

26 NOV. 1999/MK

Rusland (84)

Antal bilag Aktør 28
[EMBARGOED FOR: 2 November 1999 18:45 HRS GMT]

Public

amnesty international



RUSSIAN FEDERATION: CHECHEN REPUBLIC

Humanity is indivisible

Open Letter to the United Nations from the Secretary General of Amnesty International

November 1999

SUMMARY

AI INDEX: EUR 46/38/99
DISTR: SC/PO/CO/GR

Amnesty International is deeply concerned about the worsening human rights and humanitarian situation in Chechnya and surrounding republics and calls on the United Nations to ensure more urgent and sustained international action in response to the developing crisis in the region according to its principles as set out in its Charter, in international human rights and humanitarian law and in recent resolutions of the Security Council. Such action is essential to protect the thousands of civilians whose rights are being violated in Chechnya as a result of the ongoing conflict.

The UN Secretary-General Kofi Annan noted in his address to the General Assembly: "If the new commitment to intervention in the face of extreme suffering is to retain the support of the world's peoples, it must be -- and be seen to be -- fairly and consistently applied, irrespective of region or nation. Humanity, after all, is indivisible."

The muted reaction of the international community to the effects of the conflict on the civilian population of Chechnya stands in stark contrast also to much that has been heard at the United Nations in recent weeks and months on the issue of protecting civilians in conflict and other situations of mass violations of human rights.

The continuing bombing in Chechnya carried out by the Russian military over recent weeks has resulted in civilian casualties and in the flight of thousands of people from the Chechen Republic. The air raids began in September following the apartment explosions in Moscow and two other Russian cities, which killed at least 292 people, and which have been attributed by the Russian Government to Islamic groups from the Chechen Republic, but for which no group has yet claimed responsibility.

In September Russian law enforcement officials and local authorities in Moscow and other big cities launched what appeared to be a massive intimidation campaign to enforce the unlawful practice of "resident permits" or "registration", which allegedly targeted mainly Chechens and other people from the Caucasus. Amnesty International has received reports over the past two months which indicated arbitrary detention and expulsion, including incidents of ill-treatment in custody of Chechens and other people from the Caucasus by Russian law enforcement officials and the local authorities in Moscow and other big cities in the Russian Federation. The organization has emphasized to the Russian authorities that "fighting crime and terrorism" is no justification for violating human rights.

**KEYWORDS: / INDISCRIMINATE KILLINGS1 / ARMED CONFLICT /
REFUGEES / DISPLACED PEOPLE / POLICE / ADVERSE DISCRIMINATION /
TORTURE / ILL-TREATMENT / UNITED NATIONS**

This report summarizes a 14-page document (6239 words): THE RUSSIAN FEDERATION: CHECHEN REPUBLIC -- Humanity is indivisible -- Open Letter to the United Nations from the Secretary General of Amnesty International (AI Index: EUR 46/38/99) issued by Amnesty International in November 1999. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

[EMBARGOED FOR: 2 November 1999 18:45 HRS GMT]

Public

amnesty international

RUSSIAN FEDERATION: CHECHEN REPUBLIC

Humanity is indivisible

**Open Letter to the United Nations from the
Secretary General of Amnesty
International**



November 1999
AI Index: EUR 46/38/99
Distr: SC/PO/CO/GR

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

THE RUSSIAN FEDERATION: CHECHEN REPUBLIC

Humanity is indivisible

Open Letter to the United Nations from the Secretary General of Amnesty International

Amnesty International is deeply concerned about the worsening human rights and humanitarian situation in Chechnya and surrounding republics and calls on the United Nations to ensure more urgent and sustained international action in response to the developing crisis in the region according to its principles as set out in its Charter, in international human rights and humanitarian law and in recent resolutions of the Security Council. Such action is essential to protect the thousands of civilians whose rights are being violated in Chechnya as a result of the ongoing conflict.

Inconsistencies in the international community's response to violations of international human rights and humanitarian law were recognized by the UN Secretary-General Kofi Annan when presenting his annual report to the UN General Assembly on 20 September 1999 in New York: "From Sierra Leone to the Sudan to Angola to the Balkans to Cambodia and to Afghanistan, there are a great number of peoples who need more than just words of sympathy from the international community. They need a real and sustained commitment to help end their cycles of violence, and launch them on a safe passage to prosperity. While the genocide in Rwanda will define for our generation the consequences of inaction in the face of mass murder, the more recent conflict in Kosovo has prompted important questions about the consequences of action in the absence of complete unity on the part of the international community."

