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**Original version in French**

**REPORT  
BY MR ALVARO GIL-ROBLES,  
COMMISSIONER FOR HUMAN RIGHTS,  
ON HIS VISIT TO THE RUSSIAN FEDERATION,  
(IN PARTICULAR CHECHNYA, DAGHESTAN  
AND INGOUSHETIA)**

**7-10 December 1999**

for the Committee of Ministers and the Parliamentary Assembly

Thank you for giving me this opportunity of presenting to you orally, in an official meeting, a brief account of my recent mission to the Northern Caucasus region. You will also shortly have a written summary, together with the programme giving the names of the persons and places visited, and the public authorities and private associations whom I contacted in the course of my journey.

I.1 As I told you during our first and last interview on 16 November, the principle and the approximate date of this trip had already been approved during my meeting with the Foreign Minister of the Russian Federation (Mr Ivanov) on 3 November in Moscow (in fact, on the day before the ministerial session of our member states on 4 November in Strasbourg). Moreover the Secretary General referred to this when he addressed the OSCE Summit in Istanbul on 18 and 19 November, following which he confirmed it to you again last week. I mention these dates mainly in order to point out that you were all informed about this plan, which I embarked upon in the light of points 3(c and e) and 5.1 of your Resolution (99)50 defining the terms of reference of the Council of Europe's Human Rights Commissioner.

2. The federal Russian authorities clearly took advantage of the four weeks (from 3 to 30 November 1999) needed to prepare my trip to the Northern Caucasus in order to organise it in the best possible manner (cf Resolution (99)50, point 6.1), while allowing me, once I had arrived there, to decide (virtually at the last minute) what I wanted to see in this or that place without having to abide by the provisional programme which had already been officially drawn up. Likewise, it was only after I arrived in Moscow, more precisely on the evening of the 29<sup>th</sup>, on the day before I left for the Northern Caucasus, that I learned that as well as the Federal Minister of Justice (Mr Chaika) and his Deputy (Mr Kalinin), among whose responsibilities are questions of prison administration, I was to be accompanied by Mr Nikolai Koshman, Vice-Prime Minister of the Federal Russian Government and official representative of that government for Chechnya. In other words, the federal Russian authorities had decided to accord the highest possible status to my mission and clearly did their utmost to demonstrate their desire for co-operation with the Council of Europe as such. Indeed, they gave me all the technical facilities I could wish for (from the Interior Ministry's official aircraft in order to get to the Northern Caucasus more quickly, to the helicopter to overfly certain regions there and see for myself the destruction of certain built-up areas, to the convoy under military escort between and inside certain built-up areas in order to visit social institutions, refugee camps, and indeed the only crossover point for Chechens fleeing into Ingushetia). In addition, and I should like to stress this point, the federal Russian authorities - in the person of their official representative for Chechnya - demonstrated a remarkable effort of co-operation and openness in respect of all questions of specific information and requests for on-site visits: within the limits of the time available (scarcely 48 hours really is a very short time in view of the distances to be covered and the complexity of the situation!), Mr Koshman acceded to all my requests for visits within the controlled zone (notwithstanding the reservations of the security services assigned to us) and did his best, together with his colleagues and staff, to reply somehow or other to the many questions, sometimes difficult and delicate questions, which I raised - unfortunately always through an interpreter.

I should therefore like to start by thanking the federal Russian authorities for all the help they gave me (in accordance with point 6.1 of my terms of reference) in order to facilitate the independent and effective discharge of my functions, and I should consequently like to ask the Permanent Representative of the Russian Federation (Mr Vdovin) to kindly convey to his authorities my thanks for their support in the accomplishment of the first mission of the Council of Europe's Human Rights Commissioner to a member country, Russia.

