



Strasbourg, 1 March 2000

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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 INGUSHETIA AND
CHECHNYA – GROZNY)**

24 to 29 February 2000

for the Committee of Ministers and the Parliamentary Assembly

1. Having just returned from my journey which took me to Warsaw (21-23 February) then to Moscow and the northern Caucasian region (25-28 February) only yesterday evening, the report which I now submit to you (and which you will receive subsequently in writing) will necessarily be brief, but it should nevertheless enable you to continue your discussions on this item of your agenda in fuller knowledge of the relevant facts. Appended to my written report, you will also find the programme of my meetings and visits, during which I was accompanied Mr Ekkehart MÜLLER-RAPPARD, Director of my private office, and Mr Andrew DRZEMCZEWSKI, Head of the Monitoring Unit, with respect to my visit to Warsaw, and Mr Sergey BELYAEV of the Registry of the European Court of Human Rights, with respect to my stay in the Russian Federation.

2. In order to be quite clear regarding the sequence and aims of my last trip and the scope and content of this report, I wish to state at the outset that: (i) the date of my visit to ODIHR in Warsaw had been decided well before the date of my meeting with the Russian federal authorities in Moscow and (ii) it was only once in Moscow, on 25 February, that the itinerary for my journey to the northern Caucasus was approved and prepared; (iii) I obviously took advantage of my presence in Warsaw to make contact with Polish NGOs, thanks to the very welcome assistance of the Director of our Information Centre, Ms Hanna MACHINSKA, and also to arrange meetings, with the equally welcome assistance of the Polish Permanent Delegation, with the Polish parliamentary representatives having a particular interest in the protection of human rights (including Mr WIELOWIEJSKI of the Sejm and Mr Z ROMASZEWSKI and Mrs A GRZESKOWIAK of the Polish Senate) as well as attending a very interesting interview with the Foreign Minister, Mr GEREMEK.

Considering however that my terms of reference make express provision for such contacts with IGOs, particularly with a view to avoiding unnecessary duplication of activities, and with human rights structures and authorities in the member states (Resolution (99) 50, Article 3.c.e.i, I intend to provide you with full information in my annual report (ibidem, h). In other words, with regard to my recent talks in Warsaw, I shall restrict myself to informing you today of matters relating to the position of ODIHR/OSCE concerning the proposed Council of Europe contribution relating to developments in the "Chechen conflict", that is to say a few details relating directly to the item on your agenda today.

3. In this connection, the current Director of ODIHR, Mr G STOUDEMANN, accompanied inter alia by Ms H TAGLIAVINI (Personal Representative for the Caucasus of the OSCE Chairperson-in-Office), laid great stress on the fact that there could be no question of "competition" between the OSCE and the Council of Europe in terms of presence and action in Chechnya, and particularly with regard to implementing the two proposals which I reported to

you after my first fact-finding visit to the northern Caucasus region in November 1999, namely the establishment of a Mediator/Ombudsman Office in Chechnya and the organisation of a seminar. According to Mr STOUDMANN, the ODIHR is only currently active in the Chechen Republic of the Russian Federation for the purpose of monitoring the elections (which are likely to take place under very precarious conditions) and not for the purpose of monitoring respect for human rights, a matter much more in line with my terms of reference. And if the OSCE Assistance Group, which had left Grozny for Moscow for reasons of security, were to return to Chechnya (which was not likely to happen in the near future according to Ms TAGLIAVINI), the said Group would be perfectly willing to co-operate with the Council of Europe, provided that the latter made officials available for the new Office to be set up there by Mr Vladimir KALAMANOV, who has just been appointed "Special Representative of the President of the Federation of Russia for the protection of human rights and freedoms and citizens' rights in the Chechen Republic".

In short, at a meeting on 23 February in Warsaw, the ODIHR showed unreserved support for my initiatives, keen interest regarding the relevant follow-up action by the Russian federal authorities, a clear desire to be kept informed of the practical arrangements for our possible co-operation with Mr KALAMANOV's Office and the promise to co-operate with us in Chechnya if this proved materially possible. Lastly, Mr STOUDMANN informed us of his intention of travelling shortly to Gudermes and also of writing to Mr KALAMANOV.