During the previous conflict in Chechnya between 1994 and 1996, on 20 December 1994, the Russian Ombudsman for Human Rights and former prisoner of conscience from the Soviet times, Sergey Kovalyov, sent an appeal to the international community to press for peace talks in Chechnya from Grozny, where he and his five-man team were collecting first-hand reports about violations of human rights and international humanitarian law under the Russian bombardment. He wrote: "According to international norms, mass violations of human rights are not the internal affair of any state. From this point of view, the events taking place in and around Grozny are no longer exclusively Russia's internal affair."

Amnesty International, an international movement which has been working for the promotion and protection of human rights worldwide for the past 40 years, believes that political and economic considerations for action or inaction on the part of the international community cannot come first when the lives of ordinary civilians are at stake.

Amnesty International's concerns for the safety of civilians in Chechnya:

The continuing bombing in Chechnya carried out by the Russian military over recent weeks has resulted in civilian casualties and in the flight of thousands of people from the Chechen Republic. The air raids began in September 1999 following the apartment explosions in Moscow and two other Russian cities, which killed at least 292 people, and which have been attributed by the Russian Government to Islamic groups from the Chechen Republic, but for which no group has yet claimed responsibility.

While Amnesty International takes no position on the political or other disputes that lead to armed conflicts, or the resort to the use of force *per se*, it does call on all parties to a conflict to abide by international humanitarian law. International humanitarian law prohibits direct attacks on civilians and civilian objects or indiscriminate attacks. It also requires stringent safeguards when carrying out attacks against military objectives, including giving effective advance warning -- "unless circumstances do not permit" -- of attacks which may affect the civilian population.

The Russian military has claimed that its air and artillery attacks on Chechnya are aimed at military targets, which were strongholds of Islamic armed guerrilla groups in the Chechen Republic and has denied targeting civilians and civilian objects during the attacks. However, a number of recent incidents widely covered in the international media suggest that these claims are questionable, to say the least.

Amnesty International is not able to assess the exact number of civilian casualties or to determine the circumstances in which they occurred because the current security situation makes it very difficult for independent media and human rights observers to obtain regular access to Chechnya. However, available reports on several incidents suggest that Russian forces are not taking all necessary precautions to protect civilians.

On 28 September, authorities in the Chechen Republic claimed that since the beginning of the bombing, 400-500 civilians had been killed and over 1,000 wounded,

with half of those killed and wounded women and children. By 24 October, the number of reported civilian deaths had risen to some 2,500.

For example, it was alleged that during the air raids on 27 September, the Russian military bombed a school and housing estates in the town of Staraya Sunzha, a suburb in the north of Grozny: 21 civilians were reportedly killed and 44 wounded. Members of the Russian Human Rights Center "Memorial" who interviewed internally displaced people in Ingushetia in October, reported that during this attack, carried out by four Russian warplanes, "Sukhoi-25", a residential quarter, was bombed and two houses were completely demolished. At least six people were killed in a garage basement: the Temirsultanovs family, which included a pregnant woman and two children, a girl of three and a boy of one year and a half.

During an air strike on 24 September along the Rostov-Baku highway in the area of the town of Samashki, eight civilians travelling on a bus were allegedly killed. Reports from Chechnya claimed that a number of areas with heavy civilian concentration, including a television station, were subjected to shelling.

An *Agence France Press* (AFP) correspondent interviewed on 12 October at hospital No. 9 in Grozny Ahmed Sirikhanov, 68, and Kheiza Kavrayeva, 10, who suffered head wounds when their packed bus was reportedly attacked by a Russian tank near the village of Chervlyonnaya in northern Chechnya on 5 October. Ahmed Sirikhanov was reported as saying: "We had just crossed the bridge over the Terek River, near Chervlyonnaya. There was an explosion, followed by screams and chunks of flesh were sprayed all over the bus. I got a piece of shrapnel in the head." The Chechen authorities claimed that 28 civilians, mainly women and children, were killed in the incident and nine of the 12 survivors were seriously wounded. The Russian Government denied responsibility for the attack.