3. Mr Chairman, ladies and gentlemen, inasmuch as you have before you the full final programme of my trip, including my visit to the Northern Caucasus, I see no point in giving you a detailed account of it. Allow me simply to emphasise that before leaving Moscow, ie even before discussing the content of my programme of visits with the federal Russian authorities, I had contacted three NGOs particularly involved in the field of human rights protection, in connection with the "anti-terrorist operations" being carried out by federal Russian forces in Chechnya, namely "Memorial", "Moscow Helsinki Group" and "Glasnost". Of course I took account, when I made by requests to visit particular places, of the specific information and allegations of human rights violations which were passed to me by these three NGOs, but also of those obtained from other sources, starting with Mr Gerikhanov, former President of the Constitutional Court of Chechnya, and from private associations, journalists, politicians, personal friends from the academic world, etc. On the other hand, I was keen to supplement my information in Moscow (cf point 5.1 of my terms of reference) also after my trip to the Northern Caucasus, and for that reason when I returned to Moscow, I had a whole series of talks on 2 and 3 December with particularly appropriate potential "informers", namely one of the (many) organisations of expatriate Chechens set up in Moscow even before the recent war in Chechnya (Adamalla), the Human Rights Commissioner of the Russian Federation (Mr Mironov), members of the Russian Parliamentary delegation to our own Parliamentary Assembly (including the Head of Delegation, Mr Glotov), the Deputy Head of the European Union Delegation (Mr Dubois), a great many journalists, a few personal friends and, once again, representatives of Memorial (Mr Orlov and Mrs Kasatkina). The most informative, if not the longest, interview was however the one accorded to me by Mr Ivanov (in the presence of the Federal Minister of Justice, Mr Chaika, who had accompanied us to the Northern Caucasus), at the Federal Ministry of Foreign Affairs on the afternoon of 2 December, in order to make an at least provisional assessment of my impressions following my lightning trip to the Northern Caucasus.

**II.** What initial conclusions do I draw from this trip to Russia? For the time being, I have some more or less objective information, general personal impressions and particular observations concerning respect for human rights in certain regions of the Northern Caucasus at the precise time when we visited those regions.

1. First of all, the "Chechen problem" is extremely complex, has existed for a very long time and has already broken out on many occasions, notably during the last century, during the Second World War (when the entire Chechen population was moved to Kazakhstan) and again in the early 1990s, when the USSR broke up. And to date, the Chechen problem has not been amenable to a solution, either by negotiation or by force - however great the severity of the repression applied - and whatever the measure of the concessions made during certain negotiations!

I do not claim in any way to be a specialist on the "Northern Caucasus" question, nor to be able at the present time to give you a complete historical rundown of the situation since national sovereignty was proclaimed in Chechnya on 1 November 1991. I shall consequently spare you an account of the reasons and the various stages in the last armed conflict in Chechnya, from 11 December 1994 to 31 August 1996 and which led at the end of December 1996 to the complete withdrawal of the federal Russian armed forces from the entire territory of Chechnya, and the de facto loss of federal control over this republic by the Russian Federation.

Similarly, I shall merely remind you that the present armed conflict began last August following the incursion of armed Chechen groups into Daghestan, declaring their intention of setting up an independent Islamic state comprising several republics in the Northern Caucasus which are at present an integral part of the Russian Federation. Having repulsed these aggressors from Daghestan in the course of sometimes very violent and costly fighting, the federal Russian authorities decided to pursue them into Chechen territory in the context of what are officially called "anti-terrorist (military) operations". The scale of the armed forces involved on both sides, all of them operating on Russian territory, means however that these anti-terrorist operations undoubtedly have the character and form of a major internal armed conflict. However that may be, no-one could reasonably deny that the Russian Federation is entitled to defend its territorial integrity, nor that it has the right, and indeed the duty, to pursue on its own territory fanatical gangs resolved to combat a democratically established federal Russian order by force of arms. Indeed, the only question on which opinions may differ concerns the appropriate and lawful means of combating these armed groups who are entrenched in urban areas also inhabited by a civilian population who are victims of the conflict and being used as hostages. I shall of course revert to this question at the end of my statement.

