

COMMISSION ON HUMAN RIGHTS

Report of the S-G on the situation of human rights in Chechnya

The report of the Secretary-General (E/CN.4/1997/10) on the situation of human rights in Chechnya contains summary information from the High Commissioner for Human Rights, the Commission's thematic mechanisms, the Sub-Commission, the treaty bodies and other organizations such as the OSCE and the ICRC as well as the Russian government, non-governmental organizations and UN humanitarian agencies.

In its introduction, the report notes the signing of the Khasavyurt Agreement on 31 August 1996 and cites two main elements in the Agreement: an undertaking by Russia to withdraw federal forces from Chechnya, and an agreement by both sides to hold further discussions on how Chechnya will be administered in the future. The report recalls that, with the end to armed conflict, presidential and legislative elections were held in Chechnya on 27 January and 15 February 1997 and were declared by the OSCE to have been free and fair with only minor procedural problems.

The information given in summary form on initiatives and actions taken by various mechanisms in the UN system as well as other groups and entities notes that:

- ▶ information on cases referred to the Russian government is contained in the reports of the Special Rapporteurs on the question of torture and summary/arbitrary executions;
- ▶ at its August 1996 session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a decision on the humanitarian situation (E/CN.4/1997/2-E/CN.4/1996/Sub.2/41, reference no. 1996/108);
- ▶ the Committee against Torture recommended the establishment of an independent committee to investigate allegations of torture, inhuman and degrading treatment committed by Russian military forces and Chechen separatists with the goal of bringing to justice those responsible.
- ▶ The report reproduces *in extenso* an assessment provided by the OSCE of the situation of human rights in Chechnya after August 1996. Key points in the information provided are:
 - ▶ gradual abolition of checkpoints and, thus, restoration of freedom of movement in the Republic;
 - ▶ continuing detention of Chechens arbitrarily taken by Russian forces during the war;
 - ▶ no apparent official policy of Chechen authorities supporting or facilitating discrimination against minorities, viz. the Russian-speaking population;
 - ▶ apparent cessation of the use of torture against political opponents or other people arrested by Chechen official services;
 - ▶ apparent cessation of persecution of individuals for their views;
 - ▶ continuation of the practice of arbitrary detention, including by the Chechen Security Service;

- ▶ reports of a serious crime wave arising, in part, from the large numbers of unemployed former fighters and the weakness of law enforcement and judicial structures, including kidnapping for ransom mainly of persons in the non-Chechen population who are not protected by traditional family or clan ties;
- ▶ the large number of reports of missing persons, arising in part from the failure of Russian authorities fully to honour the agreement on an exchange of prisoners; and
- ▶ the large but undetermined number of mines and other unexploded ordnance, most of which was deployed by Russian federal forces.

The summary of information received from the Russian government notes continuing problems in Chechnya related to an upsurge in criminal activities — including incidents of hostages taken for ransom, threats, physical attacks and killings — against local citizens, officials, visiting national and foreign journalists and humanitarian workers in the region. This rise in criminality was considered partly responsible for a continuing outflow of people from Chechnya, despite the fact that Russian troops had been withdrawn from the area.

Unlike the 1995 and 1996 sessions, the Commission did not adopt a resolution or Chairman's statement on Chechnya at the 1997 session.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 5)

The report notes that one case was transmitted and the government responded. No details of the case or the government's response were provided.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 294–299)

The Working Group (WG) transmitted, for the first time, 160 cases of disappearance to the government of the Russian Federation, two of which reportedly occurred in 1996 and were transmitted under the urgent action procedure. The information received indicated that the two cases concerned ethnic Chechens who were arrested by OMON, the Special Forces of the Russian Ministry of the Interior, during an early morning raid on the settlement of Dolinskoye, some 20 km. west of Grozny in August 1996. One hundred and fifty other cases concerned persons of ethnic Ingush origin who reportedly disappeared in 1992 during the fighting between the ethnic Ossetians and the Ingush and eight other cases concerned persons who reportedly disappeared in 1994 in the Ingush Republic.

The response of the government referred to a conflict in the Prigorodny district and in part of the town of Vladikavkaz in North Ossetia arising from a deterioration of inter-ethnic relations between Ossetians and Ingush. The government acknowledged that the conflict had led to large-scale disorder and violence, including disappearances and stated that: an investigation into the incidents was conducted by a joint task force of the Procurator-General's office, the Ministry of Internal Affairs and the Federal Security Service of the Russian Federation; criminal proceedings were instituted in each case