Members of "Memorial", who visited Chechnya between 9 and 12 October, confirmed reports about an attack on the village of Elistanzhi on 7 October, which left approximately 48 civilians dead and over 100 wounded, a number of them women and children. A representative of "Memorial" interviewed about 20 wounded people from Elistanzhi in hospitals in Shali and Grozny: there was reportedly only one adult man among them; the rest were women and children. "Memorial" also interviewed D. Magomadov who was in Elistanzhi for the funeral of his niece killed in the attack, 18-year-old Imani Muzaeva, who was in her sixth month of pregnancy.

According to press reports on 9 October, Russian Foreign Minister, Igor Ivanov, was said to have admitted publicly that the two-week air and land campaign had inflicted civilian casualties.

The most recent of these attacks was the Russian air attack on 29 October at Shami-Yurt, 12 miles west of Grozny, on a humanitarian convoy of five vehicles from the Chechen branch of the Russian Red Cross reportedly "clearly marked with the Red Cross emblem," in which at least 25 people, including two International Committee of

the Red Cross (ICRC) local staff, were reportedly killed and at least 70 people were wounded, including one ICRC staff member. Press reports quoted the Russian Prime Minister, Vladimir Putin, as saying that some errors could have been made. However, the Russian authorities have officially denied responsibility for civilian casualties as a result of the attack.

This attack followed after the recent bombing of the central market, a mosque and the only working maternity hospital in Grozny on 21 October. According to press reports, this attack left at least 137 civilians dead, including 13 mothers and 15 newborn babies in the maternity hospital, 41 dead among the people gathered for an evening prayer in the mosque in the village of Kalinina, and over 400 wounded. The Russian Government has provided conflicting accounts of this attack.

Amnesty International is informed that the artillery attacks on Grozny continue and that there were over 100 civilian casualties following the attacks on 27 October, which reportedly hit the city's hospital No. 4 and a bus station. According to information from the London-based aid agency, "The HALO Trust", which has been involved in a mine-clearance program in Chechnya for the past three years, on 26 October three of its staff members were killed in a Russian multiple-rocket attack while working in a civilian area south of the town of Achkhoy-Martan. The Director of "The HALO Trust", Guy Willoughby, wrote in a letter to the editor of the London *Times* on 1 November: "Every day the Russian military is launching salvo after salvo of rockets and artillery into towns and villages across the country. Grozny is being pounded district by district."

In a letter of 28 October to the UN Secretary-General, appealing to the UN to exert pressure on the Russian authorities to immediately stop the shelling of non-military targets and to allow international humanitarian aid into Ingushetia and Chechnya, "The HALO Trust" reported: "The Russian military is blatantly and systematically killing thousands of civilians in villages and towns across the country. These villages, many miles from the River Terek front line, are being bombed, shelled and hit with repeated rocket salvos -- they are neither military targets nor key infrastructures -- they do not harbour terrorists." Experts of the organization also inspected the central market in Grozny after the attack on 21 October. They have concluded that "there was no doubt that the casualties were caused by a Russian air burst device and not by some accidental explosion of an ammunition store."

Amnesty International was told that "The HALO Trust"'s staff in Grozny reported that the shelling of the city on 27 and 28 October was entirely random and allegedly designed to terrify the population into leaving the city. The organization also confirmed that Chechnya is left entirely without gas, water and electricity. At least four hospitals in Grozny, including the children's hospital and main hospital No. 9, have been evacuated as the city is deemed to be too dangerous. Patients have been reportedly evacuated to the provincial hospitals, although reports suggested that these are also not safe: reportedly a Russian attack on 29 October hit and entirely destroyed the hospital in Shalazhy.

On 8 October at a press conference in Moscow, the Chechen President's envoy, Sharip Yusupov, claimed that there is a "filtration" of people in areas of Chechnya controlled by Russian forces, especially males. He claimed that everyone's fingerprints are taken and their passports are checked. He was quoted as saying: "Any males who are thought to be suspicious are separated from their families and kept in what may be described as filtration camps for several days." Amnesty International documented numerous reports of widespread ill-treatment and torture, including electric shocks, of detainees held in such camps throughout the 1994-1996 conflict in Chechnya.