4. My visit to Moscow on 24 and 25 February enabled me to make a whole series of contacts with NGOs (Memorial, Civic Assistance and the Sakharov Foundation in particular), with personal acquaintances in academic circles and with parliamentarians (D ROGOSIN, Chair of the International Affairs Committee of the State Duma of the Russian Federation, and even the Speaker of the Duma, Mr SELEZNIEV), with the Ombudsman of the Russian Federation, Mr MIRONOV, and of course, several representatives of the media. My talks of 25 February enabled me above all to "clarify" the situation regarding my application to visit Grozny, if possible accompanied by Mr KALAMANOV, and to make a prior visit, accompanied by the latter, to certain camps for displaced persons in the Republic of Ingushetia. Lastly, I wished to find out about the requirements on the part of the Russian federal authorities for implementing the two proposals (paragraph 3 above) which I had made during my first visit to the North Caucasian region and to obtain some information of interest to you for your discussion today on this item of your agenda.
5. Since the Babitsky affair was raised at our last meeting here on 16 February, I broached the general problem of current access by journalists and the media to Grozny, especially with the person in charge of this aspect, Mr YASTRZHEMBSKY, Special Adviser to the President of the Russian Federation. The latter told me that almost 60% of the journalists licensed to

operate in the Chechen Republic of the Russian Federation were foreigners (341 out of 546), that he himself regularly authorised group tours for all those who wished to go and see for themselves, that there was no press censorship in the Russian Federation nor reprisals in the event of the breach of professional rules by journalists, so that many journalists, particularly from the West, were able to continue producing reports accusing the Russian federal authorities of all kinds of happenings in Chechnya such as alleged violations of human rights at the screening centre in Chernokosovo (in fact, of the 700 persons said to have been “screened” in the camp, 360 have apparently been released, 34 had been accused of common-law crimes and handed over to the prosecuting authorities, 140 persons were still on the site and the remainder had been sent to other camps). According to the same source, Grozny was not sealed off for fear of news reports, however malevolent or damning they might be for the Russian federal authorities, but solely for questions of security (clearing mines, demolishing certain buildings threatening to collapse after the bombardment, continued presence of a few score of snipers unable to escape from Grozny and who would therefore stop at nothing, retrieval of corpses buried in the rubble and debris and, lastly, the general lack of drinking water). As far as the journalist Andrei Babitsky was concerned, Mr YASTRZHEMBSKY claimed that he had breached Sections 13 and 15 and other provisions of the Anti-Terrorism Act which prohibited everyone, including journalists, from making certain contacts with the “terrorists” in Chechnya. Although Babitsky had published very critical reports with regard to the operations of the Russian federal forces in Chechnya before changing sides of his own accord, the President-in-Office of the Russian Federation, Mr PUTIN had given personal instructions to those in authority to trace Babitsky and bring him back safe and sound.

In reply, I stressed the special nature of the Babitsky affair and the fact that fuller access for the media to the no-go areas of Chechnya, and particularly Grozny, would not only promote the exercise of freedom of information, but was also the only way for the media to obtain and circulate full and objective information on the actual situation. At all events, I was undoubtedly delighted to learn on the day after this interview that Babitsky had reappeared in Dagestan and, before my departure, that he had been transferred to Moscow.

The Minister for Foreign Affairs of the Russian Federation, Mr IVANOV, also expressed his apprehension about the development of a sort of anti-Russian media campaign.

6. Still on the subject of the end and aftermath of the Chechen conflict, all the official spokesmen considered that the “military operations” as such were likely to come to an end in ten days or so (the last stronghold of the Chechen fighters, Chatoi, was apparently captured yesterday). And it was also for the purpose of hastening the end of hostilities and saving the lives of Russian soldiers (a major concern of members of parliament, such as Mr ROGOSIN, from whose constituencies many conscripts had been drawn) that the State Duma had extended until 15 May 2000 the legislation embodying an amnesty

for Chechen fighters who handed over their weapons. Although the amnesty concerned was not unrestricted, it had apparently been applied between the end of 1999 and the beginning of February 2000 in more than 1 000 cases.

As for the reconstruction of Grozny, the question was still undecided, pending the conclusions of a State Commission due to carry out a fact-finding mission in Grozny in the very near future with a view to taking stock of the situation, deciding on whether to demolish or rebuild certain districts of the city and estimating the costs involved.