2. It was not my main intention – and neither am I in a position to do so – to assess the successive "Chechen regimes", from the Dudayev regime to that of Maskhadov, the current president. However, it is clear from everything that I have read and heard about the subject that these regimes have not only been nationalist, that is, opposed to the Russian Federation, to the extent of forcing tens of thousands of Russian speakers to flee Chechnya in order to protect themselves from discrimination, degrading treatment and physical assault of all kinds. (The documentation produced by the Russian Federal Ministry of the Interior in preparation for the OSCE summit in Istanbul mentions a figure of 200 000 Russian speakers, including 7 800 "forced migrants", between July 1992 and November 1994. We were assured that a considerable proportion were still in camps in neighbouring regions, awaiting the possibility to return home. Owing to lack of time, we did not ask to see one of these camps to have confirmation of this!). The Chechen regimes in question seem above all to have been incapable of controlling the various armed factions and organised gangs, reducing the "rampant" crime in the region or halting the permanent decline in law and order and the local population's economic and social situation. That would explain the "recent" voluntary departure of tens of thousands of Chechens to other republics of the Russian Federation, and in particular to Moscow, as well as the fact that a considerable proportion of the population, faced with a chaotic situation, dissociated themselves from the Islamic militants as from August 1996 (on 27 May, a

ceasefire agreement was signed); moreover, many people were repulsed by the general application of sharia law with effect from 1997. In the present situation, any members of the remaining civilian population refusing to obey and assist the armed Islamic militants would immediately see their lives and physical integrity severely threatened. However, since I did not visit any areas that were not supervised by the federal authorities, I must of course reserve any definitive judgment on whether human rights are being respected in the region, even though I believe that I can entirely trust the accounts given in Daghestan (by survivors of the Botlikh offensive), in the “free zone” of Chechnya and in the refugee camps in Ingushetia, of severe, widespread human rights violations committed under the Chechen regime, in particular by Islamic militants, members of armed gangs and certain representatives of the Chechen public authorities.

3. I do not think that I am in a position to pass judgment on the situation of all those who have fled the Chechen Republic of the Russian Federation, since my interviews were mainly conducted with people in tents with insufficient heating or in the carriages (chosen at random!) of a long train which formed the basis of the “Severnnyi” camp in the republic of Ingushetia (26 000 to 27 000 people!). None of the people I met there complained about the material conditions in which they were housed, since the carriages were dry and had heating, although they were poorly lit, each refugee had a sheet and a blanket and the people I met seemed at first sight to have adequate clothing and footwear and to be receiving enough food to survive. Nevertheless, each compartment of the (135?) carriages seemed to be teeming with people with a bare minimum of luggage; there were no canteens, communal showers or schools for the many children and young people present, and not enough medicine or medical staff – not to mention the total absence of warm clothing supplies for the coming winter.

Many people seemed to be traumatised by what had occurred to them and some told of their own tragic situation. However, it soon emerged that most people within the camp – according to the Ingush authorities – had fled their homes in panic at bombing “elsewhere”, in other words came from areas of Chechnya that had never been attacked, went back from time to time (and could even stay there!) and then returned to the Severnyi camp, again by local bus, for a few nights.

In fact, we were again told about this somewhat surprising phenomenon shortly afterwards, on 1 December, when we visited the only border crossing between the Chechen and Ingush republics (“Caucasus 1”), which was closed after dusk. We received confirmation that the crossing was used by several thousand people every day leaving or returning to the Chechen Republic. The daily total of people leaving was said to be on average between 450 and 500 higher than the daily total of people returning, a trend which, however, had apparently been reversed in the three days before our visit.

In reply to our questions about the safety of the road leaving Grozny, and the criteria and waiting time for entry to the Ingush Republic, we were assured at “Caucasus 1” that general instructions had been issued not to shoot at persons using the road to escape and that, in practice, there were no restrictions or major delays for old people, women and children, and that the more extensive checks at the sorting office, which was equipped with databases, were more concerned with the

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registration, origin and contents of any private cars, and with the middle-aged men arriving at the border – the fear being that terrorists might infiltrate the camps containing Chechen refugees. Only after the “curfew” were orders given to shoot at any non-official vehicle using the road. I was particularly concerned by this information. In any case, during my talks with both the Russian federal authorities and the relevant Ingush authorities, I was anxious to stress that open, safe escape routes were necessary and that the numbers of people piled up within the trains and the lack of adequate sanitary facilities could lead to the outbreak of an epidemic at any moment. I also stressed the need to provide medicine and warm clothing for the coming winter.