Although there are fewer reports on violations of international humanitarian law by the Chechen armed opposition groups, there have been claims from the Russian Ministry of Defence that Chechen civilians have been killed by the Chechen armed opposition groups for refusing to allow them into their village. There have also been reports that the Chechen armed opposition groups have been preventing people from leaving Chechnya, that they are using people as a "human shield" and are making them dig fortifications. There was no independent confirmation of any of the reports. During the 1994-1996 conflict Amnesty International urged the Chechen authorities to condemn publicly human rights abuses by Chechen forces and to ensure that all detainees were treated humanely.

Amnesty International's concerns for refugees and internally displaced populations:

The intensified air raids have driven, according to official estimates, nearly 200,000 men, women and children to flee Chechnya, with more than 168,000 of them sheltering in the neighbouring Russian Federation's Republic of Ingushetia, according to the Russian Ministry for Emergency Situations; there are a further 10,000 currently in North Ossetia, 4,000 in Stavropol Territory and 3,000 in the Republic of Dagestan. Smaller numbers have fled to Georgia and Azerbaijan, thereby becoming refugees.

Amnesty International's principal concerns regarding the situation of the internally displaced and refugee populations relate to lack of access to UN agencies and NGOs responsible for humanitarian assistance and protection, reports that people fleeing the conflict have been prevented from crossing national and international borders, and the possibility that forced relocation has occurred.

The closure on 23 October by Russian troops of the last highway to Ingushetia from Chechnya has worsened the plight of many internally displaced people seeking to flee the conflict. Ingush President Ruslan Aushev was quoted by the *Interfax* news agency as saying: "These people now have no way of getting out of Chechnya. They are mostly women, children and old people." The Russian authorities justified their actions by saying that terrorists may be escaping among the civilians. AFP quoted on 26 October the spokesman of the Office of the President of Ingushetia as saying that several thousand civilians fleeing the conflict by trying to cross into Ingushetia were stopped or ordered by federal troops back into Chechnya, following the closure of the border by Russian federal authorities. According to reports, no one has been allowed to cross the

border, either on foot or by car, since 23 October, which has also resulted in the separation of families. According to press reports, Russian federal army officers have allegedly been issued with instructions to shoot on sight any person trying to cross the border from Chechnya into Ingushetia.

According to some media reports on 1 November the Russian border guards reopened Chechnya's borders and allowed people blocked for more than a week to leave the region or to re-enter it to find lost relatives. The first cars out of Chechnya since Russian troops sealed off the region reportedly carried internally displaced people who reportedly said there was a queue 15 kilometres long of people desperate to leave. Other media reports suggested that the Russian troops had allowed only one-way access through the border -- from Ingushetia to Chechnya -- for a limited number of vehicles carrying internally displaced people.

According to reports, the Russian federal army on the night of 22 October attacked the town of Sernovodsk near the border with Ingushetia. It was reported that, according to eye-witnesses, the town was full of internally displaced people, and it was also alleged that Russian soldiers shot two internally displaced persons who tried to cross into Ingushetia.

Earlier reports made similar allegations. Representatives of "Memorial", who returned from Ingushetia on 13 October, told Amnesty International that on 11 October, they interviewed several displaced persons who had also been turned back at the North Ossetian border. The displaced persons said they had been forced to travel back into Chechnya along the Terek river, where they were under artillery fire from both sides. According to information received by Amnesty International, on 29 September the commander of the Russian Interior Troops allegedly ordered the Interior Minister of the Republic of North Ossetia to "close the passages between the territory of the Chechen Republic and the Republics of Ingushetia and North Ossetia for cars and civilians via examining posts and roadblocks".

Russian soldiers interviewed by the AFP correspondent on 12 October claimed the Chechen armed groups sometimes disguise themselves as refugees in a bid to cross the border, but that the government forces halt them with bursts of automatic gunfire. "Nobody has the right to cross this border," reportedly claimed one soldier, speaking on condition of anonymity. "We often fire on people trying to get across." It was reported on 8 October that the previous week, Georgian television broadcast interviews with women and children who had trekked five days on foot from the region surrounding Grozny, across the mountains into Georgia. According to these witnesses, a woman and two young children were killed when Russian forces bombed a bridge they were crossing on foot, on the river Sunzha in Chechnya.

