). In the article, it was alleged that on 19 February 2000, members of the RF federal forces carried out mass murders of civilians in the Novaya Katayama suburb of Grozny.

It has been established that on 10 May 2000, Grozny Prosecutor's Office received a complaint from one M.A. Khashiyev concerning the murder at No. 10 ul. Nyeftyanaya, Grozny of four of his relatives – Kh. A. Khashiyev, L.A. Khashiyeva (Taimaskhanova), R.V. Taimaskhanov and A.V. Taimaskhanov and two other people: M.A. Goigova and S-MK. Goigov.

On 11 August 2000, Grozny Prosecutor's Office received an application from R.A. Akayeva, asking it to investigate the murder in Grozny of her brother, A.A. Akayev. It appears from the application that her brother – Adlan Aribovich Akayev – head of the physics department at Grozny Teaching Institute, had been living at No. 24 4th Neftyanoi Pereulok and that on 20 January 2000 he was shot in his neighbours' yard at No. 107 Nyeftyanaya Ulitsa along with a woman, L. Khashiyeva, and her son Anzor. On 22 August 2000, in response to Akayev's murder, criminal case No. 12131 was instituted under Article 105, part 1 of the RF Criminal Code. On 5 September 2000, this case was joined with criminal case No. 12038.

In the course of the investigation, the victims' relatives were questioned and granted "injured party" status and a number of witnesses interviewed. The bodies of the victims were inspected and forensic examinations ordered and carried out. Steps have been taken to establish the identity of the persons responsible for murdering the Khashiyevs, Goigovs and A.A. Akayev, and to track down any eye-witnesses, but so far to no avail. Rogatory letters were sent, containing a request to find and question three individuals - Elena Goncharuk, a man by the name of Viskhan and a soldier serving in the federal forces, Zheleznyak - mentioned by the persons who reported the crime, and to find and question anyone else who might have witnessed the crime. Despite the measures taken, however, the authorities have been unable to track down Viskhan and Zheleznyak. Nor have they managed to question Elena Goncharuk as she has left her former home in the village of Ekazhevo, and her present whereabouts are unknown. The authorities have not managed to find any witnesses other than those who have already been questioned.

The preliminary investigation into the case was repeatedly suspended. On 27 December 2002, an order to suspend the investigation was revoked, the proceedings reopened and the time-limit for investigating the case extended to 8 months, ie until 27 January 2003. On 27 January 2003, the investigation period was extended to 9 months, and then 10 months, ie until 27 March 2003. The investigation into the case is continuing.

Abduction of Ruslan Shamiyevich Alikhadzhiyev

Criminal case No. 22025 was instituted on 7 July 2000 by Shalinskiy District Prosecutor's Office under Article 126, part 2 of the RF Criminal Code.

In the course of the preliminary investigation, it was established that on 17 May 2000 in the village of Shali, a group of unidentified men wearing camouflage drew up in an armoured personnel carrier and burst into No. 97 ul. Suvorova, the home of Ruslan Shamiyevich Alikhadzhiyev, born 1961, former speaker of the Parliament of the independently proclaimed Chechen Republic of Ichkeria, and took him away. Five other men who happened to be in his home at the time – A. Muskhadzhiyev, S-E. Dombayev, S-Kh. Dombayev, D.

Dombayev and A. Basayev – were also arrested. The following day, all of the men except for Alikhadzhiyev were released but they were unable to give any information as to where they had been held or as to the current whereabouts of Alikhadzhiyev. The fate of R.Sh. Alikhadzhiyev remains unknown to this day.

A number of people who witnessed the crime and the men who were detained along with Alikhadzhiyev have been interviewed in connection with the case. Rogatory letters have been sent to the Directorate of the Federal Security Service and the Directorate of Internal Affairs of the Russian Federation for the Chechen Republic and to the Shalinskiy District Temporary Department of Internal Affairs asking them to take measures to ascertain the whereabouts of Alikhadzhiyev. According to the heads of the said agencies, Alikhadzhiyev was never held in the Shalinskiy district and was never placed in a temporary holding facility. No operative-and-search measures were ever taken by these agencies in connection with his arrest.

In the course of the investigation, another group of witnesses were questioned: M.S. Yuslov, M.U. Alikhadzhiyev, D.L. Baylburov, and T.Sh. Ibayev, as well as S-E. Dombayev and S-Kh. Dombayev. A second set of rogatory letters was sent and written orders given to institute investigative actions and operative-and-search measures, but the identity of those responsible for the crime has still not been established.