The official authorities of the Republic of Ingushetia also provided us with some extremely interesting statistics: the number of people who had fled to Ingushetia from Chechnya (some 231 000) and the number of people remaining (some 200 000) roughly corresponded to two thirds of the total population of Ingushetia (317 000). 164 000 people have been received in private homes in Ingushetia, 10 000 others are being accommodated in public buildings and 26 000 others are in the tents and train carriages. Since they claim to have received only 10% (the equivalent of approximately US \$ 2 million) of the subsidies they requested from the Russian authorities – and half the aid in kind – their official reserves are apparently very limited and the citizens housing refugees at their own expense – sometimes over 30 refugees within a single family – are being ruined financially. That is why great hope is being placed in international solidarity, unless the financial aid promised by the Russian federal authorities finally materialises. Above all, it explains the desire for all measures to be taken – including ending the war – to ensure that the Chechen refugees can return home as soon as possible!

One of Mr Koshman’s answers to the above concerns will make it easier to understand why a problem which at first sight seems so easy to solve can turn out to be so complex: the federal authorities are determined to provide an exceptional level of financial resources to provide assistance to the displaced persons and refugees in the Ingush Republic, including the reconstruction of the social institutions in the Chechen Republic, so that they will dare to return as soon as possible. However, Ingushetia also houses camps containing tens of thousands of Russian speakers driven out of Chechnya several years ago. Is national public opinion likely to accept that – and are the Russian-speaking refugees likely to understand why – the federal authorities should suddenly take much more action to support the Chechen refugees than they ever did to support the Russian-speaking refugees when they were driven out of the Chechen Republic?

4. All this brings me onto my penultimate point: the efforts of the federal authorities to restore normal civilian life and to re-establish the social institutions in the so-called “free” zone in northern Chechnya. One of the main aims of these measures is obviously to facilitate the return of the people who fled this zone. We were impressed by the highly professional efforts to prepare two camps (in Znamenskoye) to receive those returning to Chechnya who have lost – or do not yet have access to – their former homes. In Naurskaya, we visited a school (surprisingly empty) to interview the teachers, a hospital (which will no doubt have more patients when public transport is re-established) and a temporary detention and remand centre,

which was used as a mass prison under the former regime. The cells that we visited were so gruesome that I asked the Federal Justice Minister to close down the establishment as soon as possible; Mr Chaika promised there and then that he would do so.

Neither in Naurskaya nor in Gudermes, where on the following day we attended the re-opening of a school (at least for young children presenting no security risk for the establishment), did we really have the time to question individuals on the living conditions under the previous regime (cf above) - or on the abuses of authority or violations of the rights of the local community by the federal forces which had been reported by several refugees, NGO representatives, journalists etc after our visit to Gudermes! Nevertheless the general atmosphere in these two conurbations recently taken over by the federal authorities and still heavily occupied by their police and army forces is very heavy, not to say repressive and sinister, with many buildings considerably damaged, grimly testifying to the misery of their residents and the tension between them and the federal forces.

In the light of this, I have proposed that the Office of a Chechen Commissioner for Human Rights be set up for the territories recently liberated from the Chechen regime, which would *inter alia* have the task, for as long as there are neither native police forces nor courts nor similar supervisory bodies, of serving as an intermediary between the local community and the federal forces of occupation. Mr Chaika and Mr Ivanov are said to be well disposed to my proposal and would be prepared to implement it, the only difficulty being to find someone with the right kind of profile, namely an individual who is known and respected locally and capable of making his views prevail where necessary.