On 10 October the AFP correspondent reported from Shatili in Georgia's mountainous Khevsureti region, at the outpost through which around 1,000 people had passed over the previous two weeks, that the refugees arrived in the early morning,

belongings in hand as they negotiated the narrow bridle path 1,500 metres above sea level which serves as the single artery between the two Caucasus regions.

"We travel through the night because during the daytime the Russians bomb the road," said Irina, a housewife from Grozny fleeing with her two children. "They bomb all the way up to the border." Irina said she had to walk for an hour and a half from where the road ended on the Chechen side up to the border, and then for another two kilometres until the Georgian road began. "The road to Ingushetia is completely backed up and only those with money can get in," she continued, adding that their group of 18 women and eight children had travelled for three days.

There have also been various reports that Russian police on the Chechen border with the southern Russian republic of North Ossetia had been demanding money from Chechens seeking to flee the conflict area. The police at one border post were demanding 1,000 rubles (some 40 dollars) per male and 500 rubles for women to pass into North Ossetia.

The Ingush authorities stated on 25 October that 129,765 displaced persons had been registered in Ingushetia. However, Amnesty International is concerned about reports that a large number of the civilians who are attempting to seek safety outside the areas affected by the conflict are being prevented from doing so, placing their lives at risk.

The massive outflow of displaced people in such a short time and the absence of international agencies in the region has severely strained the capacity of the local authorities in the region. Though UNHCR and UNICEF have managed to send several convoys of essential supplies to the displaced populations, local officials and the Russian Red Cross have reported serious problems with lack of basic supplies such as tents, blankets and health care. As winter approaches, the needs of those who have fled are likely to become more acute. On 22 October, UNHCR expressed its increasing concern about the situation which could leave tens of thousands of people without shelter at the onset of a harsh northern Caucasus winter. Again, on 25 October, the UN High Commissioner for Refugees expressed her alarm over the growing civilian casualties in Chechnya and the closure of Chechnya's border with Ingushetia. On 28 October the UN announced that a UN humanitarian assessment mission would leave for the region very soon.

In September 1999, the Security Council unanimously approved Resolution 1265 which stated, *inter alia*, that the Council "Underlines the importance of safe and unhindered access of humanitarian personnel to civilians in armed conflict, including refugees and internally displaced persons, and the protection of humanitarian assistance to them".

According to reports in the media, the Government of the Russian Federation has started a process of returning displaced people to Russian-controlled areas of Chechnya. However, according to a *Reuters* report of 20 October, many of those

returning have found their homes wrecked and looted and no conditions for even basic subsistence. There have also been reports of displaced people being moved to the central Russian region of Tambov where local officials say some have no winter clothes, money or food. Given the absence of international agencies in the region, there have to be grave doubts as to whether the relocation of displaced people is being carried out on a voluntary and informed basis.

These actions are in violation of the international legal standards contained in the UN Guiding Principles on Internal Displacement which were endorsed in Resolution 1998/50 of the Commission on Human Rights. Principle 14 states that every internally displaced person enjoys the right to liberty of movement and freedom to choose his or her residence. The same principle also provides for the right of internally displaced persons to move freely in and out of camps and other settlements. Principle 15 states that internally displaced people have:

- The right to seek safety in another part of the country;
- The right to leave their country;
- The right to seek asylum in another country; and
- The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

The willingness of the Government of Georgia to provide protection to refugees fleeing Chechnya is duly acknowledged. However, reports that "militants" or others with a "dubious reputation" are being screened out at their borders are extremely worrisome. Other unconfirmed reports have been received that men of "military age" are not being allowed to enter the country and this could lead to families being separated at the borders and legitimate refugees being forcibly returned to a place of danger.

The need for the screening process has *inter alia* been attributed to domestic political concerns and pressure being put on the Georgian Government by Russia - such pressure being reinforced by bombing campaigns by Russian forces at some of the border areas. It is reported that the 87-kilometre Chechen section of the Georgian-Russian border is being heavily guarded.

While it is understandable that the Government of Georgia would have concerns about the stability of its country, it is a violation of international refugee law to forcibly return a person seeking asylum without giving them adequate opportunity to have their reasons for seeking asylum considered.