7. In reply to various questions I put to him, Mr Ivanov first told me that official authorisation had been granted for my trip with Mr Kalamonov, accompanied by Russian and foreign journalists. We agreed that we would not visit the detention centres and filtration camps since this task was the special responsibility of the Council of Europe CPT which was already visiting camps in the northern Caucasus.

On the other hand, Mr Ivanov agreed in principle to my two proposals currently under consideration: with regard to co-operation with the Office of Mr Kalamonov, it would be up to us to agree on the practical arrangements (I will come back to this question at the end of my report) and with regard to my proposal concerning a seminar, it could be held in late May in Makhachkala, provided that only persons prepared to discuss Chechnya's future under the Constitution of the Russian Federation were invited. Mr Ivanov will officially inform the Secretary General of the Council of Europe of his decision but we could already begin to implement these proposals. Consequently, with a view to expediting the preparation of the seminar, it appears that there is already a Russian group responsible for preparing the seminar composed of four persons and we could, if necessary, invite them to Strasbourg to settle the details of the required decisions. Finally Mr Ivanov will examine my proposal to associate other intergovernmental organisations, such as the OSCE, in the work being carried out by Office of the Mr Kalamonov, as provided for in the latter's mandate (see Appendix 2), given that this Office will, at all events, have to co-operate closely with NGOs which are particularly active in this field.

8. On 27 February, in the company of Mr Kalamonov, I visited one of the four camps of displaced persons in Ingushetia (where there is a total of 21 704 displaced persons). This was the Karbulag camp which has been in operation since 24 October 1999 and accommodates 5 250 people, in tents each providing shelter for 17 people. The tent which I visited was well heated and had an electricity supply. Complaints from those I talked to concerned: the shortage of hot food and fresh milk for children; the shortage of medicine, doctors and nurses, particularly as the number of ill persons is rising; no changes of warm clothing; and no identity documents enabling them to travel within the Russian Federation. There was no pressure on them to leave the host country and women visiting Grozny (the last stretch of the journey is 10km on foot) are free to return to the camp. The atmosphere in the camp

became increasingly tense as some people told me of their personal tragedies and of the hatred they harboured against those who had humiliated, tortured and raped them.

Mr Kalamanov immediately promised to make a member of his Office permanently available for the registration of their complaints but several people told me they had no confidence in the federal authorities unless foreigners were also informed of their complaints.

We then visited a former industrial cattle-breeding farm (in Plievo) which provides shelter for about 85 people, sometimes 13 to a room. There were no complaints about food shortages or the state of the premises although the building had no windows whatsoever.

In the late afternoon we had a long discussion with General Uksa, from the Ingushetia Ministry for Emergencies. He confirmed his country's policy, ie to accept anyone seeking refuge, without enquiring as to the reasons, and not to force anyone to leave. The main problem for his ministry appeared to be the difficulty of meeting the huge costs resulting from the flow of Chechen refugees: the competent Russian federal authorities often challenged the figures given by Ingushetia so as to reduce their contribution to humanitarian aid, and non-governmental organisations insisted that their contributions were distributed directly to the refugees, with the result that his government was having to provide an ever-increasing amount of assistance. (This was particularly difficult as there were some 300 to 400 new arrivals every day). He therefore asked me to discuss this problem directly with the Office of the High Commissioner for Refugees. Finally, there was no medium-term planning: what was to be done if the displaced persons remained in Ingushetia for much longer than planned (the problem of setting up schools, etc)?

9. The aim of my visit to Grozny the following day, in the company of Mr Kalamanov, Mr Yastrzhembsky and a large number of journalists, both foreign and Russian, was to see for myself, insofar as possible, whether reports alleging that the Russian army had set out to completely destroy the town were correct. The military authorities, who met me at the airport with the words "we will show you everything you want to see in Grozny", kept their promise. We were already leaving the town after visiting one district when they did not hesitate to turn about and take me to see another (Minutka Square), despite the fact that one of the soldiers guarding the square had been blown up by a mine only two hours earlier...

