

The current human rights situation in Chechnya is fluid and fragile. Many human rights NGOs, including the International Helsinki Federation for Human Rights, which undertook a fact finding mission to Chechnya and Moscow in October 1996, warn that there is a dangerous absence of accountable institutions of governance in Chechnya. There is evidence of criminal activities by uncontrolled gangs or individuals, and Chechen authorities have stated that it is not possible for them to conduct professional investigations into numerous alleged killings. Until the Chechen Interior Ministry reassumed its mandate, the Chechen-Russian Joint Kommandantura, established under the peace agreements, was responsible for responding to outbreaks of disorder, looting, or assaults and for handing out informal punishment on the spot, usually the beating of a suspect who was subsequently released.

At the end of August, Chechen leaders introduced a new Criminal Code of the Chechen Republic of Ichkeria, based on the Russian Federation Criminal Code with inclusion of a number of articles based on Islamic law. While this new Criminal Code was dropped during the period of the Joint Kommandantura, it appears that it will be reinstated in 1997. There are no functioning judiciary or law enforcement agencies in Chechnya, and the Chechen Code appears to be implemented through the informal, traditional law and order structures of the Chechen village system. This raises concerns about rule of law issues, especially fair trial, due process, and protection from torture, ill-treatment, and other humiliating punishment .

Currently, more than 1,400 Chechens and 1,900 Russian troops remain missing; mass graves contain unidentified bodies; and civilians hold federation troops hostage in order to barter for individuals despite an "all for all" prisoner exchange envisaged in the Khasavyurt agreements. Many human rights organizations, supported by the UN Report of the President's Commission on Human Rights, have called upon the Russian Procurator's Office to investigate thoroughly all reports of offenses by military personnel in the Chechen war zone and recommended that individuals be held accountable for crimes against civilians, lest the peace process be jeopardised.

At the 52nd Commission on Human Rights, a consensus Chairman's statement was adopted regarding the violations of human rights and humanitarian law in Chechnya.

CANADIAN POSITION

Throughout the conflict, Canada condemned the bloodshed and violations of human rights that occurred in Chechnya and urged all parties to seek a peacefully negotiated settlement. This message was constantly reiterated, both in OSCE fora and at the UN Commission on Human Rights in Geneva. Prime Minister Chrétien raised the issue with both President Yeltsin and with Prime Minister Chernomyrdin. Minister Axworthy spoke on behalf of all Canadians when he expressed his shock and outrage at the murder of Nancy Malloy and her ICRC colleagues, and stated that the perpetrators of such a senseless act of violence must be brought to justice. Canada strongly supports the work of the OSCE Assistance Group to Chechnya, led by Ambassador Tim Guldemann. We hope that the elections in January will be free and fair and that all parties will recognize and abide by their outcome. Canada also hopes that the elections will lead to a renewed effort to ensure security for humanitarian aid workers and the strengthening of institutions that will ensure the human rights of all citizens.