Similarly, the Government of the Russian Federation is reminded that, according to the UN Declaration on Territorial Asylum, the granting of asylum by a state to persons entitled to invoke Article 14 of the Universal Declaration of Human Rights is a peaceful and humanitarian act and that, as such, it cannot be regarded as unfriendly by any other state.

Amnesty International's concerns about persecution of Chechens and other people from the Caucasus by law enforcement officials in Moscow and other big cities, including incidents of torture and ill-treatment in custody and forced expulsions:

In September Russian law enforcement officials and local authorities in Moscow and other big cities launched what appeared to be a massive intimidation campaign to enforce the unlawful practice of "resident permits" or "registration", which allegedly targeted mainly Chechens and other people from the Caucasus. Reports suggested that up to 20,000 non-Muscovites were rounded up by the Moscow police and more than half of them were refused official registration and a resident permit. Officials in Moscow claimed that some 10,000 non-Muscovites who lacked resident permits and were refused registration, have been deported from the city.

Amnesty International has received reports over the past two months which indicated arbitrary detention and expulsion, including incidents of ill-treatment in custody, of Chechens and other people from the Caucasus by Russian law enforcement officials and the local authorities in Moscow and other big cities in the Russian Federation. The organization has emphasized to the Russian authorities that "fighting crime and terrorism" is no justification for violating human rights.

The lack of "registration" or "resident permits" appears to be used by the authorities as a pretext to stop any Caucasian person on the street for an identity check and to subsequently detain them. According to reports quoting Moscow police sources, the law enforcement officials allegedly had received an order to stop any Chechen on the street, irrespective of their "registration" status. The same sources alleged that camps for detained Chechens, who are planned to be exchanged for Russian POWs, are prepared near Moscow.

The so-called "*propiska*" (resident permit) system, although legally abolished in 1991 in national law, continues to be enforced by the local authorities in Moscow, St Petersburg and other big cities, which reinforced strict rules, requiring prior official permission for residence. Migrants, internally displaced persons or asylum-seekers who lack resident permits do not enjoy regular access to medical care, education and social services and are often subjected to arbitrary arrest and forcible expulsion by the law enforcement officials.

The case of Said Lorsanukayev

According to reports in the first half of September 1999, two police officers reportedly knocked on the door of Said Lorsanukayev, an aide to the speaker of the State Duma, at 2am, and demanded his identity papers as part of a routine check. Half an hour later, a group of men in plain clothes allegedly stormed into the apartment, forced Said Lorsanukayev's wife and four children out of their beds, and took the whole family to the police station, where they were reportedly interrogated until 4am. "It was

humiliating," Said Lorsanukayev is reported to have said. "Do they have to see a bandit in every Chechen? And what are children guilty of?"

The case of Amirkhan Yakubovich

Reportedly, police stopped Amirkhan Yakubovich's car and forced him to drive with his brother to a nearby wood. There the police allegedly beat them and told them that they would be shot. Later, Amirkhan Yakubovich reportedly said that police planted bullets in his pocket and a packet in his brother's pocket. They were then accused of possessing heroin and illegal firearms.

The case of Malika Takayeva

According to a report from the Russian human rights group, "Civic Assistance", Malika Takayeva, a former employee at the Ministry of Finance in Chechnya has been living in Moscow since 1995 with her brother and sister. The duration of the Takayevs' residence permit had run out recently, but they had not had time to renew it. It was reported that on 11 September all three Takayevs were fined and on 13 September they were detained by officers of "Chertanovo-Tsentralnoe" Department of Internal Affairs in Moscow. Malika Takayeva's friends and colleagues did not know their whereabouts. Eventually, they found out that the Takayevs had been sentenced by the Chertanovsky Court in Moscow to five days' imprisonment, on a charge of 'petty hooliganism' under Article 158 of the Administrative Code.

However, they were kept in the same detention facility as those held under criminal charges. During their interrogation they were reportedly threatened with being put into a cellar 'to rot', and they were told that their sister would be killed. On being released, the family returned to their flat, to find that it had been sealed up. Police officers arrived and allegedly gave them 24 hours to remove their belongings. An hour later another police officer returned and allegedly stated that Chechens should not just be expelled but destroyed. On 19 September, the Takayevs left Moscow for a town called Nalchik, although they had no guarantee that the hostel in Nalchik where their mother lives would allow them to stay.