My general impression of Grozny and the lost souls wandering about among the debris of what, in 1989, was a town of 480 000 inhabitants, was rather terrifying: all of the main buildings appear to have been destroyed - unlike the small houses in some of the suburbs of Grozny which I believe could be rebuilt without too much difficulty and relatively quickly. The population, ie those who have remained in Grozny, is estimated at approximately 20 000.

First of all we visited the food distribution centre. The complaints from those to whom we were able to talk, thanks to interpretation by Mr Belyaev, concerned: shortage of everything - beds, blankets, clothes, soap, means of transport, water, gas, electricity and food; bank accounts were blocked and pensions not paid; there were no identity documents and it was forbidden to leave or enter the town; elderly and injured people had difficulty in walking 3 to 4 km once a day to fetch their rations (a third of a large bowl of hot food and half a loaf of bread per person).

Subsequently, we visited a hospital, ie an emergency centre apparently set up only a short time ago, which was dealing with some 2 500 cases per month: this centre appeared to have everything it needed - medicine, 43 doctors and an operating theatre. They said it was possible to take injured persons there from all parts of the town. The problems included elderly people, chronic diseases and the need to return patients and injured persons to hospitals outside Grozny - most of these hospitals were already full to overflowing. In this connection, I insisted on the immediate need to establish safe conditions for the return to Chechnya, and especially Grozny, of the ICRC and national Red Cross organisations as well as international humanitarian organisations.

The military authorities informed us of their plans and the measures they had already introduced with regard to the 20 000 people currently under their responsibility: clearing mines, demolishing unsafe buildings, burying corpses, re-establishing water, gas and electricity supplies and a minimum of public transport. There is also the problem not only of co-operation between the soldiers and the interim civil administration but also of how to co-operate with the 20 000 people who hope to return to Grozny by the end of May to rebuild their houses. For the time being they were awaiting the conclusions of the aforementioned State Commission as to what should be rebuilt and what should be demolished. It should be noted that the military authorities will play a less important role once the planned military operation is completed, in the not too distant future, and that the civilian authorities and the police will not have the same resources at their disposal!

Once we had driven round the Peoples' Friendship Square where executions allegedly took place under Sharia law, we made a stop on Minutka Square where fighting had been particularly fierce. We saw a large number of large buildings destroyed not by bombs dropped from the air but by explosions originating in cellars or basements.

10. I conclude my report with what seems to me to be the most important and urgent follow up to my trip: your decision, Mr Chair, Deputies, on the arrangements and above all the financing of our co-operation with the office of Mr KALAMANOV, appointed on 17 February as "Special Representative of the President of the Federation of Russia for the protection of human rights and freedoms and citizens' rights in the Chechen Republic". The Russian officials I spoke with felt that this appointment was a personal initiative of Mr PUTIN, reflecting the awareness of the federal authorities of the need for human rights

to be upheld also in Chechnya. While it is true that I myself had made proposals along these lines, I cannot but welcome this initiative by Mr PUTIN, support it wholeheartedly and do all within my power to ensure that Mr KALAMANOV's office begins operating immediately and is able to function effectively. It would be unreasonable for anyone who has seen the faces of the displaced people in Ingushetia or the people remaining in the ruins of Grozny, and listened to a number of them recount their personal tragedies and misfortunes to claim otherwise: there is an urgent need to give these people a sign that their government, and indeed international public opinion is not indifferent to their plight, that there is hope, no matter how small, and that there is, once again, at least the beginnings of justice: this office to which they will henceforth be able to turn in order to complain of violations to their most fundamental rights.

Clearly, the question is knowing how and to what extent this office can play an effective mediation role between (a) the Chechen civilian population and (b) the federal armed forces and the civilian authorities. I think that the mere establishment of this office will already have a considerable preventative effect and that its effective operation will depend in particular on the free co-operation with this office of Russian NGOs and a number of intergovernmental organisations such as the Council of Europe and the OSCE. If foreigners could effectively collaborate, with full authority and recognition, with the Russian officials responsible for registering and processing the complaints received, the value and indeed the credibility of this office would be all the more enhanced, at the very least from the point of view of those bringing to it complaints of all sorts of abuses alleged against members of the armed forces, the police and even the federal civilian administration. This office would be the focus for complaints against what took place under the "Chechen regime" and in this regard it seems to me to be perfectly appropriate and necessary for collaboration between foreign specialists and Russian officials.