The preliminary investigation has been repeatedly suspended, most recently on 15 January 2003. The criminal case was examined by the Chechen Republic Prosecutor's Office and on 26 February 2003, the preliminary investigation was reopened. A second request has been sent to the Directorate of the Federal Security Service, the District Department of Internal Affairs and the Military Commandant's Office of the Shalinskiy District, to the military prosecution service, the Commander of the Allied Group of (Armed) Forces, the head of the Temporary Operative Group of Organs and Subdivisions of the Russian Ministry of Internal Affairs, the commander of the Internal Forces in the North Caucasus region, and to all pre-trial detention centres located in the North Caucasus.

Discovery of a mass grave in the "Zdorovye" dacha estate

Criminal case No. 21037 was brought on 24 February 2001 by the Chechen Republic Prosecutor's Office after 51 bodies showing signs of violent death were discovered in the former dacha estate "Zdorovye" in the Oktyabrskiy district of Grozny. Thanks to investigative actions and operative measures, 24 bodies were identified. Those remains which had still not been identified by 10 March 2001 were buried in a cemetery in the village of Prigorodniy in the Grozny district and a map of the burial sites drawn up.

More than 80 people from amongst those previously detained and relatives of the deceased have been questioned in connection with the case. Rulings have been issued granting "injured party" status. Identifications have been made from photographs. Forensic examinations have been ordered and carried out on the bodies.

Despite the investigative actions and operative-and-search measures carried out, it has still not been established who was responsible for the abduction and murder of the persons found in the "Zdorovye" dacha settlement. The preliminary investigation into the case has been repeatedly suspended, most recently on 1 March 2002.

On 20 February 2003, the preliminary investigation proceedings were reopened. Eight sets of rogatory letters were drawn up and sent, including to the Military Prosecutor's Office of Military Unit 20102 and the military command bodies, asking them to carry out investigative work to establish the identity of the persons who committed the crime. The investigation into the case is continuing.

Violation of civil rights during the special operation in the village of Mesker-Yurt, Shalinskiy district

Over the period from 21 May to 11 June 2002, federal agencies, acting on the instructions of the Allied Group of (Armed) Forces and the Temporary Operative Group of Organs and Subdivisions of the RF Ministry of Internal Affairs for the Chechen Republic, carried out special measures, checking passports and searching for members of illegal armed groups.

In the course of the operation, 1 x 82 mm mortar, 16 automatic rifles, 4 pistols, 1 "Fagot" anti-tank missile, 11 grenade launchers, 7,532 rounds of small arms ammunition, 11 fitted simplified fuses, 456 missiles and mines (in underground bunkers) were discovered and confiscated. In the course of the fighting, 10 members of illegal armed groups were eliminated.

At the same time, it should be said that both during and after the special operation, the prosecution service received numerous complaints from villagers concerning relatives who gone missing. After examining these complaints, Shalinskiy District Prosecutor's Office brought 17 criminal cases, which were joined on 6 August 2002 to form case No. 59113.

A substantial amount of work has been done in the case: 56 people have been questioned, as victims or witnesses, including all the leaders of the special operation. 12 people have been formally recognised as injured parties and three expert examinations and four crime scene inspections have been carried out. Over 40 sets of rogatory letters and more than 30 requests have been sent to various authorities and ministerial departments.

On 12 February 2003, the case was examined and written orders given to carry out specific investigative actions and operative-and-search measures. The preliminary phase has been extended until 7 April 2003, and the investigation is continuing.

Abduction of S-MU. Imakayev

Criminal case No. 59140 concerning the abduction of S-MU. Imakayev was instituted on 28 June 2002 by Shalinskiy District Prosecutor.

In the course of the investigation, it was established that on 2 June 2002 a group of unidentified armed men wearing camouflage arrived in the village of Novye Atagi in the Shalinskiy district, driving armoured personnel carriers bearing the numbers 889, 567, 344 and a UAZ vehicle. After arresting Imakayev, they took him away to an unknown destination.

Following the discovery of evidence that members of the federal forces had been involved in the abduction, the case was referred to the military prosecution service. On 25 November 2002, the investigation into the case by the Military Prosecutor's Office of Military Unit 20116 was reopened, but was subsequently suspended on 25 December 2002 under Article 208, part 1, paragraph 1 of the RF Code of Criminal Procedure owing to failure to establish who was liable to prosecution.

Murder of the former head of administration of the village of Alkhan-Kala, M.K. Umazheva

At around midnight on 30 November 2002, four unidentified men wearing camouflage and armed with automatic weapons murdered the former head of the local self-government body, M.A. Umazheva, in the courtyard of No. 44 Ul. Elevatornaya in the village of Alkhan-Kala in the Grozny district.