Allegations of ill-treatment of Zelimkhan Abdul-Vabovich Temirsultanov, aged 17

According to a report, Zelimkhan Abdul-Vabovich Temirsultanov, born in 1982 and from a Chechen family of internally displaced persons, was allegedly ill-treated by law enforcement officials at the Moscow State University police department on 18 September 1999. State Automobile Inspection officers reportedly stopped the car that Zelimkhan Temirsultanov was driving to his mother's work in Moscow, took away his driving licence, and took him to the Moscow State University police department. There, law enforcement officials reportedly took Zelimkhan Temirsultanov to a separate room, tore up his residence permit and allegedly beat him. He was also reportedly threatened with further physical violence, such as having his kidney split open with a metal instrument.

Zelimkhan Temirsultanov's mother was reportedly summoned to the Department of the Interior at the Moscow State University, where she was told that her son was in their custody. At about 10.30pm Zelimkhan Temirsultanov was handed back to his mother. She took him for a medical examination at the Sklifasovsky Institute, where a certificate was issued stating that Zelimkhan Temirsultanov had sustained injuries to his head and left side of his chest.

Amnesty International is not aware of any criminal investigation by the authorities into the allegations of torture and ill-treatment of Chechens in custody.

The response of the international community:

The muted reaction of the international community to the effects of the conflict on the civilian population of Chechnya stands in stark contrast also to much that has been heard at the United Nations in recent weeks and months on the issue of protecting civilians in conflict and other situations of mass violations of human rights. As the UN Secretary-General Kofi Annan noted in his address to the General Assembly: "If the new commitment to intervention in the face of extreme suffering is to retain the support of the world's peoples, it must be -- and be seen to be -- fairly and consistently applied, irrespective of region or nation. Humanity, after all, is indivisible."

In August of this year, the Security Council passed Resolution 1261 on children and armed conflict while the following month it passed Resolution 1265 on the protection of civilians in armed conflict. These resolutions, *inter alia*, strongly condemned the targeting of civilians in conflict and called for full and unhindered access to the civilian victims of conflict.

These resolutions are of critical importance since they reaffirm the protection of civilians as being central to the peace and security mandate of the Security Council.

In addition, in his speech to the General Assembly in September of this year, UN Secretary-General, Kofi Annan, identified the core challenge to the Security Council and the United Nations as being "to forge unity behind the principle that massive and systematic violations of human rights -- wherever they may take place -- should not be allowed to stand." In addition, while describing the massive changes facing the United Nations at the end of the millennium he said "They do, however, demand of us a willingness to think anew -- about how the United Nations responds to the political, human rights and humanitarian crises affecting so much of the world; about the means employed by the international community in situations of need; and about our willingness to act in some areas of conflict, while limiting ourselves to humanitarian palliatives in many other crises whose daily toll of death and suffering ought to shame us into action."

Amnesty International urges the United Nations and its Member States to ensure that these commitments made in recent resolutions, commitments that are enshrined in

the UN Charter itself, are promoted universally and without selectivity. The UN must be seen to be acting to ensure that all sides in the conflict live up to their obligations under international humanitarian law and that civilians affected by the conflict are granted full protection and assistance, wherever these events take place. The Government of the Russian Federation and the leadership of the Chechen armed opposition groups must abide by international humanitarian law to avoid a repetition of the tragedy of 1994-1996.

Amnesty International's Recommendations:

Amnesty International makes the following recommendations to the United Nations and the international community:

To the Security Council:

1. The Security Council, recalling its own commitment to the protection of civilians in armed conflict as expressed in its Resolution 1265 of 17th September 1999, particularly in Article 2 which "Strongly condemns the deliberate targeting of civilians in situations of armed conflict as well as attacks on objects protected under international law, and calls on all parties to put an end to such practices" should call upon all parties to the conflict to abide by international humanitarian law standards.
2. Amnesty International also calls on the Security Council to establish an international investigation into allegations of violations of international humanitarian law to establish the truth and to identify those responsible.
3. In line with Security Council Resolution 1265, Amnesty International calls upon the Security Council to urge the Government of the Russian Federation to grant full, unhindered and safe access to the internally displaced for UN humanitarian agencies and NGOs. The Security Council must also call upon all parties to the conflict in Chechnya to respect the status of humanitarian agencies and their staff - whether UN or NGO - and remind the warring parties of the provisions of the Convention on the Safety of United Nations and Associated Personnel of 1994, as well as relevant provisions of International Humanitarian Law.