In brief, I propose, with the agreement of Mr KALAMANOV of course, that the Council of Europe send on a temporary basis two or three staff members to assist Mr KALAMANOV's team in their task of receiving and processing complaints of human rights violations in Chechnya, and that our Organisation also contribute, if applicable in co-operation with other intergovernmental organisations such as the OSCE and the EU, to the financing of the infrastructure and logistics of this office to help it get under way more quickly.

In fact, Mr KALAMANOV envisages the opening of two offices: one in Moscow to follow up the action taken by the federal authorities with regard to the complaints transmitted, and he would be most happy to have a Council of Europe member of staff there; the other, the main office, in Znamenskoye, in Chechnya (Lower Terek district), near two large camps for displaced persons. This second office would be staffed by some 15 people: Mr KALAMANOV's deputy would be Chechen and two Council of Europe staff members could be part of a team of 5 human rights specialists. For security reasons, but also from the point of view of comfort, non-Chechen staff would be accommodated in Minvody, a two-hour road journey from the office (!) and one hour from

Mozdok airport (Northern Ossetia). The desired contribution from the Council of Europe for initial investment (technical resources, communication, transport, etc) would be in the region of USD 300,000. If necessary, Mr KALAMANOV could come to Strasbourg after 10 March to discuss the details of our future co-operation and finalise any relevant administrative arrangements.

Ladies and Gentlemen, the decision is in your hands, in the light of the urgent needs of the people on the spot and the will of your governments to contribute to ensuring that their fundamental rights are fully upheld.

In French only

APPENDIX 1

Décret du Président de la Fédération de Russie

**concernant le Représentant spécial du Président de la Fédération pour la
sauvegarde des droits et libertés de l'homme et du citoyen en République de
Tchéchénie**

Afin de contribuer à la mise en œuvre des pouvoirs constitutionnels reconnus au Chef de l'Etat en tant que garant des droits et libertés de l'homme et du citoyen, je décrète ce qui suit, conformément à l'article 80 de la Constitution fédérale :

1. M. Vladimir Avdachevitch KALAMANOV est nommé Représentant spécial du Président de la Fédération pour la sauvegarde des droits et libertés de l'homme et du citoyen en Tchétchénie ;
2. Le Représentant spécial :
 - veille à ce que soient réunies les conditions permettant au Président de la Fédération de mettre en œuvre ses pouvoirs constitutionnels de garant des droits et libertés de l'homme et du citoyen en Tchétchénie ;
 - coordonne, par des moyens officiellement reconnus, ses activités avec les organisations internationales, les ONG et les mouvements étrangers afin d'élaborer une approche concertée de la sauvegarde des droits et libertés de l'homme et du citoyen en Tchétchénie.
3. La Représentation du Gouvernement fédéral en Tchétchénie se voit confier la tâche de favoriser le travail du Représentant spécial.
4. Le Représentant spécial perçoit au titre du budget de l'Administration du Président de la Fédération une rémunération égale à celle des représentants plénipotentiaires du Président auprès des Sujets de la Fédération.
5. Dans un délai d'un mois, le Gouvernement fédéral présentera des propositions concernant les conditions supplémentaires de rémunération des personnes qui exercent des fonctions officielles en Tchétchénie, mais qui ne sont pas membres de la Représentation du Gouvernement fédéral dans cette République.

6. Le décret présidentiel N° 886 du 29 août 1995 sur le représentant plénipotentiaire du Président fédéral en Tchétchénie (Journal officiel *SZRF* N° 36, 1995, réf.: 3 526) est abrogé.
7. Le présent décret entre en vigueur à compter de la date de sa publication.