On 30 November 2002, Grozny District Prosecutor's Office responded to the incident by bringing criminal case No. 56185 under Article 105, part 1 of the RF Criminal Code. On the same day, a crime scene inspection was carried out, in the course of which 10 x 7.62 mm cartridge cases were discovered. A criminalistics examination was ordered and carried out on the cartridge cases and they are now being inspected by experts in the Criminalistics Department of the Chechen Republic Ministry of Internal Affairs. A forensic examination has been ordered and carried out on the victim's body.

In order to ensure a full and thorough investigation into the crime, an investigative operations team has been set up, consisting of an official investigator from Grozny District Prosecutor's Office and staff from the Criminal Investigation Department, the investigative departments of Groznenskiy (rural) Temporary Department of Internal Affairs and District Department of Internal Affairs.

According to statements made by S-AA. Umazhev, brother of the murdered woman, it appears that at around midnight on 30 November 2002, he was woken by a noise, got up and went into the lounge, where he saw four masked men wearing camouflage and armed with automatic rifles. When he appeared from the bedroom, one of the men ordered him to stand with his face to the wall. He obeyed. Next, one of the intruders spoke to his sister and asked if there were any outbuildings. His sister took the key to the barn and left the house with the unidentified men. Her brother was forbidden to accompany them. After a while, he heard automatic gunfire and, on running out into the yard, saw his sister lying dead by the barn. The men in question had called at the house earlier that night and asked the sister to go with them to identify bodies, but she had refused and they had left.

Umazheva's relatives have been questioned as witnesses in the case and a number of other witnesses have been tracked down and questioned. Rogatory letters have been sent to the Directorate of the RF Federal Security Service for the Chechen Republic, to the Operative and Search Bureau of the North Caucasus

Operations Department of the Chief Directorate of Internal Affairs of the RF Ministry of Internal Affairs for the Southern Federal District in the Chechen Republic, to the Chechen Republic Ministry of Internal Affairs and to the Military Prosecutor of the Allied Group of (Armed) Forces.

The criminal case was examined by the Republican Prosecutor's Office on 2 December 2002 and written orders issued under Article 37 of the RF Code of Criminal Procedure. The time-limit for the preliminary investigation has been extended by the acting Grozny District Prosecutor to three months, ie until 28 February 2003. The investigation into the criminal case is being supervised by the Chechen Republic Prosecutor's Office.

The RF Prosecutor General's Office shares the concerns expressed by international organisations over the progress and outcomes of the investigation into the above-mentioned cases and is taking the relevant statutory measures to solve the crimes in question and to complete the investigations. At the same time, it would like to draw the attention of the leaders of these organisations, including the PACE Secretary General, Mr Haller, to the following.

International governmental and non-governmental human rights organisations are continuing to completely disregard crimes committed by members of illegal armed groups against law enforcement officers, heads and employees of administrations and local self-government bodies in Chechnya and against religious leaders. Meanwhile, in 2002 alone, law enforcement agencies in Chechnya brought and investigated 311 criminal cases of this kind, including 120 cases involving crimes against law enforcement officers, 12 against religious leaders and 81 against officials working for the state authorities or local self-government bodies.

Out of the total number of such cases, 29 have been investigated and referred to the courts for hearing on the merits. Thus, for example, in June 2002, Grozny Prosecutor's Office referred to court criminal case No. 48006 in which I.I. Dashayev, A.S. Zakriyev and R.S. Kakriyev stood accused of acts of terrorism, banditry and murder. The said persons were convicted, *inter alia*, of the murders of S.S. Aidamirov, head of administration of the village Gekhi in the Urus-Martan district, and also of his wife; of L. Madayev, head of administration of the village of Valerik in the Achkha-Martan district; of R. Gasayev, head of administration of the village of Alkhan-Kala in the Groznenskiy district and of two members of staff from Urus-Martan District Department of Internal Affairs.

In 2002, it was discovered that the deputy Mufti of Chechnya, R.A. Gichikayev, had been murdered. Earlier, criminal case No. 52146 had been instituted in response to Mr Gichikayev's abduction. A member of an illegal armed group, Sh. D. Salavatov, was convicted of the murder. Acting as part of a gang, Salavatov had abducted and then killed Gichikayev. The investigation into the case is continuing.

The list goes on. In our view, the instances cited show that the various human rights organisations have taken a rather narrow view of human rights matters in the Chechen Republic, which is not helpful in resolving the very real problems that exist in this particular subject of the Russian Federation.

Reporting committee: Committee on Legal Affairs and Human Rights

Reference to committee: Order 584 (2003)

Amendments to the draft recommendation, draft resolution and draft order approved unanimously by the Committee on 31 March 2003

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

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

Secretaries to the Committee: Ms Coin, Mr Schirmer, Mrs Kleinsorge, Mr Čupina, Mr Milner