5. This brings me to my last point, by far the most difficult, which concerns the present armed conflict in the Chechen Republic. On the basis of all the statements gathered from our different contacts, the reasons for and origins of this war are as follows: attacks last August, by heavily armed groups of militant muslim fundamentalists from Chechnya, on several conurbations within Daghestan close to the Chechen border (in particular in the Botlikh region) and the proclamation of an independent muslim state, implying the secession of the territory in question from the Russian Federation and its separation from several Republics, in addition to Chechnya and Daghestan, which are all integral components of the territory of the Russian Federation. In a manner of speaking this was also, from a strategic/geopolitical point of view, a provocation which was unacceptable to the Russian Federation authorities, and all the more so since they considered, according to our contacts, that the official authorities of Chechnya, despite the autonomy granted to them, either had not been able or had not been willing to contain and control the muslim fundamentalist militants in their country and prevent them from attacking neighbouring Republics.

Whatever the case, I have said and reiterated to the Russian federal authorities as well as to the media representatives who interviewed me on this question, that while a State obviously has the right to defend its territorial integrity and also the right and indeed the duty to take steps against any groups or individuals appropriating the "right" to forcibly overthrow the established order, a democratic State should not use any means regardless. The strategy of bombing built-up areas where the armed groups in question have gone to ground among the civilian population, albeit a

reduced one, cannot be considered in this context as a legitimate means of combating terrorism. That at least is my opinion, even if I am perfectly aware that Russian public opinion virtually in its entirety, the Duma, the Russian Federal Parliament, and even the President and the Government of the Russian Federation believe, together with the army and police undertaking these "anti-terrorist" operations, that war, including bombardment, is the appropriate means of ridding Chechnya of its muslim fundamentalist militants. In my view, any such war constitutes a violation of human rights - firstly of those who are killed on both sides, whether Russian soldiers or armed Chechens - and these military operations obviously hit many members of the civilian population, "innocents" who are prevented from or incapable of fleeing the combat zones in time.

Armed hostilities must be ceased as soon as possible and a political solution to this conflict must be found as a matter of urgency. The Russian federal authorities have always insisted on the necessity of such a political solution to bring an end to the conflict but consider "officially" that it cannot be achieved and, consequently, that negotiations should not be begun before having "finished with the terrorists". I do not agree with this either, and I have said as much to the Russian federal authorities, although I have absolutely no mandate to lecture them.

Finally, I have the impression, and this gives me some hope, that despite everything that is said officially, all manner of highly intensive efforts are already under way to establish with which individuals negotiations should be held when the time at last comes to arrive at a political solution.

**III.** I will conclude by expressing the belief that my findings on my visit on behalf of the Council of Europe are more positive than negative, and I would like to emphasise the following two points:

(i) Firstly, my first fact-finding visit concerning a deeply serious and complex situation was made possible by decisive co-operation on the part of Russia, the member State concerned; it is a good omen for the future and for the future role of the Commissioner for Human Rights, a new institution which you have just set up; but it is above all a resounding demonstration of the role of the Council of Europe, of the acknowledgement by an important member State of the potential assistance that the Council could provide, and of the wish of Russia to co-operate openly and closely with the Council of Europe to better resolve certain domestic problems touching on human rights protection.

(ii) As proposed by the Minister of Justice and seconded by the Minister of Foreign Affairs of the Russian Federation, this co-operation could be given tangible form in this case by the holding in the near future of a Seminar in the North Caucasus on the "role of democratic institutions in the construction of a State founded on the principles of the rule of law and respect for human rights". Nevertheless, Russia remains open to all other suggestions from us as regards co-operation, for example where the implementation of an Office of an Ombudsman for human rights in Chechnya is concerned. In addition, Mr Ivanov has also pledged his unconditional support for the organisation of any visits to follow up the one I have just made and that I might wish to undertake in Russia in the coming months.



I myself believe that in this particular case it would be in the best interest of the Council of Europe to support Russia in its status as a fully fledged member of the European family of democratic States, having accepted the essential obligation to respect human rights and, once an urgent and indispensable cessation of hostilities in this Republic of the Russian Federation has been secured, to closely co-operate with the Russian Federation to seek a political solution.