To the General Assembly:

4. In its discussion of "Follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States" the Third Committee of the General Assembly should deplore the high numbers of civilian casualties and the displacement of so many Chechen civilians as a direct result of the ongoing armed conflict. It should call upon all

those involved in conflict to uphold international humanitarian law, to protect civilians and to facilitate the work of the UN agencies and NGOs who provide assistance and protection to the internally displaced and refugee populations.

To the UN Secretary-General:

5. The UN Secretary-General should ask the Russian Government to specify: what measures are being taken and will be taken to warn and protect civilians during its military operations; to provide information on all incidents involving civilian casualties; what steps it has taken to avoid civilian casualties, including training of military forces in International Humanitarian Law and measures that have been taken to investigate and bring to justice those who may be responsible for violations of humanitarian and human rights law.

To UN humanitarian and protection agencies:

6. UN agencies have managed to deliver some supplies to the internally displaced with the help of the Government of the Russian Federation. The planned humanitarian assessment mission should ensure that its mandate includes the protection of as well as assistance to internally displaced people and should therefore include a representative of the Office of the High Commissioner for Human Rights as well as from OCHA, UNICEF, UNHCR and other humanitarian agencies.

7. UNHCR and UN humanitarian agencies should raise with the Russian authorities the question of free movement of internally displaced people. With respect to reports of relocation of internally displaced people - either back to Chechnya or to other parts of the Russian Federation - the humanitarian agencies must call upon the Russian Government to comply with the UN Guiding Principles on Internal Displacement particularly with the provisions of Principle 14 and Principle 15.

8. UNHCR should insist that the Government of Georgia, as a signatory to the 1951 UN Refugee Convention and its 1967 Protocol, respect its international obligations to provide protection to all those who seek asylum at its borders. In this regard, the Government of Georgia should be urged to take every measure to ensure that its borders remain open, that officials at border crossing points are instructed to refer all those seeking asylum to the appropriate authorities so that their claims may be considered and, most importantly, that the well-established principle of *non-refoulement* is respected.

9. The Government of Russia, as a signatory to the 1951 UN Refugee Convention and its 1967 Protocol, must be reminded that it is well established in refugee law that to provide asylum is a peaceful and humanitarian act and is not to be considered as unfriendly by any other State. In this regard, they must not take any actions that serve to threaten or intimidate the Government of Georgia from continuing in the legitimate act of allowing those who seek asylum at their borders to enter and find refuge. Similarly,

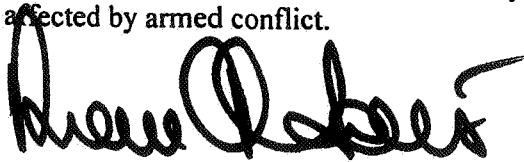
the Government of Georgia should be reminded that when they act on behalf of the international community in providing refugee protection, any offer of protection is an humanitarian act and that refugee camps are to remain civilian in character.

To the Representative of the Secretary-General for Internally Displaced Persons:

10. The RSG for Internally Displaced should use his position to urge the Russian Government to ensure full protection and assistance for the internally displaced according to international standards including those set out in the UN Guiding Principles on Internal Displacement and to urge UNHCR and the UN humanitarian agencies to take all necessary actions to assist and protect internally displaced people.

To the Special Representative of the Secretary-General for Children and Armed Conflict:

11. The SRSG for Children and Armed Conflict should urge the Government of the Russian Federation to comply urgently with all relevant provisions of international humanitarian and human rights law, especially the Convention on the Rights of the Child for effective international action in protection of children affected by the conflict in Chechnya and for protection and assistance to displaced and refugee children fleeing the conflict. He should also remind the Security Council of its obligations under Security Council Resolution 1261 which calls upon all parties to comply strictly with their obligations under international law and to ensure full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict.



Pierre Sané
Secretary General