Le Président en exercice de la Fédération de Russie

Vladimir Poutine

Kremlin, Moscou
17 février 2000

N° 364

APPENDIX 2

**VISIT TO POLAND
BY
MR ALVARO GIL-ROBLES
COUNCIL OF EUROPE COMMISSIONER
FOR HUMAN RIGHTS**

22 – 23 February 2000

Tuesday 22 February

09.00	Meeting with the Commission on the Administration of Justice and Human Rights of the Sejm (lower chamber of the Parliament), room no. 101 (the Sejm building) ;
10.15	Meeting with the Commission of Human Rights and the Rule of Law of the Senate (higher chamber of the Parliament), room no. 177 (the Senate building) ;
12.00	Meeting with Professor Alicja GRZEŚKOWIAK, Speaker of the Senate
14.00 – 16.00	Meeting with NGO's and media representatives at Information and Documentation Unit of the Council of Europe, Warsaw University Centre for Europe

Wednesday 23 February

11.00	Meeting at ODIHR/OSCE
15.00 – 15.30	Meeting with Professor Bronislaw GEREMEK, Minister of Foreign Affairs, Aleja Szucha 23.

APPENDIX 3

**PROGRAMME OF THE VISIT BY
THE COUNCIL OF EUROPE'S
COMMISSIONER FOR HUMAN RIGHTS**

MR ALVARO GIL-ROBLES

24-29 February 2000

MOSCOW AND NORTH CAUCASUS

Thursday 24 February

2.50 pm	Arrival in Moscow from Warsaw
5 pm	Discussions in the Sakharov Foundation

Friday 25 February

10 am	Discussion with Mr Sergey YASTRZHEMBSKY, Adviser to the President of the Russian Federation, responsible for co-ordinating the analysis and information activities of the federal executive powers in the context of the anti-terrorist operation in North Caucasus.
12.30 pm	Lunch hosted by Mr Igor IVANOV, Minister of Foreign Affairs of the Russian Federation. Discussion with Mr Vladimir KALAMANOV, Special Representative of the President of the Federation of Russia for the protection of human rights and freedoms and citizens' rights in the Chechen Republic Press conference at the Ministry of Foreign Affairs
3 pm	Discussion with Mr Dmitri ROGOSIN, Chair of the Committee on International Affairs of the State Duma of the Russian Federation.
5.30 pm	Discussions with representatives of Memorial and Civilian Assistance.

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Saturday 26 February

1.30 pm	Discussion with Mr MIRONOV, Ombudsman, Federation of Russia
4 pm	Discussion with the Ambassadors of Portugal and Ireland, and the EU representative (Mr DUBOIS)
8 pm	Private dinner with the Ambassador of Spain

Sunday 27 February**Visit to North Caucasus**

10 am	<p>MOSCOW – NAZRAN (Ingushetia)</p> <p>Departure with Mr KALAMANOV for NAZRAN, Ingushetia, accompanied by Mr KAPYRIN from the Ministry of Foreign Affairs</p> <p>Meeting at the airport with Mr SELEZNIEV, Speaker of the State Duma of the Federation of Russia Press conference, TV interview with Mr KALAMANOV</p> <p>Visit to the KARBULAG camps</p> <p>Visit to the PLIEVO camps (former cattle breeding concern)</p>
5 pm	Discussion with General UKSA, Chief of Staff at the Ministry of Emergencies of Ingushetia – discussion with Mr KALAMANOV on the arrangements for co-operation between the Council of Europe and his office.

Monday 28 February

	<p>NAZRAN – MOZDOK</p> <p>Meeting at MOZDOK airport with General TROSHEV, Deputy Commander-in-Chief of the Joint Group of the Russian Federation Armed Forces in Chechnya</p>
	<p>MOZDOK – GROZNY</p> <p>accompanied by Mr YASTRZHEMBSKY, special adviser to the President of the Russian Federation for analysis of and information on the anti-terrorist operation in Chechnya, and accompanied to GROZNY by General BABICHEV, military commander for the Republic of Chechnya and Deputy Chief of Administration of the Representative of the Russian Federation for Chechnya and by General PRIZEMLIN, chief of military administration in GROZNY, and by Mr MARCHAYEV, appointed mayor of GROZNY on 11 February 2000.</p> <ul style="list-style-type: none"> - food distribution centre - hospital, emergency and disasters medical centre - People's Friendship square - Minutka square
5 pm	Departure GROZNY – MOSCOW
10 pm	TV interview on ORT MOSCOW with Mr KALAMANOV

Tuesday 29 February

10.20 – 10.40 am	Debriefing and discussion with Mr IVANOV, Minister of Foreign Affairs of the Russian Federation
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